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7 **INTERVIEW WITH OFC. MICHAEL PIFFERINI**

8 **Q=Sgt. Owens**

9 **A=Ofc. Michael Pifferini**

10  
11  
12 Q: (Unintelligible).

13  
14 Q1: Okay.

15  
16 Q: (Unintelligible). We're going to hot - okay. It is 5:10 on March 19th. We're at  
17 the Sherriff's Office third floor, Investigations, Interview Room 3D. I am  
18 Sergeant Dennis Owens. This is my partner, Sergeant Marc Carrasco. And if  
19 you would state your name please?  
20

21 A: Michael Pifferini.

22  
23 Q: M-I-C-H-A-E-L?

24  
25 A: Yes.

26  
27 Q: Spell your last name for me, please.

28  
29 A: P-I-F-F-E-R-I-N-I.

30  
31 Q: And your badge number?

32  
33 A: 3697.

34  
35 Q: And who are you employed by?

36  
37 A: Uh, City of San Jose.

38  
39 Q: In the capacity of?

40  
41 A: Uh, police officer.

42  
43 Q: How long have you been a police officer in the San Jose Police Department?

44  
45 A: Another month or two, 12 years.

46  
47 Q: All right, and in those 12 years, what assignments have you worked?  
48  
49 A: Um, currently in Metro, done (Merch), and that's it.  
50  
51 Q: I...  
52  
53 A: And patrol.  
54  
55 Q: Okay. And how much patrol - patrol then?  
56  
57 A: Um, I think it did five years patrol, four (Merch), one year back in patrol, and  
58 then a year, year and a half in Metro, I believe. I have uh, over two and a half,  
59 almost three years at another agency before I got here.  
60  
61 Q: Okay. Who did you work with before?  
62  
63 A: (Sandrews SO) as a patrol deputy on site.  
64  
65 Q: And how long at the agency you did that for?  
66  
67 A: That was uh, '98. Uh, I came here in '01. So it was...  
68  
69 Q: Three years?  
70  
71 A: Just under three years, yeah. Just under three years.  
72  
73 Q: Okay, so that was on Patrol. Okay. All right, you said your current assignment  
74 is Metro right now.  
75  
76 A: Correct.  
77  
78 Q: And you've been there probably a year and a half?  
79  
80 A: Yes.  
81  
82 Q: And within Metro, um, they have teams?  
83  
84 A: Correct.  
85  
86 Q: And what team are you in?  
87  
88 A: One.  
89  
90 Q: And what are your days off?

91  
92 A: Thursday, Friday, Saturday.  
93  
94 Q: And hours, 10:00 to 8:00?  
95  
96 A: Correct.  
97  
98 Q: Okay. (Unintelligible). All right. And so this is your second day on after a  
99 week. Um, so we kind of got that ironed up. Uh, being employed with the City  
100 of San Jose, um, I mean you've done quite (unintelligible). Did you have the  
101 opportunity to speak to a city attorney or attorney, or POA rep down there?  
102  
103 A: Um, yeah, we spoke - I spoke with uh, POA briefly, and then, uh -  
104 well, he wasn't an attorney. He was uh, retired. I just gotta give you his name,  
105 hold on a second.  
106  
107 Q: Okay. And with speaking with those individuals, um, did you have - actually,  
108 did you have ample of time speaking with them?  
109  
110 A: Yes.  
111  
112 Q: Okay. And uh, after speaking with them, do you feel that you would uh, that  
113 you'd like to speak with us without them present?  
114  
115 A: Yeah that's fine  
116  
117 Q: Okay. And then, any point in time during our interview, uh, we ask a question  
118 that you don't want to answer, you don't have to answer any questions we ask.  
119  
120 A: Okay.  
121  
122 Q: All right. Uh, so I mean no disrespect or anything just tell us, all right. I  
123 mean...  
124  
125 A: Okay.  
126  
127 Q: ...be as candid as possible, and uh, descriptive as possible. And we'll just -  
128 we'll run through. Uh, let's start what's uh - we'll say that we'll start with  
129 Sunday, being your first day, correct?  
130  
131 A: Correct.  
132  
133 Q: Uh, how did Sunday start?  
134  
135 A: (Unintelligible) hold on let me think here. Sunday, our - our workday?

136  
137 Q: Yes.  
138  
139 A: Um...  
140  
141 Q: Just start from the time you get up in the morning. This is what it offered.  
142  
143 A: I get up, um, go to work. Usually work out for an hour before our shift, or as  
144 part of our shift, and then um, we don't work in any cases, so it's just a, uh, go  
145 out and arrest people proactive day. It's our basic function for a Metro firm,  
146 working in cases. Um, went to jail a couple of times, and then this shit went  
147 on.  
148  
149 Q: Okay. What time do you get up in the morning?  
150  
151 A: Mm, that varies. Um, sometimes around 6:00, 7:00, whenever the kids get up.  
152 So most likely 7:00 o'clock in the morning.  
153  
154 Q: How many hours a night did you sleep?  
155  
156 A: That varies as well. Average, I'd probably say seven - seven, eight. Eight, I'm  
157 feeling great.  
158  
159 Q: That's awesome. I wish I could (unintelligible). All right, so kind of getting  
160 through your morning routine, um, you get up, you take care of the family at  
161 home. Uh, you shoot up to work, or - and then, uh, basically what is your  
162 commute time from home to work?  
163  
164 A: Oh it's probably like a half hour.  
165  
166 Q: Frustrating?  
167  
168 A: Frustrating?  
169  
170 Q: Mm-m.  
171  
172 A: What is?  
173  
174 Q: (Unintelligible)?  
175  
176 A: No, not at all. I'm not in commute, that's all. 10:00 o'clock is a little after  
177 commute, so.  
178  
179 Q: Not too bad that's true thought. All right. Good. Uh, come to work, and you  
180 said you work out for an hour?

181  
182 A: Yeah, we work out. I mean, we should.  
183  
184 Q: What's next? What time you guys start?  
185  
186 A: Uh, we usually - so everybody will go to the gym like, at 10:00. We'll be done  
187 in an hour. We'll brief at 11:00, and we'll start at 11:00. Usually go get  
188 something to eat as a team, and then start our day.  
189  
190 Q: Okay. And do you guys usually get off on time at night?  
191  
192 A: Um, depending on if we have arrests or for doing a control buy, or they're on  
193 alert, is what we're doing. Um, usually, I don't - not that much overtime, just  
194 based on work schedule.  
195  
196 Q: Okay. Um, being a member of Metro (unintelligible), you guys have a few  
197 different types of uniforms.  
198  
199 A: Mm-hm.  
200  
201 Q: What are your uniforms got to be?  
202  
203 A: Um, traditionally, we have blacks. We wear black utilities, um, or BDU  
204 uniform. Uh, we also - the way our team is setup we have, uh, basically two-  
205 man cars. The car that I'm in last shift and this shift is plain clothes, car and  
206 uh, it's pretty much unmarked police car. They're all unmarked, but I mean  
207 you have the Crown Vics that everybody's in their black utilities in.  
208 Everybody knows we're cops. And I'm currently driving a Ford Expedition  
209 that's all been stock equipped, has lots, whatnot, siren.  
210  
211 Q: Right. And then you guys wear any Class A's?  
212  
213 A: One of the functions that - the last we're in Class A's would be uh, we were at  
214 the (Sanders PD funeral). And that was the last time. Before that, we've gone  
215 up and down, that - that kind of thing.  
216  
217 Q: Okay. So it's not usually a part of your regular attire then?  
218  
219 A: Class A?  
220  
221 Q: Yeah.  
222  
223 A: No, not really.  
224  
225 Q: Okay. So, and when you're in plain clothes, I guess you're wear a raid vest of

226 some sort?  
227  
228 A: Um, yeah, depending on what - what, uh, we're doing, yeah, we'll - we have  
229 raid vest. If we're, you know, doing strictly surveillance and whatnot, we'll be  
230 in plain - plain clothes, that kind of thing.  
231  
232 Q: Doing your best to blend in, but just have it available if needed?  
233  
234 A: I'm sorry?  
235  
236 Q: You're doing your best to blend in with everybody else...  
237  
238 A: Exactly.  
239  
240 Q: ...but have the vest sort of available if needed?  
241  
242 A: Exactly.  
243  
244 Q: Okay. Um, break the vest down to me a little bit, what it looks like.  
245  
246 A: It's just a black, uh, some mesh. White - it's just a black vest, has Police front,  
247 back. That's just all over it.  
248  
249 Q: Is it ballistic or...?  
250  
251 A: Um, no, I - well, we have - we have given that - so we have a tac vest when  
252 we do a search warrant entry, we'll go with that vest on - we're on a call out  
253 which is a ballistic, it's like a level three vest with plate carriers, have a plate -  
254 rifle plate in front and back, um, has a flash bang, extra rifle magazines, things  
255 of that nature on it. Um, but other than that it's just like a day-to-day  
256 enforcement type vest, it is - it's just a regular uh - I always wear a bulletproof  
257 vest underneath it, assault one. And we have a little, uh - it's not a mesh. I  
258 don't want to say mesh. So it has like, a little (snas) in front and whatnot. And  
259 uh, that's basically it.  
260  
261 Q: Marked up with police...  
262  
263 A: Exactly.  
264  
265 Q: ...in big block lettering?  
266  
267 A: Yeah.  
268  
269 Q: Uh, as far as your equipment, your gun, magazines, things like that, do you  
270 keep any of that in the vest, or it that all on the hip?

271  
272 A: Uh, I do both. So I have on the vest, I have a pistol mags on. Today, I had my  
273 uh, my pistol and I have an extra mag just on the hip, I had my vest on  
274 because I - honestly I wanted to see, uh, whatever the police - whoever they're  
275 tailing. So.  
276  
277 Q: And what type of a gun do you carry?  
278  
279 A: I carry a Colt 1911.  
280  
281 Q: Okay. And you said one spare mag?  
282  
283 A: I did have one spare mag today. Yeah.  
284  
285 Q: All right. And do you carry any other equipment like a baton or OC or  
286 anything like that?  
287  
288 A: Um, not the OC. Yeah, you know, I have a mask, I have a baton, I have  
289 basically all the above. That's all it is. Um, yeah.  
290  
291 Q: Okay. All right, so let's get to um, last night. What equipment did you have on  
292 you last night?  
293  
294 A: Last night?  
295  
296 Q: (Unintelligible), yeah.  
297  
298 A: Today, right? Because...  
299  
300 Q: Yesterday.  
301  
302 A: Okay. Um, I had my badge around my neck with my police ID, my pistol, an  
303 extra mag, handcuffs, um, and everything else in arm's reach, does that make  
304 sense.  
305  
306 Q: Yes, absolutely. So, okay. Good. That's kind of the stuff that your normal  
307 every day how things would go if you guys were assigned to a particular  
308 assignment you guys normally have as being sometimes the bomb car?  
309  
310 A: Yeah. We're - we're not point, but if we come up on a case like we're on the  
311 street and whatnot and something happens, and we have the lead, um, we're at  
312 the point piece setup and so we fast - and that would be, uh, our job on the  
313 team, because we have a cool car and whatnot in plain clothes. But however,  
314 this operation, we had to time to prep for it and whatnot. So we were not the  
315 point car.

316  
317 Q: Yeah, okay. We'll get into that one. Um, all right. Let's start with how  
318 Monday went. How did Monday go?  
319  
320 A: Monday, same routine. Came, worked out. Um, went to lunch. Helped do  
321 some computer work ups, and we briefed in the field at around 4:00. I think  
322 we've concluded our brief around like, 4:20 or 4:30. And then we set up.  
323  
324 Q: Okay. Um, so you guys worked out for an hour, then you guys had briefing.  
325 How long is briefing in lieu of that?  
326  
327 A: Briefing, um, is just - oh my god, there's two briefings, I'm sorry. Yeah, we  
328 briefed in the office. And then we had a couple of things on our plate today, so  
329 we were going to go on to do a control buy, and then - well, we had a control  
330 buy and an operation that we did today. So we did two things in an hour. And  
331 uh, basically did computer works for (Dusker Bolt), and then went out once  
332 uh, Officer (Cossey) - he was the case officer for this operation, so he did his  
333 oped and then we met off in the field. And he briefed us that in the field.  
334  
335 Q: Okay. So you had a little briefing at 11:00 o'clock basically.  
336  
337 A: Mm-hm.  
338  
339 Q: And Sergeant (Archer) basically hosted that.  
340  
341 A: Mm-hm.  
342  
343 Q: How long did that last?  
344  
345 A: I don't know. I honestly don't know. Anywhere from, I don't know, 20, 30  
346 minutes maybe.  
347  
348 Q: Okay. Um, do your briefings normally go that long?  
349  
350 A: Um, yeah. Probably. Sometimes. I mean, it depends on what we have to talk  
351 about. Depends on what we're doing and how we do it, or you know.  
352  
353 Q: And so...  
354  
355 A: Yeah, I don't...  
356  
357 Q: (Unintelligible).  
358  
359 A: Yeah, there's...  
360



361 Q: ...30 minutes and then you guys are cutting this on the field, or...  
362  
363 A: Yeah.  
364  
365 Q: Okay. Is that - is that usually the point in time where Sergeant will go  
366 (unintelligible) go on for the day? Hand out assignments or...  
367  
368 A: Exactly.  
369  
370 Q: ...what not. Okay.  
371  
372 A: No, he just said it - yeah. He would talk about another case that we were going  
373 to do later on down the road.  
374  
375 Q: Okay. It's been a long day for you so I don't expect you to remember  
376 everything.  
377  
378 A: No. You're not - I'm sorry, you're saying these things because I don't  
379 remember, hardly anything right now.  
380  
381 Q: It may sound like kind of lame to you, these type of questions. I'm just trying  
382 to...  
383  
384 A: Not at all.  
385  
386 Q: ...you know, pick your brain a little bit with that. Okay. And so that's when  
387 Sergeant kind of deals out the assignments. Did he give out vehicles, or you  
388 do you guys grab those on your own?  
389  
390 A: We have - they're assigned to us. So...  
391  
392 Q: Okay. So you have your on - you basically go inside the Expedition. That's  
393 yours.  
394  
395 A: Mm-hm.  
396  
397 Q: Okay. Um, and then at that point, you said you did some computer work?  
398  
399 A: Yeah. There was kind of like four - four of us. And then we didn't do it.  
400  
401 Q: So you guys didn't go out in the field and - and maybe grab lunch?  
402  
403 A: No - yeah, there was - we - nobody was doing the enforcement because we  
404 had this stuff to do. So bad lunch.  
405

406 Q: Where did you have your lunch?  
407  
408 A: Chipotle.  
409  
410 Q: Did you eat?  
411  
412 A: No, I didn't eat. I'm not hungry.  
413  
414 Q: (Unintelligible). Okay. And then after lunch then do you guys kind of - you  
415 got lunch with the team, you said, right?  
416  
417 A: Yeah.  
418  
419 Q: Do you guys kind of have another like, probably briefing while you're eating,  
420 and you guys chat...  
421  
422 A: No, no, they're just eating. (Unintelligible)  
423  
424 Q: And then you guys come back to the office, right?  
425  
426 A: Uh-huh.  
427  
428 Q: And paperwork, do your workups. And uh, about what time you guys make it  
429 out to the field then?  
430  
431 A: You talking daily or today?  
432  
433 Q: Today.  
434  
435 A: Today was uh, around 4:00 o'clock, we was called. Our briefing was at 4:00.  
436  
437 Q: And how did that go down? Did (Archer) call everybody and say meet here at  
438 1600, or what was it kind of preset?  
439  
440 A: Um, it's just wandering off, there was turn your cellphones and whatnot,  
441 anybody who brief it to sign here so.  
442  
443 Q: Okay. So where did you guys meet at 1600?  
444  
445 A: At the (Oaks Lodge). (Clayton) and (Martin) were there.  
446  
447 Q: Maybe we - we can work that.  
448  
449 A: Yeah it - I'm not really sure (unintelligible)  
450

451 Q: (Unintelligible).  
452  
453 A: Yeah, yeah.  
454  
455 Q: Okay, um, what did you guys do after that?  
456  
457 A: We uh, just had a quick brief about our assignments and the case that we were  
458 coming up on. Which I mean we pretty much - I knew kind of what the case  
459 was about. So we just had our formal brief going over the out plan, and then...  
460  
461 Q: Yeah, that's right, I need you to kind of - this is where I need you to be  
462 specific as that. Okay. Who gave the briefing, and what was said in that -  
463  
464 A: Okay, so Officer (Cossey) was the case officer. So he briefed us. Do you want  
465 to know the details of the case?  
466  
467 Q: Yes.  
468  
469 A: Where was I. Um, oh man, I'm trying to remember (unintelligible). So we had  
470 information from Officer (Cossey) that uh, our primary suspect - I'm trying to  
471 remember his name real quick - (Elias) - I think it's (Elias Mejia), if my  
472 memory serves - um, he was possibly the shooter in the recent homicide that  
473 we had in our city involving a handgun, a single shot, had a .22, because I  
474 guess he lost the magazine or whatnot. So you know, he could only load one  
475 round at a time. And he was always known to be, uh, in stolen vehicles or  
476 driving stolen cars, or with somebody who was in stolen cars. And we had an  
477 address, complete address. I want to say it was a 1509 Mount Shasta. But  
478 again, I'm not even sure if that - if I was right because I'm just - uh, if I had an  
479 oped in front of me, I could tell you. Um, so that was the address we're going  
480 to go to set up on. So um, he was a - he's a gangster (unintelligible), the JSP  
481 gangster, Julian Street Posse gangster in his family. His family is known to, uh  
482 - um, the house that we're setting up on was pretty - it was a (unintelligible),  
483 so I mean, we're expecting to see all kind of gangsters and whatnot, his family  
484 members. Um, obviously, uh, we have there with the - I mean, the gun issue  
485 and what not. And the fact that he - he was a flight risk in the past. I want to  
486 say - well, (Mejia) fled from Officer (White) and (Cossey) while they were on  
487 patrol, maybe a year, year and a half ago, in a vehicle, a stolen car, from them  
488 why they just happened to be working out on the east side. Um...  
489  
490 Q: Do you have the current status of the murder weapon?  
491  
492 A: Uh, still outstanding. Yeah, they - they have, uh, custody of the gun. Um...  
493  
494 Q: So you put out that they, um, in the briefing that (Mejia) may still be in the  
495 possession of that gun?

496  
497 A: Correct, yeah. And I know that our homicide unit wanted to speak with  
498 (Mejia) about that recent homicide on a (Bertha) I believe it was. Let me see if  
499 that's kind of bare bone for the case there. I think that's pretty much.  
500  
501 Q: Okay. Um, any other safety hazards or any other risk that was put out to you  
502 guys?  
503  
504 A: Um, I know the house, there's a bunch of police probation. Like I said, came  
505 back to that address and, um, I know the brothers were gangsters as well.  
506 Um...  
507  
508 Q: Do you know his criminal history?  
509  
510 A: You know I looked a lot of criminal histories today. (Unintelligible)  
511  
512 Q: Did he talk to you guys?  
513  
514 A: Uh, he did. But I don't remember the criminal history off the top of my head. I  
515 know he had priors for - from fleeing from the cops, I know that much. But I  
516 do know that, I just can't remember off the top of my head right now  
517  
518 Q: That's fine. That's totally fine. It's been a long day. So, um, all right. So at  
519 that point, did uh - what did - what did (Cossey) do being the case agent?  
520  
521 A: So basically, just gave us a background on the case, and what our objectives  
522 were, and we're to try to ID him at the house, try to see him there, and safely  
523 um, tail him away from the house if it was possible, or get away from the  
524 house, and uh, contact him and maybe possibly develop a case, or not, and try  
525 to bring him down, so the homicide detectives could talk to him. That was our  
526 objective. And then obviously, set out our rule of what we're going to be  
527 doing, basically our positions and whatnot of what people are going to be in  
528 what cars around the house, that we're going to be watching.  
529  
530 Q: In the ops plan, were you given a description or possibly a photo of (Mejia)?  
531  
532 A: Yes.  
533  
534 Q: So if you saw him, you would be able to know what he looked like because  
535 you have a photograph, or you've seen in the past?  
536  
537 A: Um, I personally don't remember seeing in the past that - yeah, we had - we  
538 had a picture. And I mean, he's very distinctive in the picture with his tattoos  
539 around his neck, and his hair. In the photo, he has just crazy long hair, and  
540 (unintelligible). And what else in the picture. And according to the

541 information the (Cossey) provided, his hair still was long. He had long hair.  
542  
543 Q: Okay. Now, did he give you guys assignments, (Cossey)?  
544  
545 A: Yeah.  
546  
547 Q: Who got what?  
548  
549 A: So, all right, this might be a little sketchy as I'm trying to remember. So  
550 Officer (Flores) was point in the van. He was the point guy watching the  
551 house. My role and my partner's role was southbound and takeaway car.  
552 (Cossey)'s was north. And I don't remember if (White) was east or west. So  
553 (White) and I were down on - oh man, I can't remember the street now. Do  
554 you guys have a map?  
555  
556 Q: (Unintelligible). How about (Mount Vista)  
557  
558 A: Um, yeah. (Mount Vista). That intersection on (Chestnut) - on (Chestnut).  
559 You know for the...  
560  
561 Q: (Unintelligible).  
562  
563 A: Okay.  
564  
565 Q: I'm gonna guess.  
566  
567 A: Okay. So anyways, (White) and I - we look out, the guy comes south, he turns  
568 west, keeping an eye out and if he goes east we'll - we'll take him kind of  
569 thing. Just our basic setting up compass points around the house.  
570  
571 Q: So once you got it covered you went on your way?  
572  
573 A: Yeah.  
574  
575 Q: And so they set up comms, you're just hanging out?  
576  
577 A: Um, I don't know. If I had to guess, an hour or two, maybe more.  
578  
579 Q: One name you missed in that other than (unintelligible) but what - where was  
580 (Bruce)?  
581  
582 A: (Bruce) was with (Cossey) in his car.  
583  
584 Q: Okay. So, um, and kind of, um, what was (Flores) driving?  
585

586 A: He was in a blue minivan, I think a Dodge Caravan.  
587  
588 Q: Okay. And how does he get out to the scene?  
589  
590 A: He was, uh, I think (Bruce) - yeah, (Bruce) dropped him off, set him.  
591  
592 Q: And what (unintelligible)?  
593  
594 A: Um, just driving out to the scene, trying to get in the best position. Um, for  
595 (Flores) who's usually in the back of the van looking out of some type of  
596 windows, blacked out inside. Um, and (Bruce) is the driver and while  
597 (Adam)'s in the back (unintelligible) this guy's just parking and getting out  
598 and then walking. So (Bruce) parks the van. To be honest, I don't know where  
599 it was parked because I never saw it. So.  
600  
601 Q: That's fine.  
602  
603 A: Yeah, he dropped him off. (Bruce) walks around the block and whatnot, gets  
604 picked up, got picked up by (Cossey). And then there's opportunity to man the  
605 surveillance position.  
606  
607 Q: All right. So once (Cossey) is set with (Bruce), you guys are set, um, to an  
608 hour and a half, two hours to hang out?  
609  
610 A: Maybe more. I mean, I didn't look at the clock to be honest with you.  
611  
612 Q: Okay, that's fine. And then uh, what starts happening?  
613  
614 A: Well, we get some movement at the house. We got the guy come out of the  
615 house, going back in kind of thing. And we get our white Honda Civic pull up.  
616 Run the plates, comes back stolen. Two unidentified, uh, Hispanic males in  
617 the car. (Flores) is unable to ID the guy, positively ID him as our primary  
618 because, uh, they can't see him or sideways and angle, or whatnot, I don't  
619 know. But he said the driver has - you know he has a shaved head, did not  
620 have long hair kind of thing. Can't call positive ID on the face. And the  
621 determination was made with these two guys who just came in, pulled up in a  
622 stolen vehicle, come back - because they pulled up in a stolen - pulled up in  
623 front of the house with a stolen car, walked into the house, and were there for  
624 I don't know how long. No more than probably 10, 15, 20 minutes or maybe  
625 more, I'm not sure. Um, the determination was made after these guys went  
626 out, get in the car, we're going to go with the car, follow the car. And that's  
627 what happened.  
628  
629 Q: Tell me how that went.  
630

631 A: Okay. So they come out get in their car. Um, point called they're way  
632 northbound on a primary street on Mount Shasta. (Cossey) is the takeaway  
633 car. From my position, I parallel in the next block west, northbound. And I  
634 mean we're pretty short staffed for doing a surveillance, any kind of  
635 surveillance. I think we only had four cars. And (Cossey) picks up the car. I  
636 kind of don't remember the street.

637  
638 Q: No, I don't...

639  
640 A: If you had a map, I could draw it for you. But, um, yeah, he had the car and  
641 started staying on the car. And my partner and I are in the next car in line of  
642 the surveillance. And let's see, what point did we get visual of the car? We  
643 lost the car probably two to three times I think during the entire surveillance.  
644 Um, the car pulls up at Clayton at a neighborhood out of Mount Shasta. And  
645 so going northbound on Clayton towards Story. And my partner and I, we  
646 pulled up to Clayton. We (unintelligible) to the car, so we like, automatically  
647 moved the car. So we told somebody hey, go check the Quick Stop just in  
648 case he just went to Quick Stop, grabbed something. We'll go there. So we  
649 ended picking up the car northbound on Clayton. Uh, the car - the first time he  
650 encounter the surveillance, he pulls into a left hand turn pocket at, um, oh god,  
651 Hendrix maybe. I'm not sure of the street. I think it was Hendrix, I'm not sure.  
652 So pulls into a left hand turn pocket, went and pull behind him, set for left  
653 hand turn. He pulled a crazy eyes and just turned - decides he's not going to  
654 make a left hand turn, just straight to Clayton and Story. So now, we're the  
655 only surveillance car. So we kind of have to put out immediately, he's going  
656 northbound, you know mixing it up. And I'm telling somebody to catch up to  
657 him because we can't do the same thing he just did. It's just an old  
658 (unintelligible). So he turned left and looped back around after that two other -  
659 I think it was (Cossey) and (White). Went tail, lose the car briefly. And the car  
660 ends up going eastbound on Story Road from Clayton and goes up into that  
661 neighborhood. So we picked up the car after losing it for a short period of  
662 time. The driver is not - he's not driving erratically or fast, or anything,  
663 obeying the rules of the road. But I don't know, it's just weird because he had  
664 to know he was being followed, because we only had three - three cars in the  
665 tail, and we have (unintelligible) I mean we're cops. So (unintelligible). So we  
666 follow through that neighborhood. And at one point on East Hills, we actually  
667 go head-to-head with him, behind the sergeant's car, which our sergeant's car  
668 is a white Chevy Tahoe, and had a blackout rims. So I mean, that's - there's  
669 no mistaken it might as well just say police on the side of it. So we go like this  
670 on East Hills, starting in front of us, and stolen coming right at it. And it's  
671 like, yeah, that suck. And meanwhile (Cossey) and (White) were still behind  
672 him going westbound East Hills I want to say a longer - I believe it was  
673 longer, I'm not sure. Straight for northbound on. Um, we ended getting back  
674 in the tail. And the crooks turned, decided to turn a U-turn and come  
675 southbound along our way. We were coming northbound. That was at (Allen

676 Rock). Okay. We were not sure, it's probably like 10 or 15 other turns I'm  
677 missing, but. So we do another head-to-head past (Slow Creek). And my  
678 partner ID's him, okay, positive ID that's him. So we put that out on the radio.  
679 And we lose the car, goes all the way back down to East Hills. And sergeant  
680 picks up the car and goes west on East Hills, and then south on to another  
681 street on to Gerald and whatnot, and they're following car through a few more  
682 blocks and whatnot, while my partner and I are trying to get back in it  
683 basically. And um, let me see what happened next. Sarge put out on the radio,  
684 hey, you know, if we can find a safe spot, let's try to stop the car, I think.  
685 Because nobody lit him up, he's not speeding, he's not driving fast, I mean  
686 he's just - he seen the same four cars is following. So...

687  
688 Q: He's toying with you.

689  
690 A: Yeah, obviously. You know, but in my mind, you know, kind of it's heated  
691 up. And I still don't understand why he didn't just take off, you know, way  
692 back, you know, 25 turns. I don't understand why that's usually what happens.  
693 So you know, he will just take off and we're not allowed chase. So and we  
694 just leave it at that. Um, but yeah (unintelligible). You guys are ready for the  
695 meat and potatoes or...

696  
697 Q: Let it on, me...

698  
699 A: Okay, here it comes. So while I - um, my partner and I are on Gerald and  
700 they're a couple of blocks north of us, we're trying to catch up into it, they say  
701 they're southbound - I don't remember the street, heading towards Gerald,  
702 around Gerald. So we end up - here's another thing that just doesn't make  
703 sense. We end up in front of the suspect's vehicle on Gerald. And...

704  
705 Q: So is he pulling behind you or...

706  
707 A: Correct.

708  
709 Q: Okay.

710  
711 A: And I don't understand ho - I don't understand why he's doing it that way,  
712 because there are no cops that way. And we passed right in front of him on  
713 Gerald, and we could see at the block, you know, here comes the white  
714 Honda. And pulls in behind us. And I know the other guys are behind his car,  
715 somewhere out there. So he pulled in behind us. Sarge put out a, you know -  
716 he's now westbound on Gerald and whatnot, and you know, you haven't seen  
717 him? I mean, he's right in the rearview. So he - the stolen car starts to uh -  
718 starts to not really panic a little bit, but he's kind of gone up, you know. He  
719 has to see our car. I mean, he sees us in front of - and he tries to pass us. And  
720 I'm driving. I don't let him pass. I'm slowing down, and we're kind of doing



721 this thing.

722

723 Q: How fast were you going?

724

725 A: Um, probably 25 miles an hour this long. And he's slowing. None of this was  
726 - it was not fast speed at all until the very, very end, when he started driving of  
727 the cars. But slow, slow, slow. Um, I said, okay, right there, right there. You  
728 know, let's walk it in somehow. So, we're kind of doing like a slow little  
729 dance. And at one point on Gerald and he like, the suspect car pulled up kind -  
730 kind of to the passenger side of my car. So I blocked him up off. And stop,  
731 I'm going to stop now. So - and at that point, I'm waiting for - this is the kind  
732 of weird part. But I mean, I was expecting for some kind of impact from the  
733 suspect's car being pushed - or not pushed, but you know, blocked in from  
734 one of our vehicles.

735

736 Q: And is it typical you guys do (unintelligible) or something like that or no?

737

738 A: Um, is it typical that (unintelligible)?

739

740 Q: Actually, is it a practice that you guys uh, employ those?

741

742 A: Yeah, it can be the tactic, yeah.

743

744 Q: Okay.

745

746 A: Um, the sergeant's car was the next car up. And it's weird, I think my car is  
747 the only car that he hit. So my - my car stopped and pretty much seatbelt is  
748 coming off, because I'm inches taken the guy in the foot bail or he's going to  
749 try to maneuver his way out, or who knows what he's going to do. So anyhow,  
750 um, so I hear - let's see - boom, boom - I hear two car collisions behind me  
751 rather fast. So I hear a crash, and I hear another crash. And I'm getting out of  
752 my car. And I see the crashes. They're behind me. And I get out and look, and  
753 I still don't see the suspect's car. So he's kind of like behind me on the  
754 passenger side of my car. Um, when I first see the suspect's car, he was  
755 backing into a parked minivan on the side of the street. So that would be on  
756 the south side of Gerald. It looks like a blue - blue minivan. So he backs into  
757 that. And he's obviously - I mean, he's obviously trying to get out. And uh,  
758 let's see. Hits that parked car, and then positions himself eastbound on Gerald.  
759 And I think that's why I could see uh, (Bruce) on the passenger side of the  
760 suspect's vehicle. And he fires one round. Um, so one bog. And the car  
761 continues maybe one house - one house away from where he smashed into the  
762 minivan, and comes to rest against another parked vehicle. In the meanwhile -  
763 meanwhile, I'm running - when this whole thing is happening, I'm running up  
764 to the passenger side of the suspect's car. I see there's Officer (White) and my  
765 sergeant are on the driver's side. The passenger - front passenger of the

766 suspect's vehicle, his hands are up on the roof. Um, I look into the passenger  
767 side of the suspect's vehicle, I see the driver's, um - it looks like he had an  
768 exit wound, um, below his right ear, an entry - like I said, wound. I feel I've  
769 seen brain matter coming out, I've seen brain matter in the car, I've seen brain  
770 matter on the front right passenger. I got to the door and tell - I tell uh, Officer  
771 (White) to pull the passenger up. Um, so the passenger - he's wearing his  
772 seatbelt even. Um, actually I think they're both wearing their seatbelt. I told  
773 (unintelligible) reach over - under your seatbelt real quick. And so he undo -  
774 he undo the seatbelt. I get a hold of him, take him to the ground, face plant, I  
775 handcuff him up. I think Officer (Cossey) - I think (Cossey) took him, I'm not  
776 sure. Either (Cossey) or somebody else on our team. Uh, I walked back to the,  
777 uh, suspect, driver in the car. And I see Officer (White) is still standing there.  
778 He's on gun. I just told him, hey, you know, you're off gun, this guy's done.  
779 And uh, I reach - I reach in, let's see - reached into the passenger side of the  
780 suspect's car. And I said hey, I'm just going to check the pulse. And with my  
781 two fingers, tried to find the pulse on the neck. And he didn't have pulse. He's  
782 one attached. Uh, I mean, this is obvious sign that, you know, he was dead.  
783 And I let my sergeant - hey, the guy is dead. No pulse in this guy, not  
784 breathing, he's dead, he's got brain matter on him, you know, in the car, looks  
785 like around him, you know, on his head. And uh, what else? I believe that's  
786 pretty much it for the...

787  
788 Q: All right. What I'd like you to do, and I'm going to relive this again, but this  
789 time I'd like you to draw basically the event in how it ended on Gerald, how  
790 the vehicles were. Um, and then we'll kind of talk to the motion again and  
791 wrap a few things. If you could probably just like draw the street, how it was,  
792 and then we'll just - for the sake of purpose we'll make this westbound on  
793 Gerald and anything about that.

794  
795 A: All right. I'm just going to draw the curve in the road here. Oh, man, let's see.  
796 You want everything at the point we're at in?

797  
798 Q: Pretty much and then we'll fit in with that one.

799  
800 A: Okay.

801  
802 Q: Like when you guys wanted to do the jam. So you said you guys were in front,  
803 uh, suspect vehicle in the middle, (Archer) in the back.

804  
805 A: Yeah.

806  
807 Q: So let's just kind of lay it up like that and how everybody else kind of came in  
808 the plan.

809  
810 A: Okay. So this one part, everything else - like, back here. So we're slowing,

811 slowing, slowing. And gosh, I don't remember how many parked cars were on  
812 the street. But...

813

814 Q: That's fine.

815

816 A: ...I can give roughly lay out of it.

817

818 Q: Kind of just, if you would, just detail kind of your train of thought with parked  
819 cars in mind with that.

820

821 A: My train of thought?

822

823 Q: You guys were going to try to stop, and you said you want to block him in.

824

825 A: Yeah. I know there were parked cars on Gerald here. I mean, I'm going to  
826 draw it down but I don't remember exactly where they were. I mean, I can  
827 draw...

828

829 Q: Did any of them come into play in your plan for trying to block in the vehicle?

830

831 A: Um, at that point, no, because the crook - I mean, I'm sorry, the uh, suspect  
832 vehicle, it was - you know, we're doing the snake down the road. So I was  
833 thinking, I think I'm going to pin him in to this parked car, I can try do that  
834 and he'll be on this side when I do that, you know what I mean? I don't know  
835 if that makes sense but, okay. Do you want me to label these or...

836

837 Q: Uh, yeah, put - start with yours - this is yours - which one was yours.

838

839 A: What do you want me to label mine?

840

841 Q: Uh, just put the - that's the parked car?

842

843 A: Yeah, that's the minivan he cracked into.

844

845 Q: Okay. It's a parked van. (Susman Fields)? (Unintelligible)?

846

847 A: Yeah.

848

849 Q: That's the other one?

850

851 A: Yeah that's one, yeah.

852

853 Q: And just to the best of your recollection, can you define, um, just by putting a  
854 triangular point as to which way the...

855

856 A: Oh directions, you want them...  
857  
858 Q: Yeah.  
859  
860 A: Okay.  
861  
862 Q1: (Unintelligible).  
863  
864 Q: All right. Now, let's run through it again with the suspect vehicle being in  
865 between you and Sergeant (Archer).  
866  
867 A: Okay. So I slowed down. The suspect vehicle...  
868  
869 Q: And that's if you would like - you can draw these pins in here as well, and  
870 we'll just kind of use lines to get back to here.  
871  
872 A: Okay. Um, he was on this. Initially, he was on this side. You want me to draw  
873 his partner?  
874  
875 Q: Yeah, that's fine.  
876  
877 A: After this, I can't tell you because I didn't see it.  
878  
879 Q: Okay.  
880  
881 A: I only heard it. What I did see was him back into this part.  
882  
883 Q: Okay.  
884  
885 A: You want me to draw some lines?  
886  
887 Q: No, we can just - let's just draw a line. We'll just hit it between there and here.  
888 I mean you didn't - you didn't see any of this, but he ends up this way,  
889 correct?  
890  
891 A: Correct.  
892  
893 Q: So let's just draw a line.  
894  
895 A: So I don't know if he went this way, or this way, or that way, you know what  
896 I mean?  
897  
898 Q: Okay. Uh, and then...  
899  
900 A: Do you want me to start my line right here?

901  
902 Q: Just start your line right there.  
903  
904 A: Okay. So he smashes back in this direction, into this parked car. Actually  
905 moved this thing. So he's backing, crashes into this (unintelligible). And that's  
906 pretty much...  
907  
908 Q: Okay.  
909  
910 A: ...exactly how it went down. Smashes it - smashes in this car, and moved it. I  
911 mean, tagged this car while he was moving pretty fast. I mean, he messed it up  
912 pretty good. The whole van just...  
913  
914 Q: The whole thing moved. This moved.  
915  
916 A: Yeah. Um, doesn't even turn. And I'm going to say (Bruce)...  
917  
918 Q: Just put a mark if (Bruce) was - just put B wherever he was.  
919  
920 A: Oh okay. (Unintelligible) actually. Sorry it's not to scale. And look at that. It  
921 looks probably not accurate. Um, I know there was one like, over here, but it's  
922 far kind of right down here. (Jeremy) wasn't right next to the van, he was after  
923 the van, so that would be the setup at this point. I know he's been following  
924 around and he's shocked. So that's probably somewhere in this area.  
925  
926 Q: Okay. And where was the suspect vehicle in relation to (Bruce) when he shot?  
927  
928 A: Uh, parallel.  
929  
930 Q: That's about even one from that?  
931  
932 A: I don't know if that's even or not. But...  
933  
934 Q: But basically driving in his direction?  
935  
936 A: Oh yeah.  
937  
938 Q: And from your vantage point, from here, you said you were just getting out of  
939 your car, right?  
940  
941 A: Yeah. So I exit my car. And everything I see is while I'm moving. So I want  
942 to say I was even up on the sidewalk at one point on my approach to this car.  
943  
944 Q: When did you first see (Bruce)?  
945

946 A: Um, you know, I first saw (Bruce) when he - I mean, he planted his feet and  
947 actually - I mean, he was in a shooting stance, planted his feet, and fired on -  
948 fired first on.

949  
950 Q: Okay. So you saw he was already planted?

951  
952 A: Yeah, he was planted. So I mean, I don't - I don't know where he came from.  
953 He just phew, and there's (Bruce), you know, one shot, you know, dead.

954  
955 Q: And after you heard the shot, what did (Bruce) do?

956  
957 A: Um, you know what, I'm not positive. I might have heard - I saw that (Bruce)  
958 fired, and I saw you know, he was all over, he was okay. So I focused on right  
959 back to the car, from stepping, you know, this guy, phew, to jump out or  
960 whatever. So I was trying to watch what the car was doing.

961  
962 Q: Okay. So when the car was driving - so (Bruce), it appears that he was driving  
963 at (Bruce)?

964  
965 A: Um, you know, when - when I saw the - the incident happened from my  
966 vantage point, I couldn't tell if - you know, I couldn't tell where (Bruce) came  
967 from, or you know what I mean? So when I first saw him, it was like - you  
968 know, he was taking his round, he was taking the shots at the car. That's when  
969 I saw him.

970  
971

972 The transcript has been reviewed with the audio recording submitted and it is an accurate  
973 transcription.

974 Signed \_\_\_\_\_