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7 **INTERVIEW WITH OFC. NEIL COSSEY**

8 **Q=Sgt. Carrasco**  
9 **A=Ofc. Neil Cossey**

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11  
12 Man: (Unintelligible).

13  
14 Q: Get you that right now. Perfect. I'll do that right now. All right, I'll get you  
15 on. Go ahead and turn on the recorder. Okay, let's start with the date and the  
16 time. It is March 19, 2013, approximately 1:13 in the morning. My name is  
17 Sergeant Carrasco in the Sherriff's Office. This is Sergeant (Dennis). And  
18 we're going to be discussing on Sherriff's case 13-077-0391E as in Evelyn  
19 regarding officer involved shooting for San Jose PD. And uh, just for the  
20 record, can you state your first and last name?

21  
22 A: Neil Cossey.

23  
24 Q: Can you spell the last name alphabetically?

25  
26 A: It's Charles, Ocean, Sam, Sam, Edward, Yellow.

27  
28 Q: Thank you. And your badge number?

29  
30 A: 4065.

31  
32 Q: Okay. Um, so we're going to do the interview. Uh, but before we start, you  
33 got a chance to talk to your attorney?

34  
35 A: Correct.

36  
37 Q: Okay. And you're comfortable uh, speaking without restitution at this time?

38  
39 A: Yeah, correct.

40  
41 Q: Okay. Um, at any time, if you want to take a break, you know, you have to use  
42 the restroom, or you want some water, just let us know, and you're not  
43 obligated to answer any further questions, okay? So if you're not comfortable  
44 answering some of the questions, you don't have to.  
45

46 A: Okay.  
47  
48 Q: All right. Um, I'm just going to ask you some questions general - about your  
49 general background, work history, and we'll get into the incident, okay?  
50  
51 A: Mm-hm.  
52  
53 Q: All right. Uh, just again for the record, where do you work?  
54  
55 A: I work at the San Jose Police Department.  
56  
57 Q: And how long have been employed there?  
58  
59 A: Approximately six years.  
60  
61 Q: Right. And do you have any prior law enforcement experience?  
62  
63 A: No prior experiences, no.  
64  
65 Q: What did you do before you head on San Jose?  
66  
67 A: I was a park ranger for (John Corby Jr.).  
68  
69 Q: Okay. And what about (John Corby) position?  
70  
71 A: Um, probably a level three park ranger. We did like a campground kind of  
72 park ranger and I was in full patrol uniform.  
73  
74 Q: Okay.  
75  
76 A: So we had an actual enforcement ranger. So we were out on the road taking  
77 campgrounds and stuff..  
78  
79 Q: So you didn't have a firearm...  
80  
81 A: No. We weren't in a law enforcement position.  
82  
83 Q: All right, thanks. Um, what is your current assignment?  
84  
85 A: Um, right now, I work in the Metro Unit, in Metro Team 1.  
86  
87 Q: And how long have you been in this assignment?  
88  
89 A: Approximately seven months.  
90

91 Q: Okay. And prior to that, what assignment did you control, and what area did  
92 you control?  
93  
94 A: Uh, mainly the east side, but I had been all over San Jose.  
95  
96 Q: Okay.  
97  
98 A: Everywhere.  
99  
100 Q: And when you say Metro Team 1, uh, do all - how many teams are there in  
101 Metro?  
102  
103 A: There's four teams.  
104  
105 Q: And do each team work together then exclusively, or do you change teams?  
106  
107 A: You change teams every shift every six months. You - we bid for teams like  
108 you would bid for patrol.  
109  
110 Q: Okay.  
111  
112 A: So, team one, team two, team three, team four. And so each team is comprised  
113 of eight officers and one sergeant.  
114  
115 Q: All right. And um, what are your regular workdays?  
116  
117 A: Uh, I have Thursday, Friday, Saturdays off. And I work 10:00 in the morning  
118 until 8 o'clock at night.  
119  
120 Q: And the day of the incident, was that a normal workday for you?  
121  
122 A: Correct.  
123  
124 Q: Okay. And your last shift then would have been - the shift prior to that would  
125 have been your first day off?  
126  
127 A: Yes. Sunday.  
128  
129 Q: Okay. On your first day off, what time did you start?  
130  
131 A: 10 o'clock.  
132  
133 Q: 10 o'clock? And what time did you get off?  
134  
135 A: Um, 7:45, 8 o'clock.

136  
137 Q: Okay. So, no overtime?  
138  
139 A: Not any in a long time.  
140  
141 Q: Okay. And where do you currently live? You live in the city limits, or do you  
142 have to commute?  
143  
144 A: I live in .  
145  
146 Q: Okay. How long is your commute roughly?  
147  
148 A: On average about 25-30 minutes.  
149  
150 Q: Okay. So I have to think back now. Your first day would have been?  
151  
152 A: Sunday.  
153  
154 Q: Sunday. And do you what time your last meal was on Sunday?  
155  
156 A: Sunday night dinner, probably around 9 o'clock.  
157  
158 Q: Okay.  
159  
160 A: I ate as soon as I got home.  
161  
162 Q: And what time did you go to bed approximately that night?  
163  
164 A: 11:00.  
165  
166 Q: Okay. And what time did you wake up on Monday?  
167  
168 A: Uh, I would say roughly 8:30. My wife got up early.  
169  
170 Q: Okay. And sort of take me through that day. What did you have for breakfast?  
171 Did you work out?  
172  
173 A: I didn't. My workday is today. Um, I had an English muffin and coffee for  
174 breakfast. I was out the door and we went in. We regularly work out, work out  
175 for about an hour and a half. After work out, team briefing. After team  
176 briefing, we went to uh, lunch, went to Chipotle, had a full lunch. That was  
177 around say 1 o'clock. And after 1 o'clock, I went back to the office, did a little  
178 bit of a follow up and went out to the field.  
179  
180 Q: When you say a full lunch, can you tell me what you ate?

181  
182 A: I had a chicken and steak burrito bowl and a bag of chips.  
183  
184 Q:  
185  
186 A:  
187  
188 Q:  
189  
190 A:  
191  
192  
193 Q:  
194  
195 A:  
196  
197 Q: All right. Let's talk about your uniform. Do you have a normal uniform in  
198 your assignment, Metro Division, or Metro Unit?  
199  
200 A: Uh, we call it having a normal uniform. We have a - we have a variety of  
201 uniforms. We where plain clothes, BDUs, um, if necessary Class A.  
202  
203 Q: Does that just, uh, depend on sort of what they...  
204  
205 A: On the op, yeah. What we're doing that day. So, certain days, we're going out.  
206 We're hitting the streets, mostly BDUs. We're doing surveillance, recon, any  
207 type of um, tailing any new suspects, go by with plain clothes, old cars.  
208  
209 Q: Okay. Are you required to have at least all 3 or as many uniforms then  
210 because assignments might change?  
211  
212 A: Yes.  
213  
214 Q: Okay. Um, I guess we'll just call it this incident, what did you come to work  
215 in?  
216  
217 A: Uh, I was wearing - what was I wearing during the incident? This morning  
218 when I come down?  
219  
220 Q: This morning when you came to work.  
221  
222 A: I had my tennis shoes, and basketball shorts, and a t-shirt.  
223  
224 Q: Okay. And then you said that you worked out?  
225

226 A: I worked out.  
227  
228 Q: Okay. And then did you change into a different uniform or different clothing?  
229  
230 A: Correct. I did.  
231  
232 Q: Okay. What was that?  
233  
234 A: Blue jeans, black t-shirt, tennis shoes.  
235  
236 Q: And would those be the same uh, attire that you have right now?  
237  
238 A: Correct.  
239  
240 Q: Okay. And you haven't changed at all?  
241  
242 A: No.  
243  
244 Q: What other uh, part of the uniform do you have? Do you have a duty belt as  
245 well? I saw pack.  
246  
247 A: I was wearing a full duty belt, my nylon gear with a dropdown holster. All the  
248 equipment, duty belt, handcuffs, um, mags. I was wearing a bullet proof vest.  
249 And then uh, just a mesh raid vest on top of it.  
250  
251 Q: Okay. And what color is that raid vest?  
252  
253 A: Black. It has a large white star center of the chest. And then uh, on the back of  
254 it, it has a large police logo.  
255  
256 Q: Okay. Is there also a police logo on the front of the vest?  
257  
258 A: Yeah, it has a big star and says the San Jose Police Department. It's a white  
259 star.  
260  
261 Q: Okay. But what about the letters that say police...  
262  
263 A: It does not say police. It's a star. It says San Jose Police.  
264  
265 Q: And um, what sort of duty weapons do you carry?  
266  
267 A: I carry a Glock 21.  
268  
269 Q: Okay. And what caliber of bullets does that hold?  
270

271 A: Forty-five caliber.  
272  
273 Q: You said Glock 21?  
274  
275 A: Twenty-one.  
276  
277 Q: Okay. And you carry a backup weapon with you?  
278  
279 A: No, I was not carrying.  
280  
281 Q: Okay. Do you normally?  
282  
283 A: Uh, when I wear my BDUs I do, but that just some (unintelligible).  
284  
285 Q: But today you weren't?  
286  
287 A: Today, I was not.  
288  
289 Q: Was it in part of your...  
290  
291 A: I did not even have it with me. It was in my locker.  
292  
293 Q: Okay. How many magazines do you normally carry in when - today?  
294  
295 A: Two extras and one in my gun.  
296  
297 Q: Okay. And those magazines would be on your duty belt or in within your tac  
298 vest?  
299  
300 A: Yeah, I had two on my tac vest. I moved them up from my duty belt to my tac  
301 vest or my actual raid vest, and then, uh, had one in my - my, uh, belt.  
302  
303 Q: Do you how many bullets each magazine holds?  
304  
305 A: Thirteen plus one in the chamber.  
306  
307 Q: Do you have 13 plus one or...  
308  
309 A: Yeah.  
310  
311 Q: Okay. All right, I think we can start with, uh - so I already asked you how you  
312 started your day. Um, anything to, uh - when you got to work, you said you  
313 worked out and then sort of just take me from there.  
314  
315 A: Okay. We went into the office. We did a briefing. Sergeant went over admin

316 stuff, normal, passing out paperwork, talking about new things to the unit. A  
317 couple of officers came to our team. So just talking about kinda things that we  
318 do, how we - how we roll, kind of priorities that we put out there. After our  
319 briefing, um, I let my sergeant know that I had some work that I wanted to do  
320 for the day. And he gave me the go ahead. So after that, uh, we went out to  
321 lunch. I had reporting back from lunch. We we're going to come back to the  
322 office. I was going to do some follow up like I said. Um, did some work on  
323 the computer, pulled up from my systems, and got an ops plan ready for what  
324 we had going on today. After that, I probably did I rallied the troops up, let  
325 them know what I had going on. And uh, we went and met in the field and I  
326 did a briefing.

327

328 Q: Okay. Um, what's your sergeant's name?

329

330 A: Archer.

331

332 Q: And who was on your team?

333

334 A: On my team today who was present, Officer Mike White, Officer Bruce  
335 Barthelemy.

336

337 Q: Okay.

338

339 A: Officer Pifferini, Mike Pifferini.

340

341 Q: Okay.

342

343 A: Officer Yvonne DeLa Cruz.

344

345 Q: Okay.

346

347 A: And Officer (Adam Wallace).

348

349 Q: That's it?

350

351 A: And myself. Six officers and one sergeant.

352

353 Q: Okay. And there were people on the team that weren't there that day?

354

355 A: Correct. Two people had a TO today.

356

357 Q: Okay. And just for clarification, um, these are the people that are on your  
358 team and every day that you work?

359

360 A: Correct.



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405

Q: Okay. And can we discuss a little bit about the briefing?

A: Uh, sergeant briefing? My briefing?

Q: The sergeant briefing.

A: Uh, sergeant briefing was just talking about, like I said, some admin stuff. Um, went over uh, some of the do's and don'ts of the team. One - two of the guys are new on our team. So we just kind of go over uh, like um, you know, be proactive and don't be known as someone who is hiding. We help each other out. It's very team-oriented when we deal with the officers, and we have to have each other's back all the time. Um, just talking about augmenting patrols since we're short-staff now, whenever we can, go out and you know, kind of would be with them as much as we can as possible. Um, talking about out main objective, gangs and drugs right now. We've got a huge influx of gang violence in San Jose. So that's a big thing for us. It's probably our number one thing. Um, we like to get, uh - just go out every day in the hopes of taking bad guys to jail. That's what we do.

Q: Do you have a normal partner?

A: I do.

Q: Who's that?

A: Uh, John Anderson.

Q: Is he a TO?

A: Yes, correct.

Q: Um, during the briefing as well, uh, did you talk about any sort of um, ops plans, or things that may have been happening that shift or have you talked anything that...

A: Yeah, I had a - I brought it up to my sergeant, and I've gotten info from an informant of mine...

Q: Okay.

A: ...that he had some info on a 187 that occurred about a week earlier. Through follow up, I was able to ID someone as a possible suspect. I dealt on homicide, did the interview of my CI the day prior and uh, with already some of the information that he gave. We - between what we got from him and what

406 the homicide detectives had, it sounded like a really good lead. And so I did  
407 some - like I said, I did follow up. ID'd a person - well, the person that the -  
408 the informant gave me - ID'd him. Uh, ID'd an address where he's staying.  
409 And with that, I told him I don't why we conduct some surveillance and see if  
410 we can see him coming in and out. He's known to drive stolen cars all the  
411 time, and he's supposed to be still in possession of a weapon which matches  
412 the weapon that's used in the homicide. So that's - I had brought that to the  
413 table. My sergeant said the at looked good - got some good info. We definitely  
414 want to run with that. And that's when I did the follow up. Did some  
415 computer systems, generating officer operations plan.

416  
417 Q: Do you remember what that person's name was? The suspect?

418  
419 A: The suspect? Elias Mejia. He goes by the, uh, street name of Johnny Angel.

420  
421 Q: And you had just mentioned that the homicide that conducts the interview  
422 with your CI and sort of correlated some of the information that he had told  
423 you.

424  
425 A: Correct. He gave me some info. I contacted investigator in homicide. And  
426 none of the information that he had actually been released, so he brought the  
427 information to us. So with that data in correlation of the evidence, definitely  
428 was a good possibility that the suspect was who he was pointing to.

429  
430 Q: Okay. And did that confidential informant tell you uh, the suspect, Mr. Mejia?

431  
432 A: Yes.

433  
434 Q: Did he give information as to where he thought he might have been staying, or  
435 was that something that you did through the computer work now?

436  
437 A: He informed me that his brother and family members live at the address.

438  
439 Q: Okay.

440  
441 A: And so that's where I went and I got that with his nickname, and then some  
442 tattoos and he knew his first name. Um, ID'd him. Showed him a picture. He  
443 positively ID'd him. And we went from there. Did some follow up on the  
444 house. We ran full complete by everyone in the house. And I mean we did a  
445 complete work up on everything, every person in the house associated to it.

446  
447 Q: Do you remember what their address was?

448  
449 A:  
450

451 Q: Now when you said you did a complete work up. Is that part of your uh,  
452 assignment that you had mentioned to your sergeant, or was that complete  
453 work have done prior to informing your sergeant that this is a...  
454

455 A: I did a complete work up prior - I did a complete work up on the Sunday. I  
456 identified the suspect on Sunday. And I did a work up on him, getting the  
457 address, address. I - uh, just being thorough, did a, uh,  
458 RMS on the address. Got every email of the person in the last 10 years, ran  
459 every person out, and did a complete work on all those people as well just so  
460 we knew it was a player or not.  
461

462 Q: Okay. And that was done on Sunday?  
463

464 A: That was done today.  
465

466 Q: Okay.  
467

468 A: We did that today.  
469

470 Q: Did anybody help you?  
471

472 A: Uh, yes. Yvonne DeLa Cruz. And also uh, Officer Pifferini helped as well.  
473

474 Q: And part of your uh, computer database search of the suspect, is it actually  
475 um, that he had an address at Mount Shasta as well?  
476

477 A: Yeah, he was actually listing his - probably for the last I'd say maybe five to  
478 seven years those were all his emergency contacts, and was listed as mother,  
479 relative, parent, I think another one was like a relative. So it correlated with  
480 my CI had told me that his parents and his brother lives there. I did confirm  
481 that his mom - that his - she does live there, and that was listed as emergency  
482 contact. Did a full work up on her as well. And that's how we related that  
483 address to him.  
484

485 Q: Okay. But that wasn't his known address, like for DNB or any other...  
486

487 A: No. He doesn't even - his was just random addresses.  
488

489 Q: Okay. Did the CI say that he was also living there, or that's just where his  
490 parents are staying?  
491

492 A: He was - he was living there.  
493

494 Q: Okay.  
495

496 A: He was staying there.  
497  
498 Q: Tell me a little bit about, um, once you found out about this person that that's  
499 where he lives? What criminal he was further?  
500  
501 A: Once we started looking into him, uh, Officer White, who's also on our team,  
502 he brought to my attention that he recognized the suspect or the person, that  
503 he ran across him uh, district 12s when we worked in patrol together. And  
504 then when he brought that up, I actually recognized the guy as well. We got  
505 information probably two years ago that the guy deals with stolen cars and  
506 likes to run from the police and stuff. So about two years ago, we kind of  
507 setup on the same thing. And the guy actually fled in a vehicle on us, and we  
508 were able to um, arrest him at a later time. But that was, like I said, probably  
509 two years ago. And he fled in a stolen car that time as well. Uh, during the  
510 search, we found - and we did a whole C check on him - prior to 148, um,  
511 1851. He has a quite a big history. His history and information are, you know  
512 (unintelligible)...  
513  
514 Q: Says the one where actually, yeah.  
515  
516 A: ...law here. He's been in and out. And he's pretty young for having such a  
517 long history, too.  
518  
519 Q: Any specific crimes, or violence, or weapons that you sort of remember?  
520  
521 A: Uh, not at the top of my head. I don't remember any, uh, any big violent  
522 crimes, no.  
523  
524 Q: And certainly the CI had informed you that um, he was possible suspect of a  
525 187?  
526  
527 A: Correct.  
528  
529 Q: How recent was this 187?  
530  
531 A: This happened last Monday.  
532  
533 Q: So, very recent?  
534  
535 A: Yeah. It was our last homicide and it was the - I believe it was the last  
536 homicide. It was the one that happened on Murtha where the uh, the victim  
537 was shot in the chest with a small caliber ammunition.  
538  
539 Q: And when you say this is uh, a CI of yours, um, that CI actually contact you  
540 and offer this information, or is it something that you have talked to the CI

541 and...

542

543 A: He's actually a reliable informant - informant that I've been working for  
544 awhile, um, doing kind of a key consideration over him. He's provided  
545 information in the past. He came to me - he always check in with me just to  
546 make sure things are running up and up. I'm good with his probation officer  
547 as well. He's on probation. So I make sure that he's going to - he goes to  
548 parenting classes. Um, he has check in with her often. So I make sure that he  
549 does a - so he called me. He kind of questioned me about, hey, did they ever  
550 catch anyone on the homicide that happened on Murtha? He's very  
551 intertwined with all the people that live in over in that area, all the different  
552 mounds, Murtha. So you know, I don't know, I have no idea about it. He  
553 started giving me information. Uh, he had some very specific information that  
554 wasn't in the news and that I didn't tell him. I called homicide. He tells me  
555 pretty much I - that guy is on the spot. I don't know how he got that info. So  
556 he obviously heard it on the street, or he knows a little bit more. We called  
557 him in, and uh, he informs us that he was at a house and this person, Johnny  
558 Angel, showed up with a gun. He pulled the gun out, and uh, after smoking  
559 dope, smoking meth, he pulled a gun up, pulled up a huge fixed-blade knife,  
560 sets it on a table, starts talking about it, starts talking a little bit more in depth  
561 about the homicide. And it was kind of a vague situation. And so he left it at  
562 that. So um, with that information, that's what we went on, the fact that  
563 knowing he has a caliber. The guy showed a gun that matches the description,  
564 the caliber. So that's where we went.

565

566 Q: Can you talk to me a little about um, after you did all the work up on that  
567 house? Um, were you the one that actually got an ops order together or did  
568 you consult your sergeant? Sort of take me through that?

569

570 A: Well, uh, I put an ops plan together (unintelligible). I put an ops plan together.  
571 Um, it was - we were going to do - pretty much like I said, we were, uh, going  
572 to conduct surveillance on the house.

573

574 Q: Okay.

575

576 A: He's known to be in possession of a stolen vehicles. It's his thing. He's known  
577 on the streets of he likes stolen cars, and he supposed to like guns. So he tells  
578 people on the street that he can get them either. He likes it. Um, he was - the  
579 last time my CI actually was around him, he was in a stolen car. Um, he was  
580 no longer in that stolen car. So I put it together, informed everyone, hey, this  
581 guy rolls in stolen cars. That's what he does. It's his MO. He's possibly stole  
582 other - stole with a gun. I don't know if he's gotten rid of it. If he likes guns  
583 that much, I highly doubt in fact that he was going to get rid of a gun. I mean,  
584 I didn't know if he was hot. So that was a possibility. He's going to be in a  
585 stolen car, and he's possibly got a gun. So our objective, conduct surveillance.

586 If we get him out the car, if he is in a stolen car, we can follow. We didn't  
587 want to do anything at the house just because providing the history on the  
588 house, uh, there's another, uh, a pool lead that comes back there. His younger  
589 brother is actually doing time right now for a 66197. And there's a huge  
590 history on him. And he's also, and the other family, So I think  
591 his mother's ex-husband. And myself and other officers, senior officers, they  
592 know the family pretty well. They've been in and out. So our plan was to get  
593 him away from the house. Um, as soon as we get him in a safe area, uh,  
594 conduct a car stop. And at that point, ID him, try to get some info from him. If  
595 we can oddly over any charges. We can uh, take him to custody then. But we  
596 definitely were going to call the homicide investigator, and you know, have  
597 him have a little chat them, see if he can get - pull any info from him.  
598

599 Q: Okay. And you ran this to your sergeant prior to...

600  
601 A: Correct, yeah. I did the whole work up. Uh, we met in the field. He read it  
602 over. And uh, it was good to go. We were - we set up on it. So he did the  
603 whole reading, uh, proofread, and then made - we all in our contacts. He  
604 created an event for us.  
605

606 Q: When did you - did you have the briefing at the station or it was on the field?

607  
608 A: We met in the field. We were all kind of doing different things at that point. I  
609 was in the office with a couple of officers. And the other officers had to do  
610 some stuff in the field. We ended up meeting at the - by the Moose Lodge at  
611 the uh, southwest corner of Martin and Mount Pleasant.  
612

613 Q: Do you know what time that was?

614  
615 A: Uh, between 1600. Yeah, we had set for 1600.  
616

617 Q: Okay. If you can remember, can you remember what the assignments were for  
618 that - for that uh, order?  
619

620 A: Yeah. We uh, we actually couldn't get, uh - we didn't have enough cars  
621 originally. So um, we kind of - we wanted to put people together, we can have  
622 every single person in a different car. It didn't work out that way. We didn't  
623 want to spread everyone as thin. So I had Officer Pifferini and Officer DeLa  
624 Cruz. They stayed in a two-man vehicle. Myself, and officer Barthelemy, we  
625 stayed in a two-man vehicle. Officer White was by himself.  
626

627 Q: Okay.  
628

629 A: And uh, Sergeant Archer was by himself. And Officer (Flores) was in point.  
630 He was in point from the address.

631  
632 Q: Do you remember the vehicles and the vehicle numbers?  
633  
634 A: Uh, vehicle numbers, no. I don't know if we have a vehicle - I mean, we do  
635 but they're not marked. They're all cold cars.  
636  
637 Q: Okay.  
638  
639 A: Um, the only way to know is there's a little chip inside the car. I don't know  
640 the actual numbers. But I do know what everybody was driving.  
641  
642 Q: Go ahead.  
643  
644 A: Um, first car, Pifferini and DeLa Cruz, they were in a gold-ish brown Ford  
645 Expedition. Myself and Officer Barthelemy, we were in a grey, dark grey  
646 Honda Accord. Two - four-door. Newer - it's - I mean, 2006, 2008. Um,  
647 Officer White is in a dark grey Nissan Maxima.  
648  
649 Q: All right.  
650  
651 A: Sergeant Archer is in a white um, Chevy Tahoe. And Officer (Porter) is in a  
652 blue, dark, dark blue van. It's a Dodge Caravan.  
653  
654 Q: (Porter)?  
655  
656 A: I mean, not (Porter). (unintelligible)  
657  
658 Q: (Unintelligible)  
659  
660 A: No, I - that's his best friend. (unintelligible).  
661  
662 Q: The names of my twins, too. Oh, I'm sorry, what's the minivan?  
663  
664 A: It's a Dodge Caravan. Dark blue Dodge Caravan.  
665  
666 Q: Yeah, we're going to take a quick break. It's approximately 1:45. I'm going to  
667 stop the recorder. Sorry. You can hang out in here if you want.  
668  
669 A: Yeah, that's fine.  
670  
671 Q: I'll be right back.  
672  
673 A: All right.  
674  
675 Q: If you don't mind, I'll take it.

676  
677 A: Thank you.  
678  
679 Q: Okay. Thank you. Okay, we're going to reconvene. Stepped out here for a few  
680 - maybe about a minute, so it's approximately 1:46. And just to uh, recap the  
681 last question, I believe I asked, was um, asking the vehicle that was behind to  
682 the unit. If I could ask what (Flores) was driving. (Flores) was driving a  
683 Dodge Caravan? You said dark blue?  
684  
685 A: Dark blue color.  
686  
687 Q: Okay. After the briefing, uh - why don't you go ahead and go from there?  
688  
689 A: After briefing, we left. Briefing was about 30 minutes I think. Uh, we had put  
690 into motion that (Flores) was going to be point. He was going to be dropped  
691 by Officer Barthelemy. Um, the plan was after he drops Officer (Flores), he's  
692 going to walk southbound to Mount McKinley, and I was going to pick him  
693 up on Mount McKinley. We did so. We - I picked him up, and point was set.  
694 He got - he got the spot we wanted. He was on the west curb line, facing  
695 southbound across from the address. Very good eye of the address, so that was  
696 good. After I picked up Officer Barthelemy, I drove to the - our north compass  
697 point to which I was going to take up. And I parked on Mount Vista. And I  
698 was positioned on the north curb line facing west on Mount Vista at Mount  
699 Lassen  
700  
701 Q: What was that last street?  
702  
703 A: Mount Lassen.  
704  
705 Q: Lassen.  
706  
707 A: L-A-S-S-E-N.  
708  
709 Q: Thank you. And you sat there and was monitoring radio traffic?  
710  
711 A: Monitoring radio traffic. Um, the house is pretty stagnant for a while. There is  
712 an older gentleman that came out a couple of times seen sweeping the  
713 driveway area. He was milling around. It was put out on the radio. It was a  
714 negative on our primary. I'd say after about maybe two hours - no - yeah, I'd  
715 say maybe two hours, approximately two hours, um, I was sitting there. Um,  
716 Officer (Flores) put out traffic that a white Honda pulled into the driveway. As  
717 standard operating procedure, he put out the license plate. Our sergeant was  
718 the only one with an actual MDT in his vehicle. So he runs it through our  
719 sergeant. He gave the plate. After a few minutes, our sergeant came back with  
720 a return, the plate was success. That's all we want for you know, stolen



721 vehicle. At that point, we kind of started pressing Officer (Flores) if he get a  
722 good eye. Um, according to our CI or my CI, the suspect, Johnny Angel, had a  
723 long bushy hair, and he has - and it's the last time I actually ran in contact  
724 with him as well, it kind of looks like (Fragel Bob). It's weird, afro kind of  
725 thing going. He has very distinctive tattoos on his neck and he had them on his  
726 arms. And so on the neck, he kind of like half finished tattoo. I think it's  
727 supposed to be a bash. But it kind of stopped on the a trigger. I think it got a  
728 little too painful for him or something. So he put that out. And tattoo - he's got  
729 tattoos kind of matching the description, but he doesn't have the hair, you  
730 know, I can't make a positive. Nothing - being apart in our unit, you know, if  
731 you don't get a 100%, then it's not a positive. I made the decision due to the  
732 fact that he's got a matching tattoo descriptions, same height, same kind of  
733 weight, and the fact that he pulled up to the address in a stolen car matches the  
734 same MO. So I make the decision. I get a hold of my sergeant, I tell him, hey  
735 uh, we're going with it. He says okay. We make the plan, and it falls in  
736 motion pretty much as the ops plan says. We're going to follow him away  
737 from the address. Um, we want to tail him and just continue surveillance on  
738 the vehicle, see where he goes. If we can get him to an area where it's safe  
739 enough for, uh, us to take him off, or do a car down, then we were going to do  
740 so. At that time, he sat - I'd say maybe 10 minutes he was at the driveway.  
741 Um, he put - that he goes in the house, comes back out. I believe he goes back  
742 to the front porch, goes in the house again. Comes back out. At this time, he  
743 gets back into the car. Car backed up, goes northbound. I was northbound.  
744

745 Q: This is all stuff that you're - it's not under the trigger. I know...

746  
747 A: This is on the radio. Uh, once he goes northbound, he gets probably a couple -  
748 I would say 100, 150 yards kind of minimum. He was like - he puts up the  
749 exact description of the vehicle. Um, the vehicle comes. There's no vehicle  
750 coming on the street northbound. All of a sudden, the - I see - I catch eyes on  
751 the primary, occupied by two, white Honda. It turns towards me and starting  
752 to head eastbound on Mount Vista. I drop my seat back. He drives past us,  
753 continuing on Mount Vista. Um, I uh - I put it on radio I'm going with him. I  
754 turned around. I start following the car, and I take him for a couple of turns.  
755 And I queued up just behind him. And we get to about - he drives through the  
756 whole mountain area and get back out on to Clayton. We get to Clayton. We  
757 started going northbound. Um, we get to about Clayton and Story. He turns at  
758 eastbound on story, and I kind of lose sight of him for a second. All of a  
759 sudden, I'm driving eastbound Story, and I completely lose him. And I'm  
760 looking around because there's no way I could've lost him. He's right here.  
761 My next unit up was Officer White. He's following him behind me. He picks  
762 the car up. Um, at this point we're thinking, he's kind of maybe doing counter  
763 surveillance. He's just fallen back, he's going to go back on his tracks. We  
764 follow him out. He continues. He ends up turning down on a small side street,  
765 comes back onto Story. At this point, I turned off. And I'm just waiting for

766 him to come by. He goes again eastbound on Story and turned - I'm forget all  
767 the names, but he turned on 50 different left and rights. And the whole time  
768 he's driving, he - it almost looked like he's doing counter surveillance, but  
769 he's not to be stopping. He's using the road, he's using his blinker. And so it's  
770 kind of - it's getting real suspicious. We're like, yeah - we're thinking he  
771 makes a - I know he didn't make me right away. Um, the unit. Pifferini and  
772 DeLa Cruz say hey, he's made us, he knows we're here. But he doesn't try  
773 and take off or anything. Um, we get to a stop sign closer to East Hills, and  
774 we're driving all through the - the city streets area. We get closer to East Hills.  
775 He turns back to me at a stop sign. I was back away. And he looks right at me.  
776 Doesn't speed up, doesn't do anything. So I'm thinking, I'm made, yeah, I'm  
777 done. So I clean up. Next unit, uptakes him again. I catch back up to him  
778 again. We're behind him. Doesn't speed up. Doesn't do anything. He just is  
779 making circles. And uh, it's almost like he's wanting to lead us on like a little  
780 - you know, just make us follow the leader. So we follow and follow and  
781 follow and keep on. Finally, I think it was my sergeant puts it out, like hey,  
782 he's made us, you know. We're going to - we're going to have to box him in  
783 somewhere around here. He gets back into small road, and he makes circle on  
784 a street, and he makes four lanes, he comes back out the same street, starts  
785 going - at this point, those are kind of candid. They're kind of southeast street,  
786 northwest, they're kind of at an angle. So I'm going to say he was going in a  
787 western direction. Um, at this time, he kind of picks it up a little bit. My  
788 sergeant is number one. The vehicle is primary, suspect vehicle. My sergeant  
789 is directly behind him on point. Directly behind my sergeant is Officer White.  
790 And behind Officer White is myself and (Marconi). Um, as we're following,  
791 uh, just so happens, Pifferini and DeLa Cruz happened to - they kind of lose  
792 us after cleaning up. They in a point back on the street, just so happens they  
793 pull up right in front of the suspect. They slowed down their car, kind of do  
794 some maneuvers just to slow his car down. They do some side to side. The  
795 suspect turns, tries to go around him. They turn right, block him and they  
796 come to a complete stop. Um, and actually during this whole thing, uh, we  
797 knew that it was our primary way before, before we were even burned on this.  
798 Officer DeLa Cruz who actually knows the handling and knows this  
799 gentlemen, and she actually helped me on the work up - she probably ID'd the  
800 guy's tattoos and said, yeah, he has short hair now. That's definitely positive.  
801 He did some counter him and came right back on, and drove by each other  
802 extremely slow. And she lets it off what's on the radio, spotted armed suspect.  
803 That's who it is. He's driver. So jumping back forward...

804  
805 Q: That was DeLa Cruz, right?

806  
807 A: DeLa Cruz, correct. Um, as he finally comes to a stop, as Pifferini and DeLa  
808 Cruz are kind of doing the side back, back and forth, suspect starts coming to  
809 a stop. He realizes that they did that. My sergeant turns on his - takes down,  
810 lights the sirens. The vehicle in front of me, Officer White, turns his on. Um, I

811 turned my on. We have a full takedown or takedown equipped. We have  
812 flashing lights in the lights. And the headlights. We have a dropdown visor.  
813 It's down red and blue lights. And I can see all the cars in front of me are also  
814 illuminated. Uh, the vehicle, as we all come to a stop, uh, Sergeant Archer  
815 pulled up right behind him, and uh, the vehicle at this time is trying to - the  
816 suspect vehicle is trying to back up real quick. So Sergeant Archer slams on  
817 his brakes. And at that point, uh, Officer White's car - and I watched his car, I  
818 don't know if his ABS locked up or something, he just starts like you know  
819 when your ABS is locked? Da, da, da. But it was doing it extremely hard. And  
820 I'm watching his car shake really bad. Uh, he comes in, rear ends the sergeant.  
821 Uh, at that point, I'm coming behind him. I'm offset on his passenger side -  
822 my driver's side, his passenger side. The suspect is driving probably about 50  
823 miles an hour that was like backwards, back into Officer White on his  
824 passenger side, driver door - I mean, his passenger side front door, and his  
825 passenger side rear door. Hits his car, ping-pongs off of him. I come to a  
826 position, and I come to a stop to where I'm thinking there's no way the guy  
827 can get in between our cars. It's probably only a foot and a half. He hits my  
828 car going about, I'd say 15 or 20 miles an hour in reverse. He hits my car so  
829 hard that it pushes me back probably about 10 feet, and then came at my  
830 vehicle at a side angle. At this point, he's able to get his car in between my car  
831 and Officer White's car, and continued backing up, and he whips it around  
832 and back completely sideways. This time, there's really nowhere that he could  
833 go because my car is - our cars are blocking to the fact that we're close  
834 enough to where the parked cars on the south curb line...

835  
836 Q: Okay. Mm-hm.

837  
838 Q: ...you wouldn't be able to fit a vehicle. So there's really nowhere he can go.  
839 He just backs up. Well, he backs up his - the car. It was - it was like a black  
840 minivan, I think it was a black - it was a minivan. It was like a black car I  
841 think. He backed into that car. When he hit me, I tell Bruce to get out because  
842 I'm thinking in my head this guy's going on foot now. There's no way he's  
843 going to stay in his car. He can't - there's nowhere for him to go. Officer  
844 Barthelemy gets off in case we are - our main concern is the driver. We follow  
845 the driver, he's going to run on foot now. He doesn't. He uh, turns around. I  
846 get out - after he hits my car, I get out of the car, and I walked closer towards  
847 his car. His car is boxed in. He probably - at this point after he hit my car, he  
848 slowed down to about I'd say 7 to 10 miles an hour. Still got a good click  
849 going. Backed into the van, but doesn't moved the van completely because  
850 he's in a smaller car. Hits the car and gaps a bit, and starts pushing the van  
851 back, and then pound - like, I mean, he hit it with a good force. Backs the van  
852 up on to the curb. And at this point, I'm out of my car, I'm drawing down on  
853 him, and I'm just standing directly probably - there's nowhere to go. So as  
854 soon as I exited my vehicle, I was literally on top of the guy. So draw down  
855 on him. Police, San Jose Police, turn your car off, put your hands up. There's

856 no way he could miss me. I got my sirens on my car still going full blare. The  
857 guy looks directly at me. As he's backing up in the car, he looks directly at  
858 me. And as I take one step forward, I'm probably - half of my body is where  
859 is driver's side headlight is. And he is able to push that car back far enough to  
860 where now there's - that car has been pushed to the sidewalk, he'll be able to  
861 fit just narrowly between our cars. So at that point, he looks at me and kind of  
862 looks for an escape route, puts it in drive, and just guns it. I jump out of the  
863 way. I had my gun in hand. I jump back. I fall down the ground. I come to rest  
864 on my - on my ass and I'm sitting there. I hopped up right away. And I'm  
865 thinking he's going to take off. At this point, I look up and Bruce is standing  
866 directly where the car is going. And uh - and that's pretty much all I see is  
867 Bruce. I see him standing directly where the car is going because he went  
868 around to the passenger side, and I went around to the driver's side.

869  
870 Q: Okay.

871  
872 A: And so as I get up, the car starts taking off again, and he just - I mean, there  
873 was - it couldn't have been more than inches on each side. Drives through. I  
874 ran back to my car, and uh, I'm thinking he's going to take off. And I don't  
875 even get two steps up because I'm just adrenaline - I stand up, I started to go  
876 back to my car thinking that, you know, I'm out. And Bruce started - I can't  
877 see him. So I'm thinking, I'm going to get my car and we're going to follow  
878 which - I'm pretty sure my car's 10-7 is down, but I don't know at the time.  
879 As soon as I turn around, I look towards my car, I hear a shot. I turned back  
880 around, and uh, the car was still in momentum going probably a good - at this  
881 time, the car is probably going 20, 25, and it goes full in to a - like a pickup  
882 truck, a black pickup truck. Hits that truck. That truck jumps like, on the curb,  
883 hits another car. And uh, that's when Officer White - I ran over, Officer White  
884 is drawn down on the driver. The driver's door is open at this point. He drops  
885 down the driver. I see that he is going for the driver. I don't see what's going  
886 on then. I ran on the passenger side. The - there's a suspect in the passenger  
887 seat. He's kind of throwing hands up, but not really looking at us. Almost  
888 looked like he's PCP black side, like hey, you know, what's going on. I saw  
889 Officer Pifferini. Pifferini manipulates the door. I'm still out of a gun. Uh, he  
890 tells the suspect lay in the - the passenger seat, undo your seatbelt. The guy  
891 looks down. He's kind of you know, like, you know, staring - probably stare  
892 at us. The guy undo the - you know, undo the seatbelt, I think he listens to us.  
893 We pulled him out, put him down on the ground. I do a pat frisk. And uh, he  
894 had a lot - he had a lot of blood. At a later time, I think that was - it was right  
895 there, I thought it was him. Uh, rolled him around to see if he had any  
896 weapons. I thought he was injured. Hey, are you okay, do you need AMR,  
897 medical? And he just tells me no, I don't even know what's going on, but I'm  
898 not hurt. And I asked him about three or four times, are you sure? And I'm  
899 pretty sure, I thought it was him.

900

901 Q: Yeah.

902  
903 A: And he's like, no, I'm not hurt at all. I asked do you have any weapons? No,  
904 no. We just probably had two shaved keys on. I pulled those out, take to my  
905 car turned down. Take to my car, do a full pat frisk. Sit him on the ground.  
906 And at that point, my sergeant, while we're doing this, um, I'm listening to  
907 sergeant's putting out traffic over the air, calling for any incoming closer  
908 units. And uh, that was right away, my sergeant called for uh, two uh, medic,  
909 fire and AMR. And the one was for Officer White because the vehicle  
910 accident, and one was for the uh, suspect who was shot. Um, at that point, the  
911 other units started coming in, and uh, it was just locked down. And from there,  
912 you know we kind of got pushed to a corner after we squared everything away  
913 with um, everybody okay, great. And everyone was fine. Officer White was  
914 fine. He had a huge knot on his head, but he's good. And all I had was I  
915 scratched my thumb, so I'm glad I didn't get ran over. If I wouldn't have  
916 jumped back, if I would have actually stood and stood my ground and draw  
917 down the guy, I would definitely go down, I guarantee it. There's no way I  
918 could have actually stayed there engaging the guy without me jumping  
919 probably - with my adrenaline, I probably jumped 5 feet average. Because I  
920 landed almost to where my car is at. Because when I stood up, I turned  
921 around, I was almost in my car door.

922  
923 Q: Thank you for that detailed account. We're just going to ask you some follow  
924 questions, okay? Let's just sort of back up. I mean, um, during the course of  
925 uh, following the suspect's vehicle, um, could you tell how long that you were  
926 doing this sort of follow the leader?

927  
928 A: Mm, I couldn't tell you exactly, but it was for a while.

929  
930 Q: Would you say at least 20 minutes?

931  
932 A: I would say probably 20, 25 minutes.

933  
934 Q: More than 30 minutes?

935  
936 A: No, I wouldn't say 30 minutes. It was close to - I would say close to 20, 25  
937 minutes.

938  
939 Q: Okay.

940  
941 A: Like I said, he - it wasn't like he was going anywhere. It wasn't like he was  
942 trying to leave us. He was just driving. He was using his blinkers, he's  
943 stopping at stop signs. And every time we would think that we are burned, we  
944 pulled right behind him, he kind of like looked back at the car, and just keep  
945 going, 25, 30 miles an hour, just not - I mean, it was like - it's like a game to

946 him, to a fact where you put back and like he had right away. He pulled back  
947 on the car minutes later and (unintelligible) decide to pay attention. So yeah, it  
948 was for a while. We took a lot of turns.

949  
950 Q: At some point, you said the sergeant had made the decision and he put out  
951 over the radio that...

952  
953 A: Yeah.

954  
955 Q: ...go ahead make a car stop?

956  
957 A: Correct.

958  
959 Q: Okay. And you had positioned the vehicle that the sergeant being directly  
960 behind suspect vehicle. And then it was Officer...

961  
962 A: White.

963  
964 Q: ...White. And then you and...

965  
966 A: Myself.

967  
968 Q: Okay. And uh, the other car in an attempt to catch up to you guys happened  
969 to...

970  
971 A: Pull around.

972  
973 Q: ...pull around of the - was that just by chance with...

974  
975 A: I mean, it's - it's - as life have it we're not familiar with those streets. And  
976 then um, he ended up going southbound, and looked at a stop sign, and oh,  
977 there's the street, pulled up right in front. And then he put up right away, hey,  
978 suspect is behind me. I got him behind me. And then our sergeant right away  
979 said, okay, we're going to - we're going to do the car down here. And uh,  
980 that's when it all went down.

981  
982 Q: Do you remember what street that was by any chance?

983  
984 A: I couldn't tell you. Not off the top of my head.

985  
986 Q: Okay.

987  
988 A: I mean it was put out. We all knew what street we're on at that time.

989  
990 Q: And during the course, Officer DeLa Cruz and Pifferini were the front car.

991  
992 A: Correct.  
993  
994 Q: And they were trying to maneuver their car against the suspect vehicle to  
995 stop?  
996  
997 A: Correct.  
998  
999 Q: Um, at what point their vehicle actually did stop, come to a complete stop?  
1000  
1001 A: Complete stop.  
1002  
1003 Q: And the suspect vehicle also came to a complete stop?  
1004  
1005 A: Correct.  
1006  
1007 Q: Okay. So the sergeant pulled up behind the suspect's vehicle?  
1008  
1009 A: Correct.  
1010  
1011 Q: Um, and then the suspect then made an evasive move, and he rear-ended your  
1012 serg - the front of your sergeant's car?  
1013  
1014 A: I don't know if he rear-ended my sergeant's car, but I know he started backing  
1015 up. It almost looks like he wanted to flip around and maybe u-turn, but he  
1016 realized, uh oh there's someone directly behind me. There's nowhere I can go,  
1017 so he did, uh, like an S turn. And when he did the S turn, my sergeant was  
1018 literally right there. And then he made the S turn, and he just full gasses it. I  
1019 mean, he - from the matter of the length of a car and a half, he got to a good  
1020 15 miles an hour. He cranks the car sideways and lands in the back of Officer  
1021 White's vehicle.  
1022  
1023 Q: Okay.  
1024  
1025 A: So he did like an S turn to kind of go around, and then hits Officer White.  
1026  
1027 Q: Prior to that - sorry, let me back up. Um, the code 3 equipment did come on?  
1028  
1029 A: Oh yeah. We had all had to take our lights on.  
1030  
1031 Q: Okay.  
1032  
1033 A: We were following him for probably a good - a good I'd say maybe 100, 150  
1034 yards.  
1035

1036 Q: With the lights on?  
1037  
1038 A: Lights and siren.  
1039  
1040 Q: On all...  
1041  
1042 A: All three of our vehicles. I know, because when we got out all of our vehicles  
1043 were still lights and sirens. I know my - so my car was still lights and sirens  
1044 for probably five minutes. I had to go back to my car.  
1045  
1046 Q: But you know, it's necessary to take on a pursuit because of - now the police  
1047 vehicles are in front of him, correct?  
1048  
1049 A: Yes.  
1050  
1051 Q: Okay. Um, the sergeant puts on his brakes, and then you said Officer White,  
1052 you saw maybe the ABS locking up?  
1053  
1054 A: Yeah, I don't know if his brakes failed. I don't know what was going on. His  
1055 car was shaking really bad, and then rear end...  
1056  
1057 Q: And then rear end, okay. And then like you said, you had described the  
1058 suspect's car doing a sort of a backwards S...  
1059  
1060 A: Correct.  
1061  
1062 Q: ...and then hitting, uh, Officer White's vehicle.  
1063  
1064 A: Correct.  
1065  
1066 Q: The passenger - passenger door and rear passenger, right in the middle?  
1067  
1068 A: Yeah.  
1069  
1070 Q: Okay.  
1071  
1072 A: And he hit it and slid down the car.  
1073  
1074 Q: So you guys were still moving forward when he backs up, correct?  
1075  
1076 A: No, I am not. I am actually coming up. When he starts backing up, I'm just  
1077 pulling up, and I come to a stop. And I come to a stop to what I think is  
1078 there's no way. He's only got...  
1079  
1080 Q: Right.



1081  
1082 A: ...three feet. There's no way he can fit through that.  
1083  
1084 Q: Okay. But the sergeant and Officer White are still moving forward?  
1085  
1086 A: When? When the guy is...  
1087  
1088 Q: When he starts to make - the suspect starts to make the S turn.  
1089  
1090 A: I think Sergeant Archer had come to a stop.  
1091  
1092 Q: Okay.  
1093  
1094 A: But see we're car lengths behind each other.  
1095  
1096 Q: Sure.  
1097  
1098 A: So by the time Archer came to a stop, the first car stops, gets him to stop. He  
1099 stops. Archer comes in and stops. He's gunning and hits the guy, just stops.  
1100 Then White comes in, brakes lock up, and we're still in it this time because  
1101 we're catching up to that spot. His brakes lock up, hits the sergeant. And then  
1102 I'm coming up behind him and I come in and I follow directly on the  
1103 passenger side, so I offset our vehicles to take - kind of take up the street.  
1104  
1105 Q: Right.  
1106  
1107 A: I come in, and then I come to a stop. By the time I stopped...  
1108  
1109 Q: He was already...  
1110  
1111 A: ...he was making an S turn, and I watched him come around, and then hit the  
1112 car. And then he came and continued gassing it. He doesn't try to brake or  
1113 anything. He continues gassing it and backed directly into my car.  
1114  
1115 Q: And that pushes your car...  
1116  
1117 A: That pushes our car at a weird angle. My car is pushed back 10 feet, and I got  
1118 at an angle.  
1119  
1120 Q: And then he continues backing up and he gets parallel with Officer White's  
1121 car, and he was - and he rammed the van that was parked. Here's Officer  
1122 White's...  
1123  
1124 Q: Maybe this is a good time for you to kind of...  
1125

1126 A: Yeah, (unintelligible). Too many (hands).  
1127  
1128 Q: Yeah.  
1129  
1130 A: Okay, so...  
1131  
1132 Q: But I'm following you. I just (unintelligible)  
1133  
1134 A: (Unintelligible). Here's the primary. I think it may - the first vehicle, Pifferini,  
1135 DeLa Cruz, I think it kind of stopped like this. Here's the street. So there's  
1136 parked vehicles here, and two lane. Car comes to a stop here. This is the part  
1137 of the vehicle in additon.  
1138  
1139 Q: So, front. This makes the - who that vehicle was?  
1140  
1141 A: This is Pifferini and DeLa Cruz.  
1142  
1143 Q: Okay.  
1144  
1145 A: Primary and the suspect comes down here. Kind of stops right here. Sergeant  
1146 Archer's car comes here. Stops. This car is kind of blocked in for a second  
1147 because it's kind of here. The primary starts to - the suspect vehicle kind of  
1148 starts here. Goes around.  
1149  
1150  
1151 The transcript has been reviewed with the audio recording submitted and it is an accurate  
1152 transcription.  
1153 Signed \_\_\_\_\_