

INTERVIEW WITH OFC. WHITE

Q=Sgt. Carrasco

Q1=Sgt. Owens

A=Ofc. Michael White

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Q: (Unintelligible).

A: (Unintelligible).

Q: (Unintelligible) tried to do a long time ago. You good? You need a water or anything like that?

A: No, I'm good right now. Thank you.

Q: Okay, today is March 19, 2013. It's approximately 4:06 in the morning. My name is Sergeant Carrasco. This is Sergeant Owens of the Sheriff's Office. We're going to be conducting sheriff's case 13-077-0391E as in Edward. And we're in, um, interview room 3D Investigation. And we're speaking with, first name.

A: Michael.

Q: Michael -- M-I-C-H-A-E-L?

A: Yep.

Q: Last name?

A: White, like the color.

Q: Okay. And your badge number?

A: 4104.

Q: 4104. I know it's been a long night or a long morning.

A: Mm-hm.

46 Q: Um, but you have - had the opportunity to consult with the city attorney prior
47 to this interview?
48
49 A: Uh, is that the guy that they sent to come talk to us? Yeah.
50
51 Q: Okay.
52
53 A: Yeah.
54
55 Q: And you had ample opportunity to talk with them earlier.
56
57 A: Yeah.
58
59 Q: Okay. And you're okay with talking with us today.
60
61 A: Mm-hm.
62
63 Q: All right.
64
65 A: Yes.
66
67 Q: And, uh, just it goes without saying, uh, you're under no obligation to answer
68 any of our questions. So, if you feel that we've asked something that you
69 chose not to answer it's certainly your right. All right?
70
71 A: Okay.
72
73 Q: Um, the interviews going to ask - we're going to start the interview by sort of
74 just asking some questions about your previous work history assignments and
75 then, uh, - and then we'll get into the data again. All right? All right, um, let's
76 see here, just for the record what - where do you work?
77
78 A: The City San Jose?
79
80 Q: San Jose Police Department?
81
82 A: Yes.
83
84 Q: Okay. And how long have you been employed there?
85
86 A: About five years.
87
88 Q: And prior to, uh, to working at San Jose Police Department do you have any
89 prior law enforcement experience?
90

91 A: No.
92
93 Q: Okay. What did you do before you got hired on with San Jose?
94
95 A: I was a student.
96
97 Q: What college?
98
99 A: University of the Pacific.
100
101 Q: UOP?
102
103 A: Mm-hm.
104
105 Q: And what is your current assignment?
106
107 A: I'm currently assigned to the Metro Unit.
108
109 Q: And are you assigned to any specific team on the Metro Unit?
110
111 A: Team 1.
112
113 Q: Okay. And do you have certain team members?
114
115 A: I do.
116
117 Q: Can you name them, please?
118
119 A: Uh, we just had shift change, but it's going to be, uh, Mike Pifferini, Yvonne
120 De La Cruz, Neil Cossey, Todd Anderson, Eric Bachmann, myself, Bruce
121 Barthelemy, Adam Flores and, uh, Sergeant Archer.
122
123 Q: Sergeant Archer?
124
125 A: Yeah.
126
127 Q: Okay. And, I'm sorry, tell me again how long you've been with the unit.
128
129 A: Uh, a year.
130
131 Q: One year. And what are your work hours?
132
133 A: Uh, 10:00 to uh 20:00.
134
135 Q: Okay. And what are your normal workdays?

136
137 A: Sunday through Wednesday.
138
139 Q: Sunday, Monday - all right. And your days off would then be?
140
141 A: Thursday, Friday, Saturday.
142
143 Q: Okay, thank you. So, let's - I'm just going to back up a little bit. Um, you
144 started your shift on Sunday then, would have been a - your first day?
145
146 A: Yeah.
147
148 Q: Okay. And did you start at 10 o'clock that morning?
149
150 A: Mm-hm.
151
152 Q: All right. And did you, uh, get off shift at 8 o'clock or did you...
153
154 A: Yeah about - about 8 o'clock.
155
156 Q: Okay. And do you currently live within the city limits or out of town?
157
158 A:
159
160 Q:
161
162 A: Yes.
163
164 Q: And after your shift on Sunday night, what time do you think you got home?
165
166 A: About 8 o'clock.
167
168 Q: By 8 o'clock?
169
170 A: On Sunday night? Yeah.
171
172 Q: Okay. But you get off at 8:00 right?
173
174 A: Oh yeah, I mean, it's about a five-minute drive from (unintelligible).
175
176 Q: Close.
177
178 A: Yeah.
179
180 Q: That's real close.

181
182 A: Yeah - yeah.
183
184 Q: Okay. And, um, I'm just going to go through some of our listed questions
185 here. Do you remember when your last meal was on Sunday?
186
187 A: When I got home, so about 8:30, 9:00.
188
189 Q: Okay. And do you remember what time you went to bed that night?
190
191 A: Mm, probably around 10:30.
192
193 Q: Okay. And what time did you wake up on Monday morning?
194
195 A: I woke up at around 8:00 am.
196
197 Q:
198
199
200 A:
201
202 Q:
203
204 A:
205
206 Q: All right. Moving onto your uniform. Do you have a specific uniform that you
207 usually wear in Metro?
208
209 A: We have multiple uniforms...
210
211 Q: Okay.
212
213 A: ...that we wear.
214
215 Q: Can you describe those multiple uniforms?
216
217 A: One is a full - we call it the blacks. It's a black BDU.
218
219 Q: Okay.
220
221 A: Um, sometimes we'll be in class A uniform, which is our blue uniform. And
222 then, so that's when we're working undercover, so black clothes.
223
224 Q: It just varies on the assignment.
225

226 A: Yeah.
227
228 Q: Okay. On Monday did you have a specific attire then that you dressed in?
229
230 A: Yeah, plain clothes.
231
232 Q: Okay, on Monday, plain clothes. And do you remember what you were
233 wearing as far as the plain clothes? Can you describe those clothing for me?
234
235 A: Yeah, it's what I have on now.
236
237 Q: Okay.
238
239 A: I have on a black shirt, blue jeans, and white shoes.
240
241 Q: Black shirt, blue jeans. And were you wearing that jacket?
242
243 A: Um, off and on today. I had it with me, yeah.
244
245 Q: Okay. And I noticed that you were wearing glasses.
246
247 A: Yeah.
248
249 Q: What kind of prescription glasses are they?
250
251 A: Brand? Uh, I don't - I don't wear glasses.
252
253 Q: What about the prescription of your glasses?
254
255 A: Oh, I have no idea.
256
257 Q: Nearsighted, farsighted?
258
259 A: I'm nearsighted. I can't see far...
260
261 Q: Okay.
262
263 A: ...well.
264
265 Q: Right. You don't also wear like contacts or - okay. And you - and you always
266 wear your glasses?
267
268 A: When I'm driving and I'm at work, yeah. Not every second of the day though.
269
270 Q: Tell me about your duty gear. What - when you wear plain clothes assignment

271 on Monday?
272
273 A: Um, I had with me in the car I had my bulletproof vest, my, uh, gray vest,
274 which had my - it had police on it and my name on it, and then I have my - my
275 badge around my neck and my gun on my hip in a holster.
276
277 Q: What kind of holster? Uh, is it like a plastic holster or...
278
279 A: It's fine op - fine op. It's a plastic holster that's high on my hip.
280
281 Q: And um, do you also carry any handcuffs or OC spray?
282
283 A: Yeah, they're in my car.
284
285 Q: Okay. And what kind of firearm do you carry?
286
287 A: GLOCK 21, .45 cal.
288
289 Q: And do you carry any other weapon? A backup weapon or a smaller GLOCK
290 or...
291
292 A: No, no.
293
294 Q: Is that GLOCK issued by the department?
295
296 A: No, it's my personal gun.
297
298 Q: Do you carry any backup magazines with you or is that on your attack vest?
299
300 A: I have some in the vehicle. I actually have three backup magazines in my
301 vehicle.
302
303 Q: Okay.
304
305 A: Still it was all I had.
306
307 Q: How is your raid vest set up?
308
309 A: Uh, my attack vest or my raid vest?
310
311 Q: Uh, what was you wearing last night?
312
313 A: I wasn't wearing - my vest was in the car. It was in the backseat. It wasn't
314 physical - like I'm sitting in the car. I had it in the backseat ready to put on,
315 but...

316
317 Q: Okay, the one you had, how is that set up?
318
319 A: It's got a badge, my name, police on the back, and, uh, it's pretty light. It's
320 like a - it had a pouch for my radio.
321
322 Q: Is it ballistic or just mesh?
323
324 A: Just mesh. Uh, I had my bulletproof vest right by it, so if I had to grab, you
325 know, I'd put on...
326
327 Q: Yeah, throw them both on.
328
329 A: Yeah.
330
331 Q: Do you have any equipment on your vest?
332
333 A: My raid vest, no.
334
335 Q: Okay. All right. Why don't you take me to Monday when you reported to
336 work, what happened, and if there was any briefing that you had and if you
337 went out for lunch and sort of just continue on from there out?
338
339 A: Um...
340
341 Q: What time did you report to work?
342
343 A: 10:00 am.
344
345 Q: Okay.
346
347 A: Briefed in the office at 11:00. We were told about doing a, uh, follow up for
348 Officer Cossey. We went out to lunch as a team. And, uh, then we met up
349 around, uh, 1600 as a team to brief the op.
350
351 Q: Uh, you reported to work at 10 o'clock you said?
352
353 A: Yeah.
354
355 Q: And then you briefed at 11:00. What'd you do from 10:00 to 11:00?
356
357 A: Um, the guys separated around the apartment. Uh, got a quick workout in.
358
359 Q: Okay.
360

361 A: Got my equipment ready for the day. Cardiac stuff, just more that end stuff.
362
363 Q: All right. Um, and at the briefing at 11 o'clock, was that - who, uh, had - who
364 held that briefing?
365
366 A: Sergeant Archer.
367
368 Q: Okay. And do you remember how long that briefing was?
369
370 A: Um, it was our first official briefing of the shift, so it was a little longer. You
371 know, probably about hour, hour and a half because we have a new guy on the
372 team - new members on the team that had been there for the shift, so just
373 going over expectations for the shift and stuff.
374
375 Q: Okay. And then you had mentioned also talking about some of the things
376 Officer - I can't remember his name - Cossey?
377
378 A: Cossey.
379
380 Q: Cossey. You talked about something that he was working on?
381
382 A: Yes. He had something to work on currently. He had to get off from work.
383
384 Q: And then you broke and went to lunch with the team?
385
386 A: Yes.
387
388 Q: Where'd you go to lunch?
389
390 A: Chipotle.
391
392 Q: And did you order something to eat?
393
394 A: I did.
395
396 Q: What'd you order?
397
398 A: I had a bur - chicken burrito.
399
400 Q: Um, you said you reconvened for another briefing at 1600 hours?
401
402 A: Correct.
403
404 Q: What'd you do between after lunch and then the briefing?
405

406 A: I prepped for my own upcoming op.
407
408 Q: Okay. And was that back at the office?
409
410 A: It was, yeah.
411
412 Q: Okay. And at 1600 where'd you meet? Was it at the office or was it in the
413 field?
414
415 A: It was out in the field.
416
417 Q: And take me through that.
418
419 A: Um, what was it? Um.
420
421 Q: What do your recall?
422
423 A: Driving a black and white crossfit. It's like Mount Pleasant. It's across the
424 street from the 7-Eleven. Mount Pleasant there.
425
426 Q: Okay.
427
428 A: And I think it's the Elks Lodge or Moose Lodge, or I don't know. One of
429 those things, but that parking lot.
430
431 Q: And if you can remember the whole entire team attended this briefing? Well
432 not the whole entire team. The team met - why don't you tell me...
433
434 A: Yeah.
435
436 Q: ...who attended that one.
437
438 A: It was, uh, Sergeant Archer, Cossey, Pifferini, De La Cruz, myself,
439 Barthelemy, and Flores.
440
441 Q: And there was anybody on vacation that wasn't there?
442
443 A: Yeah. Bachmann and Anderson were out today.
444
445 Q: Okay. And what do you recall at that briefing? Who put it all and who talked?
446
447 A: Um, Cossey put it on. Started out with shifts and supervisors.
448
449 Q: Okay, and was there an ops order that was distributed?
450

451 A: Is that like an ops plan?
452
453 Q: Yeah. And every - everybody in the team got an ops plan?
454
455 A: Yeah.
456
457 Q: And Cossey went over that...
458
459 A: Mm-hm.
460
461 Q: ...that ops plan? What do you remember about specifics? But what do you
462 remember about the ops plan?
463
464 A: Um, what you were going to be doing, who you were going to be - uh, so
465 Cossey received the information that subject, uh, (Makea) was possibly
466 involved in a homicide, and was driving around in a stolen vehicle, and we're
467 going to, uh, kind of wait around a known address for him.
468
469 Q: Okay.
470
471 A: And see if he showed up.
472
473 Q: And, uh, was that homicide a recent homicide or was it a...
474
475 A: It was. Yes. It was - it was a recent homicide.
476
477 Q: Do you remember how recent?
478
479 A: I think last, uh - last Monday, so...
480
481 Q: So almost a week.
482
483 A: ...like a week.
484
485 Q: Okay. And um, in that briefing did they talk about any officer safety concerns
486 or any violent tendencies of this person, suspect had in his background?
487
488 A: Um, yeah. We went through all those standard checks for the ops plan, officer
489 safety issues.
490
491 Q: Okay.
492
493 A: Threat assessments, stuff like that.
494
495 Q: Okay. And um, did he talk about sort of the goal of the surveillance, what you

496 - what you guys wanted to accomplish or...
497
498 A: Yes.
499
500 Q: Can you touch upon that a little bit?
501
502 A: Uh, if I remember correctly it was to, uh, observe so that he had tried to arrest
503 him on an on view charge possibly today by tomorrow.
504
505 Q: Okay. Um, did you talk about whether that was going to be at the residence or
506 away from the residence?
507
508 A: Away from the residence.
509
510 Q: Okay. Do you have a partner that's assigned to you?
511
512 A: I do.
513
514 Q: Who would that be?
515
516 A: That would be Officer Bachmann who was on vacation.
517
518 Q: Okay. And, um, maybe just backing up a little bit. Uh, were you assigned a
519 vehicle out of that shift?
520
521 A: I was.
522
523 Q: Okay. Do you remember vehicle that was?
524
525 A: It was a green Nissan Altman.
526
527 Q: Is this your normal car?
528
529 A: No, it's not assigned to me.
530
531 Q: Okay.
532
533 A: It's not - yeah, it's not assigned to me, but it was available to us if we need it
534 for certain operations.
535
536 Q: Okay. Um, who chooses the cars? The sergeant or do you just go pick up -
537 pick it out of the wall?
538
539 A: Just kind of depends on the mission. Sometimes sarge will tell us if he wants
540 us in a particular car. Uh, sometimes it's just kind of depends on the mission.

541
542 Q: Okay. Would be - for this particular...
543
544 A: I picked out this car today, yeah.
545
546 Q: Oh, okay.
547
548 A: Yeah.
549
550 Q: Um, do you remember did you have a partner that day or were you riding
551 solo?
552
553 A: I started the day with Officer Cossey when we went to lunch.
554
555 Q: Okay.
556
557 A: Both of our partners were around town, so we teamed up just in the morning.
558
559 Q: And then after lunch you went back to the office to do some paperwork on an
560 ops plan you had coming up?
561
562 A: Yeah.
563
564 Q: And then when you left the office to go to the 1600 briefing, did you go with
565 anyone?
566
567 A: I was by myself.
568
569 Q: Okay. Do you remember if anybody else in the team had partners or drove
570 with other people?
571
572 A: Um, I think Cossey drove De La Cruz to the meeting spot to meet up with her
573 normal partner, which is Pifferini. She didn't - they didn't really have - uh, or
574 she didn't have a car or something like that. Um, and I think Flores and
575 Barthelemy were together, and then sarge drove alone, too.
576
577 Q: Okay. And during the, uh, discussions of the ops plan did you have a specific
578 assignment?
579
580 A: I did.
581
582 Q: What was that?
583
584 A: That would be the westbound car if we were to tail them out of there.
585

586 Q: And do you remember where you were sort of set up when this - when the
587 operation started?
588

589 A: I was on McKinley - (Mount McKinley) east of the target street.
590

591 Q: Okay. And can you take me through our office order or once the operation
592 started?
593

594 A: Um, Flores was set on point, um, and I think I - I don't remember exactly how
595 long it went, but eventually (Perez) put out a vehicle that had arrived at the
596 house. Put out a vehicle. Um, vehicle came back as a stolen vehicle. Flores
597 said that the driver of the vehicle was a possible on our primary subject Mejia.
598 But he, uh, he said it was only a possible and looked like the guy had cut his
599 hair or it would only be - something about his hair. He said something along
600 the lines of, hey this - I don't - he's a hippy - unless he cut his hair it's not his
601 type of thing, cause in our - our intel was that originally he had large long
602 hair. So, this subject was wearing a hat and looked like he had a shaved head.
603

604 Q: Okay. And then the ops - or the ops plan that you had there was a photograph
605 of the subject?
606

607 A: There was.
608

609 Q: All right.
610

611 A: Yes.
612

613 Q: And then what happened after that?
614

615 A: Um, so the vehicle arrived. The subject driving and then a passenger - front
616 passenger got out of the car, went inside the residence. Uh, a short time later
617 same two people left the residence, came back out, entered the vehicle and
618 then backed out of the driveway and they took off northbound on Mount
619 Shasta.
620

621 Q: And, um, what happened next?
622

623 A: Uh, I think Officer Cossey, uh, picked up the vehicle and, uh, followed them,
624 started to follow them out. I think De La Cruz and Pifferini were the next
625 vehicle and, uh, I was trying to play catch-up and catch-up to where their
626 location was. I don't know the exact streets they went, but they eventually
627 came out on Clayton and then - and they, uh, I think they turned northbound
628 onto Clayton towards Story Road. The vehicle - uh, somebody lost the
629 vehicle, I don't remember who exactly, but the vehicle disappeared or
630 something for a short time, a few - few seconds and then I picked up the

631 vehicle on Story Road.
632
633 Q: Okay.
634
635 A: Going eastbound on Story.
636
637 Q: And, um, during this time, uh, were the - was your team communicating on
638 police radios or...
639
640 A: Yes.
641
642 Q: Okay. Um, those in the car or on separate?
643
644 A: Uh, they are - mine was separate. Some were built in the car.
645
646 Q: Okay.
647
648 A: So, mine was just my hand-pack radio.
649
650 Q: All right. And, uh, you said you picked up the vehicle out Story and what was
651 the cross?
652
653 A: Just - I - just, uh, just east of Clayton.
654
655 Q: Okay. And what happened next?
656
657 A: Followed the vehicle a little bit more. Uh, eastbound on Story. They make a
658 left turn, I can't recall the name of the street.
659
660 Q: That's fine.
661
662 A: Um, they start just driving around for a while. You know, they're not doing
663 anything out of the ordinary, just driving around. I - they do a couple turns, I
664 pass the vehicle off to Cossey I think, who was next. Um, Cossey follows
665 them then I loop around, join back into the tail. Um, and they start heading
666 towards (Wag Road) over the East Hills (unintelligible) or something like that.
667 Uh, a car - I ended up pass - Neil passes it off to me again on East Hill. I take
668 the car and he does like a - does like a U-turn on East Hills, so I ask - pass it
669 off to Pifferini and De La Cruz. Um, and then I don't remember where -
670 where it ends up going next. I think it ends up - or - all I know is Sergeant
671 Archer ends up finding the vehicle. I don't - I don't exactly who passed it off
672 to who, but so kind of just in the area I'm sure. Sergeant Archer finds the
673 vehicle and gets behind it. And then, uh, I end up being right behind Sergeant
674 Archer. After a couple three turns I find him and then I'm behind Sergeant
675 Archer on tail.

676
677 Q: So he was (unintelligible)?
678
679 A: Yeah. On the street - on the street he saw that I was following him, like he just
680 kind of looked at me and he (unintelligible).
681
682 Q: Right. And if you're not familiar with the area.
683
684 A: Yeah, it's - yeah.
685
686 Q: Was there some point, uh, during the - the - the tails or the vehicles following
687 the suspect vehicle, was there any communication on the green (unintelligible)
688 as to, um, the suspect possibly knowing that he was being followed?
689
690 A: Yeah, um...
691
692 Q: Potential for that?
693
694 A: ...I think - I think Cossey put out, um, something on the radio saying like he's
695 - so he's doing counter-surveillance. And then I put out when, uh, when I was
696 going down East Hills and he did that U-turn...
697
698 Q: Mm-hm.
699
700 A: ...I get on the radio and I said, "Yeah, he looks like he's definitely doing
701 counter." And I was like to us it looked like he definitely, you know, has us
702 made.
703
704 Q: Mm-hm.
705
706 A: He knows we're cops.
707
708 Q: Um, but you had said that he wasn't speeding or it wasn't - he was following
709 all the traffic laws?
710
711 A: Yeah. No, it was fairly unusual and that's - I - I personally have not had an
712 experience like that where the guy driving is - if you think that they know
713 you're a cop they usually will start driving fast or driving erratically. In fact,
714 he was more - I don't know - felt - I mean, to me personally, the way I was
715 looking at it is like, yeah is this - the way he was driving makes it feel and
716 you're like he doesn't know for sure we're cops just yet. Like he was trying to
717 read us out.
718
719 Q: Yeah.
720

721 A: And kind of get a feel for us. I mean, that - I - and then it - I think it finally
722 clicked in his head. Like, I think he finally - when he did that U-turn, I know I
723 - he looked like he looked face-to-face with me. You know, I know he's
724 probably seen my car before.
725
726 Q: Sure.
727
728 A: He's all like - not like - we don't like - I think we had three or four cars in the
729 tail. So, it's not like he's not a savvy, uh, you know, savvy guy. I'm sure
730 he's...
731
732 Q: At some point there was a decision made to make a car stop.
733
734 A: Uh yeah, Sergeant Archer put out a - so make a car stop.
735
736 Q: Okay. Um, when that happened or prior to that happening could you just
737 guesstimate how long you guys were following him through the neighborhood
738 and was it...
739
740 A: I think the car stop was actually initiated...
741
742 Q: Well from the - from the time that he had left the residence and you started -
743 the team started following him and to the point where the Sergeant finally
744 made a decision to make the car stop?
745
746 A: I mean...
747
748 Q: Was it...
749
750 A: ...it seemed longer than it probably was, just cause, you know, if I - if you
751 replay it, I mean it couldn't have been more than - I think it - it - like I said, it
752 seems like an eternity but it was probably like 5 minutes, 5 to 10 minutes. I
753 don't - I just really don't know.
754
755 Q: Okay.
756
757 A: Like I said, it seems longer than it is.
758
759 Q: Tell me, uh, when the Sergeant made the decision to make a car stop, sort of,
760 um, how the people were in position. Where were you at?
761
762 A: So, I don't know how this happened. Somehow like he had pulled - when he -
763 he pulled out of the street and he ended up actually behind Pifferini and De La
764 Cruz and then Archer and then me and then Cossey was behind me. So, when
765 - when they actually tried to make the stop that's how things were - the order

766 of things were.
767
768 Q: Okay. Can you tell me, uh, sort of the procedure that you guys went through?
769 And, you know, this is where you sort of looking for a lot of specifics?
770
771 A: Yeah, so...
772
773 Q: Speed - speed, what street you were on?
774
775 A: I know we were on Jerilyn.
776
777 Q: Okay.
778
779 A: Um, you know, when it happened. Um, I remember, um, I could see - I could
780 see Pifferini and De La Cruz's, uh, they drive like a Ford Expedition, I could
781 see them off in the - in the like, you know, three of four cars ahead.
782
783 Q: Mm-hm.
784
785 A: I could see the little white Civic and, uh, Archer's car was a little bit to the left
786 - um, little bit to the left of the Civic, but behind it. And then myself, I was
787 trying to position myself, uh, more to the - I guess more towards the right of
788 Archer trying to kind of box him in a little bit.
789
790 Q: Mm-hm.
791
792 A: Um, I was letting him have an angle to get out.
793
794 Q: Did you remember how fast you were traveling or...
795
796 A: Uh...
797
798 Q: Would you consider it high rate of speed or...
799
800 A: No. I was, you know, I was probably going about 25 or 35 miles an hour. I
801 don't even remember.
802
803 Q: And then was that how fast the other cars were probably going then as well?
804
805 A: Yeah.
806
807 Q: Okay. And then, uh, what - what could you see up in front of you?
808
809 A: Um, they're all like setting in - you know, I - I - I don't - I vaguely remember,
810 I don't know if it's just - I - I kind of remember my sergeant's lights flashing.

811
812 Q: Okay.
813
814 A: Because he's got rear - rear lights on his vehicle. And - and then the - the
815 Civic kind of just like - it kind of starts kind of moving a little bit weird and
816 then it finally dawned on us, this guy is driving in reverse and, uh, all of
817 sudden Archer's car kind of stops, his car stops real fast when he slams on his
818 breaks and kind of - his car kind of moves a little bit. So then I had to slam on
819 my breaks and, uh, I can see the Civic coming towards me a little bit. I start
820 trying to turn out of the way. Um, and honestly I - I just remember getting like
821 an impact and I remember getting hit from the side and from the front. And I
822 could see - I saw - well, I saw the suspect's car like sideswipe me on my - my
823 passenger side.
824
825 Q: Okay.
826
827 A: And I could see myself just hitting right in the back of Archer's car. And, you
828 know, airbag goes off, I get the smack in the face, I remember hitting my head
829 on the roof of the car. Uh, and getting - you know - getting sideswiped all at
830 the same time.
831
832 Q: Mm-hm.
833
834 A: So, uh, I saw - you know - I saw who sideswiped me. I see the white Civic
835 and then I try to get out of my car door and I - I remember thinking - it
836 seemed like forever. So like - I opened my - tried to open my car door, I'm
837 like oh it's not opening. Why isn't it opening? And, you know, I just got - I
838 just got hit in the face with an airbag, I feel like - uh - I look at, like the door's
839 locked, I feel like, oh man, I feel stupid right now. I'm trapped in a - I locked
840 myself..
841
842 Q: I locked myself in?
843
844 A: Yeah, that's true. It was faster than what it seemed. It seemed like an eternity,
845 but I quickly unlock it, open up the car door and I remember crawling - I had
846 my badge around my neck underneath my shirt when I was doing the tail and I
847 pulled it out because, you know, I - I didn't - I did not have - in my mind, I'm
848 like, oh, you know, in a picture-perfect world, you know, I have my raid - my
849 raid vest and my - my bulletproof vest right there. But the only thing I could
850 think of was like, oh, this guy just him I want to get out of the car. So, I
851 remember just pulling my badge out just to have - have if there's a
852 (unintelligible) or anything. Uh, I grab my gun and, uh, by that time I look
853 around and so I get out of my car, I turn back facing, it's going to be
854 eastbound on Jerilyn. And I see Cossey's car just - his car's all smacked up
855 too. Like the front bumper's off and it just looked like something hit it.

856

857 Q: Mm-hm.

858

859 A: And that's to my left. And then I see, uh, the suspect car like backing right
860 into this like van that's parked right there on the - on Jerilyn, on the south side
861 of the street. So, he just backed into that. So, then I'm actually kind of like
862 face-to-face with the...

863

864 Q: The traffic?

865

866 A: ...car, yeah, the driver and the passenger. And, uh, they were moving from
867 facing me - so that when they backed into that car and they were doing like a
868 U-turn to try to turn back facing the eastbound on Jerilyn and I see Bruce - or
869 Barthelemy, uh, is actually in the path of the car. He's - he's just standing in
870 the street, um, I remember him just yelling, I think, stop, stop, stop. Cossey's
871 like at his car door, because Cossey was driving.

872

873 Q: Mm-hm.

874

875 A: So, Cossey's like at the car door. The guy's making a turn facing back
876 eastbound and he accelerates and starts pushing forward and I see Barthelemy
877 move to - it - it'll be - it'll be to his left, so he moves to his left as the car
878 accelerates eastbound on the Jerilyn. And, uh, I mean it almost hit - it almost
879 hit Bruce. I'm running up behind Bruce, because now Bruce is next - cause
880 the car is kind of parallel to Bruce. Bruce is facing the car. He just got out of
881 the way. I'm running - uh, running up behind Bruce or to the side of Bruce
882 and I - I see Bruce just plant his feet. I remember just taking one shot and I
883 just heard a pop and saw the passenger side glass just shatter. And the car
884 immediately like it - it was - it was starting to go real fast and immediately
885 once I heard that pop the car just drifted, crashed right into another parked car
886 that was on Jerilyn, on the south side of the street. And, uh, I think I remember
887 at that time then Sergeant Archer was coming up on my right. I was still
888 running towards - towards like Bruce and the car.

889

890 Q: Mm-hm.

891

892 A: I ran up on the driver's side and I - I can see like out of my peripheral, like see
893 Sergeant Archer - I could hear - I could hear Cossey behind me. I just
894 remember hearing that. And I remember Archer, Pifferini and I feel like
895 another person now in the peripheral, on the passenger side. And I don't
896 remember seeing Cossey but I remember hearing him, so. And then, uh, I just
897 - I'm just (unintelligible) ready. I think I opened the driver-side door. Um, and
898 they pulled the passenger out and, uh, at that point, um, I just remember the
899 Sergeant getting on the radio asking for, you know, they're saying without -
900 which - shots fired, code - code 3 fire and ambulance all that. And then, uh, I

901 really don't remember too much from that. I could use like a little bit of a
902 break, but I understand...

903

904 Q: You're doing great.

905

906 A: ...bunch of units coming to the scene.

907

908 Q: Okay.

909

910 A: Yeah. And I remember I was just kind of seeing stars. It's like, you know,
911 everybody's - oh, I - you know, I remember what happened. So, I was - I was
912 standing there and everybody looking at me, you know. I look like I'm out of
913 it, cause I just - I just got smacked by this airbag. I think they - it looked like I
914 was visibly dizzy and - and they had me take a seat on the, uh, on the
915 sidewalk. I had to take a seat on the sidewalk next to the, uh, suspect car. So, I
916 sat there for maybe 30 seconds to a minute just trying to, you know, regather
917 my thoughts in my brain, so for just getting in an accident.

918

919 Q: Yeah.

920

921 A: And then, uh - uh, I just remember a bunch of other units arriving. Uh, I
922 remember the fire department showing up, fire department, uh - one guy came
923 up to me and said, you know, "How are you feeling?" And I said, "Well, you
924 know, my head hurts. I - you know - but I think I'm okay." Um, says, "Okay."
925 So - so we're going to - it was just one - one firefighter there was - uh, De La
926 Cruz, "Okay we're going to deal with, uh, the subject shot and the next - next
927 truck they're going to - fire - you know - paramedics had come they're going -
928 they're going to talk to you." And I said, "Okay, that's fine." And uh, they
929 came checked me out. Um, and I just waited around to get transported here.
930 And that's all I can remember.

931

932 Q: That's very good. Um, I'm just going to ask you some follow-up questions.

933

934 A: Okay.

935

936 Q: Um, when you said that you were behind Sergeant Archer and you were
937 following the suspect vehicle down Jerilyn, um, you noticed that the
938 Sergeant's car's rear lights started to come on. So, that indicated that maybe
939 he put on his code 3 equipment?

940

941 A: Yeah, like he's trying to initiate an enforcement stop.

942

943 Q: Could you hear a siren? Do you remember?

944

945 A: Yeah, I mean, I think if - if I did it was just like a quick like chirp, chirp. Not

946 like a really like the full-blown siren. But like...
947
948 Q: Okay. Okay. And I'll just put a couple chirps, so that - were you wearing your
949 seatbelt?
950
951 A: I think I was. I really don't remember. At the time I thought I was...
952
953 Q: Do you remember ever putting on your code 3 equipment in your car?
954
955 A: No, I never did.
956
957 Q: Okay. Um, you said that at some point when you - you looked at the
958 Sergeant's car you also noticed that the suspect vehicle was now coming in
959 reverse towards you?
960
961 A: Yeah.
962
963 Q: And uh, you applied the brakes?
964
965 A: Yeah.
966
967 Q: Or you were sort of getting out of the way?
968
969 A: Yeah. No, I - I - that's another thing I forgot. Uh, so when I slammed on the
970 brakes I - it was - I'd never heard any - uh - anti-lock brakes sound like that
971 before. It was like, thump, thump, thump, thump, thump, thump. And those
972 anti-lock brakes just started, you know, giving everything they had. I just
973 remember that. That was the last sound I heard and just remember getting hit
974 from all angles.
975
976 Q: Yeah. If you can recall, I know things happened very fast, um, do you
977 remember if you actually ran to the back of the Sergeant's car first or did the
978 suspect's vehicle back into your car and then you sort of subsequently rear-
979 ended the Sergeant's car?
980
981 A: I really don't remember.
982
983 Q: You don't remember what happened first?
984
985 A: I mean. No, it - it - like I said, I remember trying to brake stop, um, I could see
986 him coming at me. Yeah, I just don't remember which one came first. I mean,
987 it - it could have been either one of those honestly. It happened so fast, so.
988
989 Q: Yeah, that's fine. Um, but you did say that you saw the vehicle hit the
990 passenger side of your vehicle and sort of continue backwards?

991
992 A: Yeah. I remember seeing this like flash of white, just scurried to the side of
993 my car just real quick. I mean, it happened so fast.
994
995 Q: Yeah. Um, so then when the airbag went off and then when, I guess, it sort of
996 dissipated and you were trying to exit the vehicle, um, you remember that you
997 wanted to pull your - you badge out from underneath your shirt, but you didn't
998 have time to grab your tac vest or your raid vest?
999
1000 A: No.
1001
1002 Q: Okay. Um, you exit the driver's door?
1003
1004 A: I did.
1005
1006 Q: And did you go ahead and take your firearm out? If you can remember.
1007
1008 A: I was out of the car. Like, I - I stepped out of the car and I - yeah, I started to
1009 take like one step out of the car and then I pulled my gun out.
1010
1011 Q: Okay. And then you said that you tried to go towards the back of the vehicle?
1012 Towards your vehicle?
1013
1014 A: Yeah. Towards my back of the vehicle.
1015
1016 Q: And at that point you said that you saw the suspect car sort of still in reverse
1017 and it had hit a parked car.
1018
1019 A: I don't remember if was already - if it was done reversing or if it was, uh,
1020 yeah I don't remember if it was turn - it was still in reverse or if it was done
1021 reversing, but it was facing me. Sort of parallel, and kind of like an angle. And
1022 it - yeah, I don't remember.
1023
1024 Q: And, um...
1025
1026 A: (Unintelligible).
1027
1028 Q: ...can you recall how many feet you were from the suspect's car? Were you
1029 walking towards it then?
1030
1031 A: Um...
1032
1033 Q: Were you walking in that direction towards it?
1034
1035 A: Yeah. I saw - I was - started to walk towards it, I was a little bit dazed and like

1036 pretty much immediately he was doing a U-turn.
1037
1038 Q: Okay. So you never - do you recall - I know what to say, you just got hit with
1039 an airbag and you're coming out of the car.
1040
1041 A: Yeah.
1042
1043 Q: Do you recall if you, uh, you were giving the driver any commands or if you
1044 actually drew down the low-ready and was walking towards the car?
1045
1046 A: I remember yelling out, stop. Uh, and I remember hearing Bruce yell stop as
1047 well.
1048
1049 Q: Okay. Um...
1050
1051 A: Yeah, I - I thought I yelled stop. I thought I did.
1052
1053 Q: Okay. And then, um, you said you saw the suspect vehicle then go forward
1054 sort of at a turn, um, at a turn. Sort of...
1055
1056 A: Yeah, he was going like a turning speed, so...
1057
1058 Q: And - and as you were going towards...
1059
1060 A: (Unintelligible).
1061
1062 Q: ...that's when you saw Bruce?
1063
1064 A: Yeah, like...
1065
1066 Q: Or...
1067
1068 A: I mean, I want you to draw a picture, but some - Bruce...
1069
1070 Q: Obviously, you're going (unintelligible)...
1071
1072 A: All right, so Bruce was standing in the roadway almost between him and
1073 Cossey's car...
1074
1075 Q: Mm-hm.
1076
1077 A: ...and a van that the suspect backed into.
1078
1079 Q: Okay.
1080

1081 A: And, uh, I remember them doing that U-turn. And then Bruce having to jump
1082 out of the way - shuffle out of the way real quick to - wanted to - they were
1083 trying to accelerate I'd say eastbound on Jones.
1084

1085 Q: So, from a - that - from your vantage point it looked like if Bruce didn't move
1086 out of the way he would have been struck by the car?
1087

1088 A: Oh, definitely to - so, he was definitely in harms way, yeah.
1089

1090 Q: Okay. And, um, as he moved out of the way you said that you saw him fire -
1091 use his firearm to fire once?
1092

1093 A: Yeah.
1094

1095 Q: Okay. And did you actually visually follow the impact of the...
1096

1097 A: Yeah, I saw...
1098

1099 Q: ...driver's side window shatter?
1100

1101 A: Passenger's side.
1102

1103 Q: Oh, passenger's side window shattered?
1104

1105 A: Yeah.
1106

1107 Q: Okay.
1108

1109 A: Yeah.
1110

1111 Q: And then that's when the vehicles were slowly veered off to the right and -
1112 and hit another parked car?
1113

1114 A: Yeah, that was where the vehicle started taking off fast and the second that -
1115 that pop rang out - it was like pop, glass shattered and the vehicle just - kind
1116 of just veered off the other way and crashed into one of the car. I'm
1117 (unintelligible) it happened real fast but that - that almost slowed down on the
1118 fly. The second I heard that pop.
1119

1120 Q: And then you mentioned that you would - continued uh towards that vehicle
1121 and to the best of your recollection you were in a low-ready position and uh
1122 you weren't too sure but you think you may have opened the driver's side
1123 door?
1124

1125 A: I'm pretty sure I did.

1126
1127 Q: Okay.
1128
1129 A: Yeah, I'm pretty sure I opened the driver's side door.
1130
1131 Q: Do you remember if you were still giving command or...
1132
1133 A: Yeah, saying keep - put your hands up, put your hands up.
1134
1135 Q: And was there any response from the driver?
1136
1137 A: Not from the driver, no.
1138
1139 Q: Okay.
1140
1141 A: We were - I remember seeing the passenger had his hands up but the driver
1142 his hands were like here.
1143
1144 Q: Okay. Did you notice anything about the driver that sort of stands out to you?
1145 Um, any injuries or any...
1146
1147 A: Yeah, I saw like a - like a blew into his neck, like neck, head area, up here.
1148
1149 Q: And when you say uh you noticed a wound was it uh red in color or did you
1150 see a hole or was it...
1151
1152 A: Looked like a - like a - a hole.
1153
1154 Q: Okay.
1155
1156 A: And like pinkish I guess, I don't know.
1157
1158 Q: Did you notice a lot of blood or any blood or...
1159
1160 A: I noticed blood in the car, yeah.
1161
1162 Q: It was more in the car or on the uh suspect or if you can...
1163
1164 A: Um...
1165
1166 Q: I know, I'm asking really minute details but...
1167
1168 A: I remember seeing blood, I don't remember seeing exactly where it was. So.
1169 But yeah I don't - I don't remember seeing exactly where it was. I just
1170 remember focusing on his hands and - and, you know, I - I was - I could see -

1171 I could see both his hands when I opened up that driver's side door.
1172
1173 Q: Mm-hm.
1174
1175 A: So.
1176
1177 Q: And uh did you ever go check the suspect at all? Did you ever approach him
1178 and touch him or...
1179
1180 A: Officer Pifferini did, I did not.
1181
1182 Q: Okay.
1183
1184 A: I remember when I was sitting on - when they had - one of my teammates they
1185 said, hey I - you should probably take a seat. You know, something like, yeah,
1186 you don't look so good, you should probably take a seat. And I remember
1187 overhearing something Pifferini saying something checking on the subject.
1188
1189 Q: Mm-hm.
1190
1191 A: I - yeah, I think it was Pifferini.
1192
1193 Q: Okay. And what you're saying there was a, uh - um, the driver moved?
1194
1195 A: When I was - open the door, no, he was not moving and he wasn't responsive.
1196
1197 Q: If you sent from the best of your ability can you, uh, sort of draw a diagram as
1198 to, uh, you know, if you were to spread two lines that indicate the street and
1199 then sort of how the cars were - were lined up and all right, sort of how - draw
1200 them on kind of a curve -so, Northbound.
1201
1202 A: Um, you - should I draw like how it ended up - the final resting place of it or
1203 just how - how do you - I mean...
1204
1205 Q: If you want you can from uh...
1206
1207 A: Your star cars, not this...
1208
1209 Q: No, the suspect because I want to have you sort of draw what you - what
1210 you...
1211
1212 A: Okay.
1213
1214 Q: ...sort of saw at the - as you were - so, who's car would this be?
1215

1216 A: That would be Piff and De La Cruz.
1217
1218 Q: Okay.
1219
1220 A: Pifferini, sorry. We just call him Piff.
1221
1222 Q: That's all right. And can you just indicate which uh direction they were
1223 facing?
1224
1225 A: Uh...
1226
1227 Q: With the arrow being the front of the car?
1228
1229 A: There you go. (Unintelligible). There we go. So, this would be - this would be
1230 sort of...
1231
1232 Q: Okay, good.
1233
1234 A: All right. Uh, Cossey and Bruce and (unintelligible). Uh, this is just like a
1235 parked car.
1236
1237 Q: Okay. You just want to write parked car. Oh, which way was it facing if you
1238 can recall.
1239
1240 A: I want to say it was...
1241
1242 Q: If you can't remember I - say don't know - I don't want to you to guess.
1243
1244 A: I think it was facing Eastbound but - I don't know.
1245
1246 Q: Well, at least we know it was parked.
1247
1248 A: Yeah.
1249
1250 Q: And then where was the suspect going?
1251
1252 A: So - or when I was first rolling up I was kinda here on - Archer was right here
1253 where he's at about two or three and De La Cruz was there and suspect car
1254 was right here. The facing - he was facing this way.
1255
1256 Q: Okay.
1257
1258 A: So, (unintelligible).
1259
1260 Q: Um, you can just put a big S there for suspects vehicle. There you go.

1261
1262 A: Um, I remember I see him coming in reverse. I remember getting like entire
1263 side of my vehicle, getting all banged up, sideswiped. And I remember getting
1264 out of the car and I remember seeing Cossey's car, it was completely like the
1265 front end was damaged, knocked off. And so then I assumed that - I didn't see
1266 it - him hit but I, you know, I assumed that he hit his car as well. I don't
1267 remember. He was hearing like - like crashing and stuff in the background.
1268 And then that's when he backed out and backed into this parked car.
1269
1270 Q: Is that when you exit this way right?
1271
1272 A: I exited my driver's side and uh...
1273
1274 Q: And you see the car here.
1275
1276 A: I see the car here and that's when it - things kind of - U-turn. And then I
1277 remember seeing Bruce.
1278
1279 Q: (Unintelligible).
1280
1281 A: I remember seeing Bruce standing right here. And as the car took off this way
1282 Bruce went to the side of it and, uh, I kinda saw him take a - he took one shot
1283 kind of from a - from south to you know, northeast.
1284
1285 Q: So, back this way?
1286
1287 A: Yeah, it was kind of a northeast shot back towards here.
1288
1289 Q: Okay.
1290
1291 A: And the car - other car was...
1292
1293 Q: And it continued that way and it ran...
1294
1295 A: ...hit a car, tripped (unintelligible) sorry. That's when it - and then it hit a car
1296 that was down here. And this was - I was driving up right behind Bruce right
1297 here.
1298
1299 Q: Okay. Did you see Cossey at all?
1300
1301 A: Yeah, I - I remember him standing like by - like right when I first got out of
1302 the car I remember seeing him kind of over by the driver's side of his car but
1303 then I remember kind of just focusing on Bruce. And then I don't remember
1304 seeing Cossey again until later.
1305

1306 Q: Mm-hm.
1307
1308 A: I remember hearing him, I think - I remember hearing him but I don't
1309 remember seeing him except when I first got out of the car. Seeing him kind
1310 of over in this area.
1311
1312 Q: In your opinion, if Bruce wouldn't have moved out of the way do you think he
1313 would have been hit and possibly killed?
1314
1315 A: Oh, yeah. There's no doubt in my mind.
1316
1317 Q: So, that vehicle was moving pretty fast where he made a - definitely a - he had
1318 to be maneuvered towards, uh, your partner?
1319
1320 A: Yeah.
1321
1322 Q: Okay.
1323
1324 A: He - he took the turn slow, kind of made the turn.
1325
1326 Q: Right.
1327
1328 A: And then the second he - you could tell that he was going to make that turn -
1329 that - that U-turn from hitting into the parked car, started accelerating. So, you
1330 know, I don't know, there's no doubt in my mind that he would have hit
1331 Bruce if he didn't jump out of the way.
1332
1333 Q: Okay. Thank you. Trying to think if there's anything else.
1334
1335 Q1: And what do you think the distances are - any type of clearances that Bruce
1336 had for an avenue of escape? Um, pretty slim margins?
1337
1338 A: They were fairly slim. I mean, a few feet. I just don't - I'm not very good at
1339 estimating that kind of stuff - like the feet from a distance. I - I just remember
1340 when there - there was - there was only like - had to be only a couple feet in
1341 between Bruce and the car. And when he got out of the way as far as
1342 clearance I don't remember like...
1343
1344 Q1: And you were in a jam, you didn't have anywhere to go?
1345
1346 A: Yeah, no, there wasn't. He was pretty much stuck between the car and - the uh
1347 suspect car - the parked car and the suspect car.
1348
1349 Q1: Okay. Did you ever blackout during that incident because you - after the
1350 airbag deployed in your face?

1351
1352 A: Yeah, I mean, I rem- I saw stars like around when the airbag first hit me. And,
1353 uh, I don't think I blacked out though ever since, you know, just the initial
1354 impact...
1355
1356 Q1: Sure.
1357
1358 A: ...I just remember...
1359
1360 Q1: Yeah, when you get hit in the nose really hard, you know, your eyes will...
1361
1362 A: Yeah.
1363
1364 Q1: ...sort of water up, stuff like that but...
1365
1366 A: And uh, yeah, no I didn't - I didn't blackout after that though.
1367
1368 Q1: You were pretty clear about what you saw? When you exited the vehicle...
1369
1370 A: Yeah.
1371
1372 Q1: ...and you saw the suspect vehicle driving away and - and then almost hitting
1373 your partner?
1374
1375 A: Yeah.
1376
1377 Q1: And you saw your partner uh shoot one time into the passenger window?
1378
1379 A: Yeah.
1380
1381 Q1: And then the vehicle coming to a - a rest?
1382
1383 A: Yeah.
1384
1385 Q1: And you checking on the driver?
1386
1387 A: Yeah, I didn't check the driver but yeah, I drove forward, I didn't touch the
1388 driver, right.
1389
1390 Q1: Yeah. Okay. I think that's it.
1391
1392 Q: Yeah, that's it. I need you to sign that and date it as you would.
1393
1394 A: Is it the 19th now?
1395

1396 Q: Yes. Thank you for that, uh, statement.
1397
1398 A: Not a problem.
1399
1400 Q: So, I don't know if we gave you our cards but you - you did damn good with
1401 being hit in the face.
1402
1403 A: Oh, thanks,
1404
1405 Q: When you come to if anything hits you, um, feel free to give us a call.
1406
1407 A: You know it's not a bad thing that I went - I, you know, a few minutes later
1408 just more stuff, you know, couple hours after the fact my brain was pretty - I
1409 was pretty, you know, going and taking a really good punch to the face and
1410 uh...
1411
1412 Q1: You did.
1413
1414 A: Yeah,
1415
1416 Q1: 200 miles an hour.
1417
1418 A: Yeah so. It was probably if you could just give you a chance to, you know, let
1419 my brain set a little bit.
1420
1421 Q: All right it's approximately uh 5:05 (unintelligible)?
1422
1423 A: Yes.
1424
1425 Q: (Unintelligible).
1426
1427 A: Thank you, guys.
1428
1429 Q: Thank you. You did a good job, man.
1430
1431 A: Oh, thanks. I'm trying. A little bit - a little bit out of it.
1432
1433 Q: Well, it sounds like they're going to cut you guys lose and get you home.
1434
1435 A: Hopefully. I went to the hospital...
1436
1437
1438 The transcript has been reviewed with the audio recording submitted and it is an accurate
1439 transcription.
1440 Signed _____