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INTERVIEW WITH DEP. MOORE

Q=Sgt. Davis

A=Dep. Moore

A: (Unintelligible) I'm going to (unintelligible). There you go.

Q: No. Go ahead. (Unintelligible).

A: Sure. I mean, I can hear from out here. (Unintelligible).

Man: (Unintelligible).

Q: (Unintelligible). Okay. This is Sergeant Davis, badge number 1751. Uh, the date is July 22nd. Hold on. I got that mixed up.

A: 21st.

Q: 21st. And the time?

A: Uh, 1015 Hours.

Q: 1015 Hours?

A: Yeah.

Q: And I hear talking with, uh, Deputy Moore, M-O-O-R-E. Badge number?

A: 1908.

Q: 1908. We're hearing event number 10-202-0038E, Edward. Um, all right, uh, Deputy Moore, we're going to talk about the incident that occurred today off on Old Mines Road. Uh, there's no one else present in the room. Um, and I

43 just want to let you know that, uh, you are not the subject of the investigation
44 or anything like that. You are free to leave. Um, you do not have to talk to me.
45 Uh, I do realize that there is anything here - anybody here representing you for
46 an attorney goes and, um, that you do not have to talk to me. So, um, do you
47 understand that?
48
49 A: Mm-hm.
50
51 Q: Okay. And...
52
53 A: Yes.
54
55 Q: ...knowing that, um, do you want to tell me what happened today?
56
57 A: Sure.
58
59 Q: Okay. All right. So we're going to basically just kind of work from the - we're
60 going to go, uh, well, actually starting from last night.
61
62 Q: Okay. Um, so just kind of tell me, um, did you work yesterday?
63
64 A: Uh, no, I had the day off.
65
66 Q: Oh, you know what, actually, we're gonna, (unintelligible), um, where are you
67 currently assigned?
68
69 A: Uh, the real crimes unit. Um, to them - I'm kind of - the unit that I'm in is the
70 Real Crimes Unit, but I'm assigned to the Mount Elton Range area.
71
72 Q: Okay. Can you give me your badge number?
73
74 A: Yes, 1908.
75
76 Q: 1908. Real Crimes Unit and that's kind of (unintelligible) guys on patrol?
77
78 A: Yes. It (unintelligible).
79
80 Q: Right. How long have you been assigned there?
81
82 A: Um, to the Real Crimes in particular?
83
84 Q: Mm-hm.

85
86 A: Uh, about two and a half years, almost three years.
87
88 Q: And to patrol?
89
90 A: Uh, boy. About a total of five years on patrol.
91
92 Q: Okay. How long have you been with the Sheriff's Office?
93
94 A: For seven years.
95
96 Q: Any other law enforcement experience prior to that?
97
98 A: Yeah, I worked in the (unintelligible) field as a contracted federal security
99 officer.
100
101 Q: For how long?
102
103 A: Uh, gosh, about a year and a half, I think. It wasn't very long.
104
105 Q: And before that?
106
107 A: Uh, more security for a couple of years.
108
109 Q: Okay.
110
111 A: I was a supervisor there at the mall.
112
113 Q: Okay. Um, how tall are you?
114
115 A: I am six-foot, five.
116
117 Q: Your weight?
118
119 A: Well, actually, I'm six foot, four. I'm about 221 or 2.
120
121 Q: In?
122
123 A: I think April but there is an (unintelligible) that. Yeah. And my hair has
124 changed colors, I have blonde hair.
125

126 Q: Okay. Got you. Okay, so let's start with, um, last night. Did you - did you
127 work last night?
128
129 A: No.
130
131 Q: Okay. What time did you go to bed?
132
133 A: Um, (unintelligible) last night because it was (unintelligible) about nine
134 o'clock or so in the evening.
135
136 Q:
137
138 A:
139
140 Q:
141
142 A:
143
144 Q:
145
146 A:
147
148 Q: Okay. And do you have dinner?
149
150 A: I did. What did I have for dinner last night? Uh, gosh. Um, 15 hours straight
151 down is starting to affect me. I think, um...
152
153 Q: It's okay, if...
154
155 ((Crosstalk))
156
157 A: ...I'm positive I had dinner...
158
159 ((Crosstalk))
160
161 Q: ...did you have dinner?
162
163 A: Uh, I would say probably about the evening time, probably about, uh, about
164 5:00 or so, 5:00 or 6:00.
165
166 Q:
167

168 A:

169

170

171 Q:

Okay.Okay. Okay. So what time do you wake up today?

172

173 A:

Uh, I was up at four o'clock in the morning.

174

175 Q:

All right, so now - now that we're on today, you woke up at 4:00, kind of go through, uh, the sequence of events that happened, and then if we need to fill in the blanks, we'll fill in some blanks.

176

177

178

179 A:

Okay. I woke up at four o'clock in the morning. Um, we were to meet at headquarters, um, through Deputy (Domingo). He'd asked me to be here at five o'clock.

180

181

182

183 Q:

So it's a pre-planned event?

184

185 A:

Yeah, pre-planned event. Um, for marijuana eradication.

186

187 Q:

Okay.

188

189 A:

Up in the, um, hills of, uh, Livermore Valley, I guess, would be the best way to put it in Santa Clara County jurisdiction.

190

191

192 Q:

Okay.

193

194 A:

Um, by the Mines Road and, uh, Lake (unintelligible) area.

195

196 Q:

Okay.

197

198 A:

And we were to meet at five o'clock in the morning here at headquarters and, uh, kind of prepare for a trip to Livermore Police Department. Um, travel time after that and meet with Alameda County Sheriff's Department and to, uh, figure a plan and - and LU was going to provide us with some intel as to the marijuana grow and what they had as far as where it was going to be and that sort of thing.

199

200

201

202

203

204

205 Q:

Okay. So when you all met here, who did you meet with and how did you travel to, uh, Livermore PD?

206

207

208 A:

Um, I met (Doug Moral). Um, he rode with me. Um, and (Divert) and - Deputy (Divert) and Deputy (Domingo) and Deputy (Fontana), uh, rode with

209

210 us up to Livermore PD where we met, uh, several Alameda County Sheriff's
211 deputies.
212
213 Q: Okay. So it was (Moral), yourself, (Divert), (Domingo)...
214
215 A: Yeah.
216
217 ((Crosstalk))
218
219 A: Yeah, (Doug Moral), he rode with me. So we rode up together.
220
221 Q: Okay.
222
223 A: The two of us. And then the other deputies rode up separately. Sergeant
224 (unintelligible) was with them.
225
226 Q: Okay.
227
228 A: I think he rode with, uh, (Divert) and (Domingo) in (unintelligible).
229
230 Q: Okay. And what time did you all head out?
231
232 A: Um, probably fair to say about 5:15 - 5:20 in the morning.
233
234 Q: Okay. Um, go on.
235
236 A: Um, we met at Livermore and, uh, we spoke with a sergeant with the Alameda
237 County Sheriff's Department. He showed us the area where he, um, got some
238 intel from one of the local ranchers there -- there was possibly marijuana
239 grow.
240
241 Q: Do you know the Sergeant's name?
242
243 A: I do not, sorry.
244
245 Q: Okay. And, uh, when you guys left here...
246
247 A: Mm-hm.
248
249 Q: ...uh, did you guys have a briefing?
250

251 A: Uh, we had a quick briefing in - at headquarters, but the - the real briefing was
252 at the Livermore Police Department with Alameda County.

253

254 Q: Okay. And did you observe...

255

256 ((Crosstalk))

257

258 A: We (unintelligible) and then went back.

259

260 Q: Did you guys have (unintelligible)?

261

262 A: Yes.

263

264 Q: And, uh, did you guys go over your options?

265

266 A: We did.

267

268 Q: Okay. And can you tell me what was on your options?

269

270 A: Uh, I - I saw that there is a map involved of the area.

271

272 Q: Mm-hm.

273

274 A: Um, there was also the deputies that were going to be involved and sergeants
275 as well that were going to be involved. Um, and what vehicles were going to
276 be, um, sent to the area.

277

278 Q: Okay. Um, did the off-plan, um, go over, um, what was the purpose of your
279 (unintelligible)?

280

281 A: Uh, you know, I - I - I didn't really study it that much. We were getting a lot
282 more information later on. Um, the ops plan was basically, uh, just establish
283 who was going to be there, I think.

284

285 Q: Mm-hm.

286

287 A: Um, and I can't tell you for sure whether or not this was the end. Usually, the
288 ops plan has locations of nearest, uh, medical areas...

289

290 Q: Uh-huh.

291

292 A: ...or hospitals, that sort of thing. But it's also there to say who's involved so
293 that we know on our side of things who's, uh, are all accounted for when we're
294 done.

295
296 Q: Okay. So as a group, did you guys go over, um, any, um, how you go in and
297 deal with, uh, incoming suspects or if you were involved in a shooting or, uh,
298 extraction or, uh, safety issues, did you go over that in your ops plan?
299

300 A: Yeah. Uh, in our ops plan? I'm not sure. Um, I - I think our ops plan was
301 given to us at Livermore. So I'm kind of - that's why I'm kind of combining
302 them.
303

304 Q: Okay. Right. So yeah.
305

306 A: So (unintelligible) I'm not sure as far as particular we had it. We - we had the
307 majority of our briefing with the sergeant of Alameda County. And, uh, he
308 told us where the hospitals were going to be in case there was an incident.
309

310 Q: Okay.
311

312 A: Uh, he explained how we were going to go about doing that. And we also
313 went over who had satellite phones and how contact would be established,
314 that sort of thing...
315

316 Q: Okay.
317

318 A: ...if there was an incident.
319

320 Q: So we'll go over the ops plan but you guys did have one and I just kind of
321 want to know...
322

323 A: Yeah, I know we had one 'cause I saw it but I didn't - I didn't really have time
324 to study the whole thing.
325

326 Q: Okay. All right. So there were no - so there was - what I'm getting at is if
327 there's an ops plan, did you guys brief on what's on your ops plan? Any, uh, I
328 guess what I'm understanding...
329

330 A: Mm-hm.
331

332 Q: ...to clarify this with me.
333

334 A: Mm-hm.
335
336 Q: The ops plan here was that you were the personnel, where you were going,
337 what you were going to do, and that you were going to meet the SO there, be
338 briefed on what was happening, and have a - a more coordinated ops plan
339 from them because they knew more of the details.
340
341 A: Correct. Correct. Yeah.
342
343 Q: And they...
344
345 A: And there were maps in the back of the ops plan as well.
346
347 Q: Okay. So I just want to understand...
348
349 A: Yeah, yeah, yeah.
350
351 Q: ...I just want to understand what was happening there. Okay. Good.
352
353 A: Right.
354
355 Q: Okay. 'Cause I- I'm coming in completely on a blank canvas...
356
357 A: Okay.
358
359 Q: ...so I'm trying to fill in all the points. Okay?
360
361 A: (Unintelligible).
362
363 Q: All right. So, um, you get to Alameda, you meet with the sergeant. Go ahead.
364 And did your (unintelligible)...
365
366 A: Um, the Sergeant shows us the, um, maps of the area where we would be
367 heading to and the possibility that the marijuana grow might be in Santa Clara
368 County's jurisdiction.
369
370 Q: So at this point, is this the secondary briefing?
371
372 A: Yeah. I mean, I - yeah.
373
374 Q: Okay.
375

376 A: That's fair to say. Um...

377

378 Q: Okay.

379

380 A: Uh, during this briefing, uh, he would explain to us the areas where we were
381 going in more detail with a topographical map.

382

383 Q: Mm-hm.

384

385 A: So it showed the county lines and it showed the general areas of where we
386 were going to be.

387

388 Q: Okay.

389

390 A: And from that point, um, we introduce ourselves to each other. Um, explained
391 how we were going to get there.

392

393 Q: Okay.

394

395 A: Um, you know, where we're going and what we're going to do while we're
396 over there. And, you know, I think that the (unintelligible) over there was, uh,
397 speak of - of how, you know, the tips came to be. Um, I'm not overly sure on
398 how the tip got brought to them. I can tell you what I believe or what my
399 assumption was, but, um, I was assuming that one because there's a local
400 rancher at the side. So I'm fairly sure that the local rancher told the local law
401 enforcement agency where his house is.

402

403 Q: Mm-hm.

404

405 A: And his house is, uh, in Alameda County's jurisdiction. So he contacted the
406 Livermore law enforcement agency and then was looking at everything and
407 where the grow 'cause, you know, he obviously you never know where they to
408 grow are technically going to be. You have to follow the waterways and stuff
409 like that. That some of it would be in Santa Clara County side. So the rancher
410 was there as I'm sure that that's how the information was given to them was to
411 the local rancher on the - the, uh, area where we did the eradication.

412

413 Q: Okay. Go on.

414

415 A: Um, so we met at the site there, uh, with the local rancher and he shows the
416 area. We actually drove our - our patrol vehicle. I drove my patrol truck. Um,

417 the marijuana eradication team drove their special operations truck and we
418 parked, um...

419
420 Q: Do you know around what time you drove to the site or did you...

421
422 A: Yeah, I think we got there at about, uh, 10 o'clock would be my best, uh,
423 estimate of what time we arrived there. Um, and we arrived at the location
424 where we'd hide from. So we parked our cars in a certain location on the
425 ranch. It took us, uh, approximately, uh, half an hour to drive to that location
426 of the ranch.

427
428 Q: When you left the PD, did you live in the same - with the same team that you
429 drove up there? Or did you guys...

430
431 A: Uh, no because when we

432
433 Q: ...with your team?

434
435 A: ... I because when we met there at the PD, we left with Alameda County...

436
437 Q: Okay.

438
439 A: ...Sheriff's Department.

440
441 Q: All right. So let's - let's - let's go back.

442
443 A: They would lead the way.

444
445 Q: Okay. So when you left, uh, the PD, who were you with and what car were
446 you with? What team were you assigned to?

447
448 A: Um, I was assigned to, uh, just to - to give people a ride there, so I had, uh,
449 myself. I had (Doug) who I arrived with, and I also had a couple of Alameda
450 County deputies in my vehicle.

451
452 Q: Who were they?

453
454 A: Uh, I do not their names but (unintelligible).

455
456 Q: Okay.

457

458 A: They just - they already - they said let's just ride with Moore 'cause he's got
459 room in his car. So I had a couple of people jump in the back of my car. A
460 couple of Alameda County deputies.
461
462 Q: So you had two Alameda County deputies?
463
464 A: Yes.
465
466 Q: Okay.
467
468 A: And, you know, other Alameda deputies rode in the, like...
469
470 Q: Okay.
471
472 A: ...uh, marijuana truck.
473
474 Q: Okay. Uh, I know I keep interrupting you, but, uh, I just kind to make sure
475 that we get the proper information. So I'm not going to make any assumptions
476 when you say a couple that it means two.
477
478 A: Yeah.
479
480 Q: So that's why you hear me (unintelligible) and get that information. And, uh,
481 you know, just because it is (unintelligible). Okay.
482
483 A: Right. Absolutely.
484
485 Q: So, I'm not (Dorothy McCauid) and I'm drilling you in any way. Got to...
486
487 A: And I'll be honest with you, if I don't - if I don't know if it's two or three I'll
488 tell you that I don't know.
489
490 Q: Okay. No problem. No problem. Okay.
491
492 A: There was (unintelligible).
493
494 Q: All right. I do agree with your opinion saying that you'll (unintelligible).
495 There's a reason why I have to ask these questions and stuff.
496
497 A: No problem.
498
499 Q: Okay. So you had two Alameda County deputies ride with you?

500

501 A: Yes.

502

503 Q: Okay. And were they going to be - or you, (Dough Moral), yourself and the
504 two Alameda County deputies, were you going to be a team or were you just
505 driving up there together because you had a vehicle that you get to
506 Livermore?

507

508 A: I was just giving them a ride.

509

510 Q: Okay. All right. So just a ride to locations?

511

512 A: Right.

513

514 Q: Okay. So you left about 10:00. And it took about half an hour from the time
515 that you left to probably get to the site?

516

517 A: Yes.

518

519 Q: So um, you got to the - the rally point about 10:30?

520

521 A: No, we got really point at about 10 o'clock.

522

523 Q: Okay. What I mean is, if you got to the - the grow - potential grow location
524 where you then start your hike at 10:30? Okay. You left the PD at 10:00 with
525 these individuals. And...

526

527 A: No. We - we - we arrived on the scene - so we - we left Livermore, I'm not
528 sure what time we left. We arrived at the grow site, which is a rallying point at
529 about 10:00.

530

531 Q: Okay. Okay. So...

532

533 A: I don't know what time we left the Livermore PD.

534

535 Q: Okay. So you got to the grow site about 10:00?

536

537 A: Yes.

538

539 Q: Okay. All right. And you're not sure what time you left the PD?

540

541 A: Right.

542

543 Q: Okay. Okay. So you get there at 10:00. Go on.

544

545 A: Right. Uh, from that point on, uh, we hike down from our vehicles in a
546 formation as to, uh, we realized that...

547

548 Q: Okay, so when you get to the site zone...

549

550 A: When we got to the...

551

552 Q: ...did any of you discuss what teams you guys were going to be in?

553

554 A: Yes. Yes.

555

556 Q: Okay. So you didn't get to just, like, take off?

557

558 A: No, we got to the scene. We (unintelligible).

559

560 Q: Okay. So let me (unintelligible_). Okay?

561

562 A: Okay.

563

564 Q: You get to the site.

565

566 A: Okay. So at that point, we realized that that the growth was going to be in
567 Santa Clara County's jurisdiction.

568

569 Q: Okay.

570

571 A: So at that point, what we did was we separated ourselves as to the Santa Clara
572 County deputies would be one team and the Alameda County deputies would
573 be another team.

574

575 Q: Okay. And the purpose of that was?

576

577 A: Um, I'm not sure, to be honest with you. Uh...

578

579 Q: Was it - was it closed...

580

581 A: ...it was a jurisdictional thing, they were...

582

583 Q: Okay. So that's - that would (unintelligible).

584
585 A: Yeah. That would be my guess is that it's a jurisdictional thing they would
586 want the county kind of just going into our county. They would want our
587 department to be the lead agency and then them to be the backup agency. And
588 I guess that they would reverse that if we were in Alameda County.
589
590 Q: Okay. All right, fair game. So you - you separated into a SO team and
591 Alameda County team with the SO team being the lead since you guys said it
592 was in SO jurisdiction?
593
594 A: Yes.
595
596 Q: Okay. Go on.
597
598 A: Um, I was the - what they call the tail gunner on our department. Meaning that
599 I was at the back of the team.
600
601 Q: Okay. So tell me who was on your team?
602
603 A: (Unintelligible) guy on the team. So, um, the entire team was the upper team
604 was - consisted of all the deputies that were there on duty. Um...
605
606 Q: (Unintelligible).
607
608 A: Got you.
609
610 Q: I'm not going to assume I know who was anything. So you got to tell me.
611
612 A: So that would have been, uh, Deputy, uh, (Domi)- (Mike Domingo).
613
614 Q: And then what was his role?
615
616 A: Uh, he was one of the leaders of the investigation so he would have been
617 towards the front of the hike.
618
619 Q: Okay. Go on.
620
621 A: Um, (Greg Divert) was with him towards the front of the group.
622
623 Q: Okay.
624
625 A: Uh, Deputy (Fontana).

626

627 Q: Okay.

628

629 A: Was with him as well. Sergeant (unintelligible), uh, (Doug Moral) was in
630 front of me. He was second. And then it was me as - as the tail gunner at the
631 end of the group. And, uh, of course, those people and those orders, you
632 know, they - they move around, they change. People take different lines and
633 stuff like that as we're hiking. So it's in no particular order other than the fact
634 that during the previous (unintelligible) hike I was the person at the end...

635

636 Q: Okay.

637

638 A: ...and (Doug) was in front.

639

640 Q: Okay. And, um, as far as the Alameda County team, you don't know?

641

642 A: I don't know what order they were in other than the fact that because I was the
643 last person, I had contact with a couple of the guys that were, you know,
644 behind me. I would relay information to them. Uh, we had a communication
645 issue with the radios.

646

647 Q: Okay. And do you know who they are from Alameda?

648

649 A: Um, I know (Marco) was one of the gentlemen on the...

650

651 Q: Okay.

652

653 A: ...Alameda County SO and, uh, uh, didn't really get to know the other guys.

654

655 Q: Okay. Now, before you went off on the actual hike, you broke up as a team.

656

657 A: Mm-hm.

658

659 Q: Um, did you guys have a briefing as to, um, where the hospitals were? What
660 was the, um, plan of action in case there was somebody with a weapon or
661 anything like that? Did you do that?

662

663 A: Yes. The Alameda County Sergeant went over that with us...

664

665 Q: At what point?

666

667 A: Uh, that was while we were at the Livermore Police Station.

668

669 Q: All right. So we're going to backtrack on that. Okay. So - so what was going
670 over at briefing? Tell me what - what you guys went over at briefing in
671 (unintelligible)?

672

673 A: Um, well, like I said previously, we went over, uh, you know, maps of the
674 locations was the biggest thing.

675

676 Q: Okay.

677

678 A: Uh, uh, the fact that you know, there are different jurisdictional boundaries
679 and, um, hospitals that were nearby and, uh, agencies that were nearby to
680 assist.

681

682 Q: Uh-huh.

683

684 A: Uh, including, I believe, uh, state parks, regional parks were there to assist us
685 if we needed it. Um...

686

687 Q: Did they talk specifically about the grow if they had anybody scouted it before
688 or there - there was...

689

690 A: Uh, they saw that they were placed there, uh, so that they were pretty sure and
691 whether or not somebody scouted it or not, I don't know.

692

693 Q: Okay.

694

695 A: I don't know.

696

697 Q: Did they talk about suspects?

698

699 A: No.

700

701 Q: Okay.

702

703 A: No.

704

705 Q: Did they, um, okay. Did they go over, uh, a plan of action in case you do
706 encounter suspects or anything like that?

707

708 A: You know what, I'm sure they probably did. I honestly, can't remember. Uh,
709 it's typical that they do. It's - it's, you know, I mean, it's almost that they

710 always do that. So I'm sure that they probably did. But I just can't remember,
711 you know, whether or not what they exactly said or how they worded it. But
712 there's always a - we always do this in the briefings is common nature. The
713 who, you know, how we handle that situation should we encounter somebody.
714 And usually, that decision is going to be made by the people in charge of the -
715 the unit- the team.

716
717 Q: Okay.

718
719 A: Um, because I'm more than you guys, I, you know, I'm going to be following
720 as they do and as they say, pretty much all of us think that.

721
722 Q: Okay. Is this your first, uh, camp?

723
724 A: No.

725
726 Q: Is this your first grow?

727
728 A: No.

729
730 Q: Okay.

731
732 A: It's the first one that I've done in probably, uh, a year. I think last year I
733 assisted. The year before, I did.

734
735 Q: Okay.

736
737 A: So it's the first one that I did in a while.

738
739 Q: Okay.

740
741 A: But not the first.

742
743 Q: All right. Um, what else did they go over at briefing at the (unintelligible)?

744
745 A: Um, that's general. Yes, there was a lot of, uh, introductions, like I said,
746 getting to know who - who each other is and, you know, you shake a lot of
747 people's hands and you get to know each other. And they explain the- their
748 roles and - and, you know, introduce, like, myself if I met a bunch of new
749 people, I have never met a lot of these people before.

750
751 Q: Okay.

752

753 A: Uh, so that sort of thing that. And, uh, you know, because I'm newer to the
754 team, um, most of the - the deputies on the team, including Deputy
755 (Domingo), Deputy (Divert), Deputy (Fontana), they already knew all these
756 guys and they already knew how each other works.

757

758 Q: Okay.Right. So let's go back to you split into your team.

759

760 A: Right.

761

762 Q: You start moving, um, you're tail gunner and you're relaying information. So
763 you start off on the hike. So you break into the teams and you start off on the
764 hike?

765

766 A: Right.

767

768 Q: And go from there.

769

770 A: So as we're, um, walking down towards the creek area, which, uh, the general
771 direction would be eastbound, I suppose. Um, of course, it's windy but
772 generally eastbound.

773

774 Q: Mm-hm.

775

776 A: Uh, we came a - upon a creek, um, and one of the deputies from the Santa
777 Clara County Sheriff's Department broadcasted over the radio that they'd
778 found a pipe.

779

780

781 Q: How far in - or how many minutes into your hike?

782

783 A: Uh, probably seven or eight minutes.

784

785 Q: Okay.

786

787 A: It was - it was pretty immediate.

788

789 Q: And a pipe meaning like a...

790

791 A: Uh, (unintelligible) a black water pipe, in particular, is what they found. Um,
792 and they asked that I relay that message to the Alameda County guys.

793

794 Q: So it's the deputy from the, uh, Sheriff's Office - Santa Clara Sheriff's Office
795 who saw that?
796

797 A: Yes, it- it was probably, you know, obviously a couple of them at once, but,
798 uh, one of the deputies asked me to relay it through...
799

800 Q: Okay. All right. I'm sorry.
801

802 A: ...to the Alameda County.
803

804 Q: My note- I was writing down, like, saying an Alameda County deputy found it
805 and - and broadcasted it.
806

807 A: No.
808

809 Q: So I just wanted to clarify what I was hearing.
810

811 A: Right.
812

813 Q: Okay. So it was an SO...
814

815 A: Santa Clara County...
816

817 Q: Sheriff's Office.
818

819 A: ...SO.
820

821 Q: Who saw it and asked you to relay it to Alameda County?
822

823 A: The Alameda County, which I did.
824

825 Q: Okay. Thank you.
826

827 A: So I have - I talked to those guys to let them know what we found.
828

829 Q: Okay.
830

831 A: To let them know that basically, we were onto the trails of the grow.
832

833 Q: Okay. All right. Go on.
834

835 A: Uh, so then we continued to hike, uh, down the, uh, um, creek bed.

836

837 Q: Mm-hm.

838

839 A: Continuing eastbound. Um, it's a point a little further down the creek, um, the
840 - the pipe started - it started to take a turn where it, uh, went up on the side of
841 the hill, uh, which would be to the south.

842

843 Q: Okay.

844

845 A: It kind of became - it was going to be harder for you to ride down. But, um, it
846 kind of was a canyon area if this makes sense?

847

848 Q: It does. Okay.

849

850 A: Um, as we were walking eastbound, on my left-hand side was a sheer rock
851 wall.

852

853 Q: Okay. On your left (unintelligible). You were...

854

855 ((Crosstalk))

856

857 A: ...on that wall. And on the left-hand side was a - a hill and the pipe went to my
858 right up the hill all the ways.

859

860 Q: Okay.

861

862 A: (Unintelligible) Deputy (Fontana).

863

864 Q: Okay.

865

866 A: Deputy (Divert) and Sergeant (Spag Noah) at some point worked their way up
867 on the hillside to my right following the black irrigation pipe.

868

869 Q: Okay. Okay. Go on.

870

871 A: Um, while they were following the irrigation pipe, um, myself with (Doug) in
872 front of me and Deputy (Domingo) in front of him, we're walking along a
873 partially dry creek bed when one of the Santa Clara County deputies -- I'm not
874 sure if it was (Fontana). I think it was, who asked everybody to stop and - and
875 freeze their position.

876

877 Q: And how did he actually (unintelligible) and freeze in position?

878
879 A: He basically told everybody just to stop.
880
881 Q: 'Cause I can see you take your hand up and do the come - the signal of a hand
882 up...
883
884 A: Yeah, I can...
885
886 ((Crosstalk))
887
888 A: ...he said to stop.
889
890 Q: Okay. So you heard him?
891
892 A: Yes.
893
894 Q: Okay.
895
896 A: Anyway, he did that, and we, of course, froze our opposition.
897
898 Q: Okay.
899
900 A: I turned to the Alameda County deputy that was always behind me, and I gave
901 him that signal with a closed fist up in the air kind of signaling for him - for
902 them to stop behind us.
903
904 Q: Okay.
905
906 A: So while we were stopped there, uh, one of the deputies and I think it was
907 Deputy (Fontana) -- once again, not sure - it was one the deputies on the
908 hillside so I couldn't see, broadcast over that - they- they probably heard, uh,
909 no movement.
910
911 Woman: Oh, okay.
912
913 A: As if somebody was walking around.
914
915 Woman: (Unintelligible).
916
917 Q: I'm going to ask you a question, okay?
918
919 A: Mm-hm.

920

921 Q: When you say you heard (Fontana) broadcast, are you referring to that you
922 heard him audibly say, I mean or...

923

924 A: No. Transmit on his - his radio.

925

926 Q: Okay, which leads to my next question because I saw that when you relayed
927 the information down to the Alameda County SO, you used a hand signal...

928

929 A: Yes.

930

931 Q: ...uh, that is common, um, in - in, uh, that is common for people who are...

932

933 A: Like it's - like a tactical signal.

934

935 Q: A tactical signal...

936

937 A: Right.

938

939 Q: ...that, uh, means to stop.

940

941 A: Right.

942

943 Q: Now why, um...

944

945 A: Did I do that?

946

947 Q: Yes.

948

949 A: Uh, because there was issues with the - the - the radio. That's why I was
950 having to walk back...

951

952 Q: Okay.

953

954 A: ...to the Alameda County guys, um.

955

956 Q: And in your experience, the reason that in these types of, um, uh, marijuana
957 eradication, um, uh, that you guys go to, um, you know, is it common to just
958 talk freely like you and I are talking freely, which is what you did? Or...

959

960 A: No.

961

962 Q: ...how do you communicate with each other and the reason for that?
963

964 A: Uh, there's a couple of communication forms we have to - to get as it comes.
965 Um, the primary communication form that we would have among ourselves is
966 that we would just quietly speak into our...
967

968 Q: Okay.
969

970 A: ...mic pieces. We all have earpieces so that no one can hear...
971

972 Q: Okay.
973

974 A: ..and we whisper. And we're able to hear each other to the whispering onto the
975 transmission on the radio.
976

977 Q: Okay.
978

979 A: However, Alameda County had, uh, we - we were using a mutual aid
980 frequency Bellamy 150, they call it (unintelligible). We were using that
981 frequency and apparently they were having problems with their radios, so they
982 weren't able to transmit it to us.
983

984 Q: Okay.
985

986 A: So to relay the information, I did have a visual on the deputy, the Alameda
987 County deputy behind me that's why I will be able to signal to stop and he
988 stopped and we all kind of froze in place and wasn't...
989

990 Q: And why would you not in and, you know, when you go out and do these
991 types of orientations, why you don't speak - speak freely about the way you
992 and I are speaking freely?
993

994 A: Uh, because of the dangerous situation of a, um, marijuana grower, um,
995 someone who's involved in an illegal drug trade has a, uh, a real duty, I guess,
996 in his sense, uh, to protect his marijuana fields, uh, the moneymaker, the profit
997 base, um, so to protect his assets, I guess in his mind. Um, he would defend
998 that at all cost, chances are. So when we walk up to these marijuana growers,
999 we try to be as stealthy as we can. One so that we can, you know, be safe for
1000 ourselves that no one hears us coming and, uh, possibly, you know, slaps us or
1001 something from a distance. Um, also that, uh, we would like to, uh, observe
1002 and see what's going on to affect an arrest, possibly. So there's a lot of reasons
1003 why we're quiet when we walk up. The biggest reason why we're quiet when

1004 we walk up, uh, both footsteps and also speaking on the radio would be, uh,
1005 officer safety -- the safety of everybody on the team.
1006

1007 Q: Okay. That'll clarify some things for me. Thank you very much.
1008

1009 A: Cheers.
1010

1011 Q: Okay. So (Fontana), when you heard (Fontana) say that he heard movement, it
1012 was during the communication of...
1013

1014 A: Uh, most - I'm almost - I'm - I'm sure it was - I'm almost sure it was
1015 (Mark Fontana) of the County Sheriff.
1016

1017 Q: Okay. All right. So then I - I - you heard one of the...
1018

1019 A: Santa Clara deputies
1020

1021 Q: ...deputies that was upfront that had gone along the hillside, uh, uh,
1022 whispering into my mic system that they had heard movement into the south?
1023

1024 A: Yes. That's right.
1025

1026 Q: Okay, which alerted you that potentially...
1027

1028 A: There might be somebody moving around and by us stopping then we will be
1029 able to listen to hear if there's somebody...
1030

1031 Q: Okay.
1032

1033 A: ...else out and around, moving around.
1034

1035 Q: Okay, very good. Thank you. All right. So go on.
1036

1037 A: Okay. So at that point, uh, while we were basically frozen in our tracks,
1038 listening, uh, I saw up to my left about, let's say 60 feet, approximately,
1039 maybe a little bit more than that, 60 to 70 feet above me on the hill, very steep
1040 slopes hill to my left, I saw a person walking westbound, the opposite
1041 direction that - that we were walking above us. If that makes sense. So I saw
1042 him, uh, very briefly walking, like, between - between brush and tall weeds. I
1043 saw him just very briefly walk across. And that split second that I saw him, I
1044 go on the radio and I transmitted that I saw a suspect up on the hill to my left.
1045 Um, I think I maybe wasn't the only person that spoke on the radio at the same

1046 time, I think we might have jumped on because, in my opinion, I saw one
1047 person. But truth be told, there are other people that have seen him at the same
1048 time.
1049
1050 Q: Okay.
1051
1052 A: So anyhow, I saw him very briefly. Uh, would you like me to describe it?
1053
1054 Q: Go ahead. Walkthrough that.
1055
1056 A: Okay.Okay. Um, so as soon as I saw him, uh, and I broadcasted on the radio, I
1057 turned to the deputy behind me and I heard, uh, one of our Santa Clara County
1058 deputies say, "He had a rifle. the suspect has a rifle." Bless you.
1059
1060 Q: Right. So sorry. Thank you. Okay.
1061
1062 A: So in some respects, the, you know, there was probably one more person
1063 talking, but I heard them say that he had a rifle.
1064
1065 Q: Okay.
1066
1067 A: So I turned back to - to the Alameda County deputy that was walking behind
1068 me and I lifted up my finger, indicating one that there was one person. And I
1069 pointed down in my rifle saying that, you know, trying to indicate that he had
1070 a rifle, and I pointed up on the hillside as to where I saw him. Uh...
1071
1072 Q: Okay.
1073
1074 A: ...just then, uh, I heard a gunshot ring out.
1075
1076 Q: Okay.
1077
1078 A: Um, I could not tell if the suspect was shooting at me and my partners, or if it
1079 was, uh, one of our deputies shooting. Is all I knew was that it sounded like it
1080 came from above me.
1081
1082 Q: Okay.
1083
1084 A: So when the gunshot rang out, um, and during this time, I'm - I'm focusing my
1085 attention telling the deputy behind me...
1086
1087 Q: Uh-huh.

1088

1089 A: So it took me off guard. So...

1090

1091 Q: Okay.

1092

1093 A: ...um, there was yelling. And there were people yelling, uh, at the suspect.
1094 Um, a lot of things that were being said to the suspect that - I mean, I heard,
1095 like, (unintelligible) Spanish - one of the officers was yelling Spanish to him,
1096 as is the, you know, um, um, fluent Spanish. But as I heard it, like, hand
1097 models using by the hands...

1098

1099 Q: Okay,.

1100

1101 A: ...and there were people saying, you put your hand up, put your hands up.
1102 Police, Sheriff's Office. Um, well, when the shot at rang up - rang out...

1103

1104 Q: Uh-huh.

1105

1106 A: ...um, like I said, I did not know if he was shooting at us. And at that point
1107 actually, I thought he was.

1108

1109 Q: Okay.

1110

1111 A: So the only cover that I had was to move, uh, directly to my left, which was at
1112 the bottom of the hillside, steep hill, and to point my rifle up at the direction
1113 where if you were shooting at us, he would have to point down at us to get us.

1114

1115 Q: Okay.

1116

1117 A: So I kind of just took the best cover I could have and - and stood, uh, facing
1118 my rifle, pointing straight up.

1119

1120 Q: Okay.

1121

1122 A: Uh, um, more shouting was being - the dep - the officers, the deputies were
1123 issuing orders to him, telling him to put your hands up. Um, some orders that
1124 are issued - orders were being issued in Spanish as well.

1125

1126 Q: Okay.

1127

1128 A: Um, and at a point, uh, Deputy (Domingo) ran quickly from the border from
1129 our - from the position, of course, he was ahead of me, so I was the tail

1130 gunner. He ran up his position up the hillside to the left with his rifle facing in
1131 that direction.
1132
1133 Q: When you say hillside, are you referring to the same hillside where you saw...
1134
1135 A: Where the suspect was.
1136
1137 Q: Because, uh, the suspect was to your left?
1138
1139 A: Yeah, he was walking, we'll call it eastbound, sorry.
1140
1141 Q: Okay. Walking east.
1142
1143 A: Um, and he was up here to the left. The last time I saw him.
1144
1145 Q: Okay. And, um, (Doug), (Nowler) and (Fontana) and...
1146
1147 A: And (Divert).
1148
1149 Q: ...and (Divert) had gone to your...
1150
1151 A: They were up on the right.
1152
1153 Q: On the right. Okay.
1154
1155 A: Right.
1156
1157 Q: So when you say that (Domingo) went from your position into the side -
1158 hillside, he went left?
1159
1160 A: Yes. Yes, he was - he was in front of me visible...
1161
1162 Q: And he ran...
1163
1164 A: ...and he ran up the hillside.
1165
1166 Q: Up the hillside, left?
1167
1168 A: Right.
1169
1170 Q: In the direction of?
1171

1172 A: In the direction of where the suspect was.
1173
1174 Q: Okay.
1175
1176 A: Um, I still didn't have a visual of the suspect...
1177
1178 Q: Okay.
1179
1180 A: ...at that point.
1181
1182 Q: Okay.
1183
1184 A: But I took off running by (Domingo) to go by himself up the hillside.
1185
1186 Q: So you followed (Domingo)?
1187
1188 A: So I followed him as well as one of the Alameda County deputies.
1189
1190 Q: Okay.
1191
1192 A: And, uh, (Doug Moral) was with us as well. We did - we kind of all ran up...
1193
1194 Q: Yeah.
1195
1196 A: ...into swamps, if that makes sense.
1197
1198 Q: Okay.
1199
1200 A: I don't remember who took what lead or whatever. We all kind of ran up there
1201 together.
1202
1203 Q: No problem.
1204
1205 A: Um, and then we got up on the hillside, which was very steep, by the way, and
1206 I am - I am surprised that we made it. I think we did it probably 'cause of the
1207 adrenaline.
1208
1209 Q: Uh-huh.
1210
1211 A: We got up on the hillside, my position was taken pointing my rifle directly up
1212 the hillside and, uh, watching the backs of Deputy (Domingo) and, uh, (Doug

1213 Moral) - Deputy (Moral). So they went to make contact with the suspect. And
1214 then my best recollection, I was maybe 10 to 12 feet from their location.
1215
1216 Q: Mm-hm.
1217
1218 A: But there was a lot of brush in the way, so I still didn't have a visual of the
1219 suspect. But because, uh, (Doug) and, uh, (Mike) were there with the suspect,
1220 my total attention was focused, pointing my rifle up on the hillside to make
1221 sure that nobody else came down and attacked them and me.
1222
1223 Q: No problem. So you were giving them cover?
1224
1225 A: Yes. Yeah, I was providing cover.
1226
1227 Q: Okay.
1228
1229 A: For the next 10 or 15 minutes, I just had my rifle focused up on the hillside.
1230
1231 Q: Okay.
1232
1233 A: And I heard the suspect moved several times. Um, and when we got up there,
1234 I heard a couple of more shots fired.
1235
1236 Q: So when you got up there, um, you were about 12 feet from (Domingo) and
1237 (Moral)?
1238
1239 A: Yes. They were...
1240
1241 Q: Uh, and they - and they were to your left. And what was their position in
1242 relation to the suspect?
1243
1244 A: Uh, you know, I was so focused on providing the cover...
1245
1246 Q: Okay. No problem. No problem. I - I...
1247
1248 A: I know that they were facing him, uh, they would have been, uh, facing
1249 southbound towards the suspect. But I - I really focused the majority - I mean,
1250 I'm sure they were moving and approaching him, but I was focused - I had to
1251 focus straight ahead.
1252
1253 Q: So let's go back. You heard the suspect move several times.
1254

1255 A: Yes.
1256
1257 Q: They were making contact with him. Were they vocalizing anything?
1258
1259 A: Yeah. They told him to put your hands up. Don't move. Um, I - I heard them
1260 mention that there was a rifle and, um...
1261
1262 Q: Every detail is important so please (unintelligible).
1263
1264 A: Okay. I heard - I heard them say that they thought that they - it was a 410,
1265 like, the shotgun is what I thought I heard them say. Um, but they were
1266 vocalizing, "Don't move, don't move. Um, put your hands up, put your hands
1267 up." And kept yelling that at him. And then I heard a couple more shots. And
1268 like I said with my attention focused straight ahead of me, um...
1269
1270 Q: No problem.
1271
1272 A: ...I don't know who fired or...
1273
1274 Q: Okay. So the shots sound like they were coming, uh, that they were closer,
1275 from me or did they sound like they were coming across? Uh...
1276
1277 A: At that point, it sound like they were closer to me.
1278
1279 Q: Okay.
1280
1281 A: Yeah.
1282
1283 Q: How many shots did you hear?
1284
1285 A: Uh, I - I recall two. There may have been more.
1286
1287 Q: Okay. Go on.
1288
1289 A: Um, so like I said, trying to not lose my focus on, uh, a bad guy coming down
1290 and getting us. Um, eventually two Alameda County deputies, uh, came up to
1291 my location. Um, I tried several times to climb up the hillside to get further
1292 up.
1293
1294 Q: Okay.
1295

1296 A: Um, I wasn't thinking that you know, I really wanted to clear that just - just
1297 that little hillside above where we were. Um, but I tried several times to get up
1298 there and, uh, and I just was not able. So I just thought it best just keep posted
1299 where I was.
1300

1301 Q: Okay. At some point, uh, after that, a few minutes later, a couple of Alameda
1302 County deputies (unintelligible) were able to climb up to the top and post up
1303 at the top.
1304

1305 Q: At the crest. Okay.
1306

1307 A: Yeah, the crest of the hill to - to clear it and also to remain in a situation
1308 where...
1309

1310 Q: Okay.
1311

1312 A: ...they weren't going to fall down the hillside because we were all struggling
1313 on the side of a very, very steep hill.
1314

1315 Q: Okay. Go ahead.
1316

1317 A: Um, I was there for probably just a guess, uh, 15 minutes, I would say.
1318

1319 Q: Okay.
1320

1321 A: Um, focused up on that hillside. Um, they were - I knew that (Doug) the
1322 medic was - was there with Deputy (Domingo). They were trying to, uh,
1323 arrange for a white flight, uh, to come out and - and rescue, uh, the fallen
1324 suspect.
1325

1326 Q: It's being broadcast over or communications systems?
1327

1328 A: There was a lot of things being broadcast on the radio. But I know one
1329 particular deputy, (Domingo), was on the satellite phone trying to...
1330

1331 Q: Okay.
1332

1333 A: ...make a call on his satellite phone and it was unsuccessful. Uh, apparently,
1334 he - I heard him speak with somebody, probably most likely the dispatcher...
1335

1336 Q: Okay.
1337

1338 A: ...when they lose the call and when they wanted it.
1339
1340 Q: So they were trying to arrange for?
1341
1342 A: A - a rescue for (unintelligible).
1343
1344 Q: Okay.
1345
1346 A: Yeah.
1347
1348 Q: Okay. Go on.
1349
1350 A: Um, after that, uh, I guess the medic there pronounced him dead after several
1351 minutes. Um...
1352
1353 Q: What medic?
1354
1355 A: ...uh, 'm sorry. Uh, (Doug Moral) who is a Deputy, he's also a - a team medic.
1356
1357 Q: Okay. And how do you know he pronounced?
1358
1359 A: Uh, he- he said he pronounce him at 10:25...
1360
1361 Q: And through this broadcast?
1362
1363 A: I heard that just for (unintelligible).
1364
1365 Q: Okay. All right. And I'm so- I - I know but it did seem like he...
1366
1367 ((Crosstalk))
1368
1369 A: No. please do. I - it's been a long day. I went...
1370
1371 ((Crosstalk))
1372
1373 Q: Sorry. So you heard him...
1374
1375 A: No problem.
1376
1377 Q: ...pronounced dead?
1378
1379 A: Yes.

1380

1381 Q: Um, loud and clear enough in the communications...

1382

1383 A: Yeah. No, I was close enough to where I could hear...

1384

1385 Q: Okay.

1386

1387 A: ...you know, the majority of their conversation.

1388

1389 Q: And did you hear what time?

1390

1391 A: Uh, I think he said 10:25.

1392

1393 Q: Okay.

1394

1395 A: Um, don't quote me to that.

1396

1397 Q: No. No problem.

1398

1399 A: Potentially, uh, something like that.

1400

1401 Q: No problem.

1402

1403 A: Which is how they would remember, uh, what time we...

1404

1405 ((Crosstalk))

1406

1407 Q: (Unintelligible) information that you kind of...

1408

1409 ((Crosstalk)).

1410

1411 A: Yeah.

1412

1413 Q: Okay. Go on.

1414

1415 A: Um, and then after that point, uh, it was - the decision was made that - that I
1416 would assist, uh, Deputy (Fontana) and (Marco) with the Alameda County
1417 Sheriff's Office, that we would hike back to the patrol vehicle in order to
1418 possibly escort incoming units from the ranch area, which would be the Lake
1419 Del Valle area.

1420

1421 Q: Okay.

1422
1423 A: Uh, to the rally point, as you say, where we were parked. And we are...
1424
1425 Q: So you were going to go back to the car and drive to the Lake Del Valle ranch
1426 area...
1427
1428 A: Yes.
1429
1430 Q: ...and then back to where the cars were parked and then bring them up?
1431
1432 A: Right.
1433
1434 Q: Okay.
1435
1436 A: So that people could find us because we were in a difficult location to - to, uh,
1437 to - to locate. Um, you know, we couldn't even, uh, get communication where
1438 we were, so.
1439
1440 Q: Okay.
1441
1442 A: Um, however, when we arrived at our vehicles, at the rally point...
1443
1444 Q: Uh-huh.
1445
1446 A: There were two Alameda County Sheriff deputies on their off-road
1447 motorcycles.
1448
1449 Q: And were they part of this of - all - all these teams or...
1450
1451 A: No.
1452
1453 Q: ...they were brand new?
1454
1455 A: No. They were brand new to the scene.
1456
1457 Q: Okay.
1458
1459 A: I - I assume that what they - they heard the traffic come over...
1460
1461 Q: Oh.
1462

1463 A: ...and they responded to the scene. They were probably nearby Lake Del Valle
1464 and they (unintelligible) they responded their fairly quickly.
1465

1466 Q: Okay.
1467

1468 A: Um, and at that point, uh, they assisted by, uh, saying us having to leave. They
1469 were able to, uh, make - ID that as a crime scene, Sheriff crime scene too.
1470 Um, and they were able to, uh, walk the roadway, you know, trees and
1471 branches and stuff like that so that incoming units could follow the - the trail
1472 of the Lake Del Valle area back to where we were 'cause, like I said, about a
1473 25 - 30 minute drive.
1474

1475 Q: Was the crime scene taped?
1476

1477 A: Yes.
1478

1479 Q: Okay.
1480

1481 A: And they were able to mark the road and escort people in.
1482

1483 Q: Okay.
1484

1485 A: Shortly after that, uh...
1486

1487 Q: Okay. Go on.
1488

1489 A: ...the Santa Clara County Sheriff's Supervisors arrived including Lieutenant
1490 (Morsey), uh, Sergeant (unintelligible).
1491

1492 Q: Okay. So when you gave them the tape and they went back from Lake Del
1493 Valle and put the tape all the way to where your guy's location was just the
1494 vehicles or up to where the cars - where the incident occurred?
1495

1496 A: Uh, they kind of marked, uh, it's hard to describe.
1497

1498 Q: Okay. So they just kind of...
1499

1500 A: They flagged certain areas that...
1501

1502 Q: They flagged? Okay.
1503

1504 A: ...so that when - when you're driving there where you would know if - if
1505 they're trying to go to the ranch, it would let you know to go to the left.
1506

1507 Q: Okay. And then...
1508

1509 A: So that's what they did. I stayed at the camp until I was given orders to - to do
1510 other things.
1511

1512 Q: Okay. So when they went to go do that for you at the crime scene team, you
1513 went back to where the incident occurred or you think they went to...
1514

1515 A: No. I stayed with the vehicle.
1516

1517 Q: Okay.
1518

1519 A: Yeah. I wasn't sure, uh...
1520

1521 Q: And did, uh, (Fontana) and the other Alameda County also stay with the
1522 vehicles or they go back in?
1523

1524 A: Um, at some point, they went back to the incident scene.
1525

1526 Q: Okay.
1527

1528 A: I'm not sure how long they stayed.
1529

1530 Q: Okay. So you stayed with the vehicles to relay information for those...
1531

1532 A: Right.
1533

1534 Q: ...units in - that we're going to come in?
1535

1536 A: Yes. I - because my vehicle radio transmitted a little better, um.
1537

1538 Q: Okay. And then so who arrived after, um, the off-road - the Alameda County,
1539 uh, deputies (unintelligible) with the crime scene take (unintelligible)?
1540

1541 A: Shortly after that. I - I, you know, I - I'm not sure exactly how long. Maybe 50
1542 minutes or so. Um, Lieutenant (Morsey) arrived. Uh, a lot of the - the Sheriff's
1543 Office for Emergency, uh, Emergency Response had arrived.
1544

1545 Q: Okay.

1546
1547 A: Um, including, uh, Deputy (De Lapena).
1548
1549 Q: Okay.
1550
1551 A: Um, Sergeant (Vasquez). Um, and, uh...
1552
1553 Q: And so when Lieutenant (Morsey) arrived, did you relay the information to
1554 him?
1555
1556 A: Yeah. The - the...
1557
1558 Q: Or - or - or - so what happened with you?
1559
1560 A: Uh, you know, I just, um, I was just standing by to see - to be of whatever
1561 assistance I could be.
1562
1563 Q: Okay.
1564
1565 A: Um, I knew that, uh, Deputy (Fontana) was relaying a lot of the information
1566 while I was on scene and, you know, it was him relaying the information.
1567
1568 Q: Okay.
1569
1570 A: They asked me just basic questions. You know, like, how many people we
1571 thought we thought were outstanding in that sort of thing?
1572
1573 Q: Right. Did you go back to the incident?
1574
1575 A: No.
1576
1577 Q: Okay.
1578
1579 A: No, I did not go back.
1580
1581 Q: Okay. So, um, um, was information given, you know, that there was another
1582 suspect? Did - did you hear anybody say that there was another suspect?
1583
1584 A: Yeah, I heard on the radio, uh...
1585
1586 Q: While you were in the incident or after?
1587

1588 A: While we were in the incident. I mean, this is while it was focused on...
1589
1590 Q: Okay.
1591
1592 A: ...on up on the hillside, uh, providing cover, I heard that they, uh, they thought
1593 that when the, uh, shots were fired, that they heard, uh, possibly two people,
1594 um, running eastbound closer to the hillside, where, uh, Deputy (Fontana) and
1595 Sergeant (Stag Knowle)...
1596
1597 Q: Okay.
1598
1599 A: ...and Deputy (Divert) were on that hillside. They - they heard this. I didn't
1600 hear its sort of state attempt to divert more of that hillside. They heard this
1601 'cause I didn't hear it (unintelligible) say that they heard.
1602
1603 Q: Any descriptions given over the communication...
1604
1605 A: No. As far as I know, nobody saw a visual of those people. They just heard,
1606 uh, somebody saying...
1607
1608 Q: Okay.
1609
1610 A: ...(unintelligible) maybe afoot.
1611
1612 Q: Okay. So back at the vehicles with the Lieutenant (Morsey) and the incoming
1613 SWAT units, um, with, uh, (Fontana) relaying the information. Um, what else
1614 - what else happened? What did you or did...
1615
1616 A: That was...
1617
1618 Q: ...what was your...
1619
1620 A: ...that was - that was pretty much it. I mean I just, uh, I mean, I drank a lot of
1621 water. Obviously, we were kind of like I said rehydrating that sort of thing.
1622 Um, and I was, uh, monitoring the radio on the vehicle. They were telling me
1623 when people were coming up from the incident scene back to our area so that
1624 we weren't startled there.
1625
1626 Q: Mm-hm.
1627
1628 A: So basically, I was establishing the security at the rally point.
1629

- 1630 Q: Okay.
1631
- 1632 A: For myself, uh, the ranchers who were there, um, and just providing, uh,
1633 security at that point for, uh, pretty much the rest of the day.
1634
- 1635 Q: Okay. And then, um, to point you - the investigation division made contact
1636 with you or something made contact with you and - I mean the, you know...
1637
- 1638 A: Yeah. Like, you know, we had to, you know, the - the SWAT team eventually
1639 re-relieved the people at the incident scene because of, uh...
1640
- 1641 Q: So when were you relieved from that team?
1642
- 1643 A: Um, boy. From the command post? Um, oh, geez. It was hours and hours and
1644 hours afterward. And I mean, um, well into the evening, I was finally relieved
1645 at the - at the scene and we went to the command post, um, which was closer
1646 towards, uh, the ranch - the (unintelligible) free ranch...
1647
- 1648 Q: Okay.
1649
- 1650 A: ...where we were located. Uh, we - we got there and they separated us. And
1651 we sat, um, in the command post, uh, RV and, um, sat there for a little bit.
1652 Sergeant (Unintelligible) spoke with all us and he wanted to talk about, you
1653 know, anything that the investigation needs...
1654
- 1655 Q: Right.
1656
- 1657 A: ...basically made sure that we were doing okay.
1658
- 1659 Q: So basically back to the vehicle with Lieutenant (Morsey), did you give him a
1660 quick rundown of...
1661
- 1662 A: Yeah. I - several people were asking me questions. I mean, it was a barrage of
1663 questions from several people, but it was, you know, very basic stuff as to
1664 how many people we fought? Uh, did we see, you know, a visual of these
1665 aspects that fled and, um, that sort of thing?
1666
- 1667 Q: Okay. And while in between the time that, uh, (Fontana) was giving you
1668 information and you provide security and then you were relieved hours later.
1669 Um, you know, what were some of the other roles that you feel are pertinent
1670 for you to tell me? I mean, I know there was hours in between that you
1671 provided security at the rally point that people were coming and going.

1672

1673 A: Yeah, yeah.

1674

1675 Q: Uh, and then hours later, you were relieved, taken down to the ranch, and
1676 waiting to be interviewed and brought back. So...

1677

1678 A: What were we doing during that period of time?

1679

1680 Q: Yeah.

1681

1682 A: Uh, I, you know, mostly it was just taking care of ourselves. I mean, we, uh,
1683 we...

1684

1685 Q: Okay.

1686

1687 A: ...we were pretty much all (unintelligible) to give up points. So we tried to get
1688 shed. I mean I sat in the shed underneath the tree for a little bit.

1689

1690 Q: Okay.

1691

1692 A: Um, obviously, kept minding officers' safety with me, a trail mix. Um, I drank
1693 a lot of water...

1694

1695 Q: Okay.

1696

1697 A: ...and air raid, provided water and gave it to the other people. Um...

1698

1699 Q: Did you...

1700

1701 A: ...Led people down to where the...

1702

1703 ((Crosstalk))

1704

1705 A: ...talk amongst yourselves about what happened?

1706

1707 A: No. I mean, we - we all kind of kept it, uh, you know, I mean - I'm sure we -
1708 we were providing information to everybody. So we were talking about what
1709 had occurred, you know, for officer safety, reason one. You know, we - we
1710 spoke of, uh, how many people we thought possibly fled the scene. And, um,
1711 there wasn't a whole lot to provide as far as I go off. I mean, I just - we just
1712 heard people running, but I couldn't give you more information other than
1713 that. But, um, yeah. I mean, it was, uh, there was a lot of conversation as to,

1714 um, I guess, safety things that they would typically ask you as to know
1715 where...

1716

1717 Q: Okay.

1718

1719 A: ...for example, um, how to access the trail. I provided certain assignments in
1720 my, uh, I had a - a little handheld GPS thing that showed them how to fall
1721 back or how to get back. So if I actually walked out and I went with them into
1722 the trail and showed them how they get to the - to the trail (unintelligible) to
1723 go to the entrance of it.

1724

1725 Q: Okay.

1726

1727 A: So there's a lot of that type stuff going on. It's a lot of sitting around. Um, we
1728 sat in my patrol - I sat in my patrol vehicle for a little while to get out of the
1729 heat. Um, the air-condition (unintelligible) not working. So I just sat there and
1730 tried to stay out of the sun a little bit, too.

1731

1732 Q: Okay. Is there anything else that you can think of that I haven't asked that do
1733 you feel I should know?

1734

1735 A: Um, yeah, like, one thing that it kind of keeps reoccurring in my mind, you
1736 know, I don't dwell on this stuff. I mean, it's - it's almost a - it's a learning
1737 experience for me. And by a dwelling, I mean, I don't - I don't get scared of
1738 what happened.

1739

1740 Q: Mm-hm.

1741

1742 A: Um, and I don't, uh, it was a learning process. Um, and for me, I think what
1743 should be recognized is when we were down in that valley area and we had to
1744 traverse through that area. I mean, there was no way other than to be up on the
1745 hillside and, um, some of us were down below and some of us were brought
1746 up. But, um, I think because of the fact that - that split second that I saw the
1747 suspect walk across, maybe he saw me, that if my partners were able to see a
1748 threat or the weapon, which they probably were, but they probably saved my
1749 life and (Doug)'s today. And I think that that needs to be recognized because,
1750 uh, truth be told, um, we were in a kind of a disadvantage, uh, not by choice.
1751 Just like I said, when we stop, you know, scuttle it over to the corner and hide
1752 there - actually there was nothing to hide behind anyway. There was nothing
1753 there. It was a dry creek bed. But we're told to stop and freeze, um, and the
1754 suspect was above us and just common practice that if you stand above from a
1755 point of advantage and shoot down at people, uh, we very well could have

1756 been the targets and, uh, my partners having an advantage point being on the
1757 hillside above could possibly have saved our lives today. And I honestly think
1758 they probably did.
1759
1760 Q: Okay. Right now, I'm just going to go over some closing questions.
1761
1762 A: Sure.
1763
1764 Q: Um, when did you last qualify?
1765
1766 A: Um, I don't know if I have my (unintelligible) card on my right now. But it
1767 was, uh, earlier, um, this year. So I - I am within qualifications.
1768
1769 Q: Okay. What did you qualify with?
1770
1771 A: I qualified with my, uh, duty firearm. Like my...
1772
1773 Q: Okay.
1774
1775 A: ...a sidearm, my Glock, 40 caliber...
1776
1777 Q: Okay.
1778
1779 A: ...22 models. Um, I qualify with my AR-15 rifle.
1780
1781 Q: Mm-hm.
1782
1783 A: And I qualified with my, uh, backup gun which is a Glock 27.
1784
1785 Q: Okay.
1786
1787 A: Here's my (unintelligible) card. This is my (unintelligible) sorry.
1788
1789 Q: Okay.
1790
1791 A: (Unintelligible).
1792
1793 Q: So you have qualified for these? You are - you are...
1794
1795 A: Yes, I have, um, until the end of the year to close. I'm sorry.
1796
1797 Q: Okay. I'm trying to think of the word, uh...

1798

1799 A: I'm answering your questions for you and...

1800

1801 Q: I know. I know.

1802

1803 ((Crosstalk))

1804

1805 A: I have till the end of the year to qualify, uh, for the second quarter.

1806

1807 Q: So you are current with your form?

1808

1809 A: Yes.

1810

1811 Q: Okay. That's good. Uh, I don't think I have any other questions for you.

1812

1813 A: Okay.

1814

1815 Q: Um, I'm just going to let them know. Um, if you could...

1816

1817 A: Mm-hm.

1818

1819 Q: ...I'll get you a paper and (unintelligible) I've been blowing my nose. Here's
1820 my business card for you. And then just kind of if you could quickly, I want
1821 you to put your name, today's date, uh, your badge number and then to - to
1822 draw a quick, uh, map of what your recollection is of your position - the
1823 positions of (Fontana), (Divert) on the hillside just real quick. Okay?

1824

1825 A: Okay.

1826

1827 Q: Is that fine with you?

1828

1829 A: Yeah, yeah, yeah.

1830

1831 Q: (Unintelligible) I've been blowing my nose so (unintelligible).

1832

1833 A: I - I am not a Germaphobia. So we're good.

1834

1835 Q: Oh.

1836

1837 A: Uh, well, (unintelligible) I can do some stuff today, so.

1838

1839 Q: Oh. All right. Let me - let me do that real quick. I saw the pen right here.

1840
1841 A: Okay.
1842
1843 Q: There you go. So just, uh, make sure you put your name inside it.
1844
1845 A: Okay.
1846
1847 Q: 'Cause it'll be, uh, we'll - we'll (unintelligible) onto that. Any mind you, and
1848 that - and that could be civilian statue number.
1849
1850 A: I hope not because...
1851
1852 Q: Yeah, I know. You're (unintelligible) to your recollection. Okay.
1853
1854 A: This is my (unintelligible).
1855
1856 Q: My (unintelligible) is north, you know, up in the north.
1857
1858 A: Okay. Um, okay. There you go. That's...
1859
1860 Q: Oh, how about...
1861
1862 ((Crosstalk))
1863
1864 A: So I do (unintelligible).
1865
1866 ((Crosstalk))
1867
1868 Q: You just have to do one.
1869
1870 A: ...it's getting really late and, uh...
1871
1872 Q: Okay.
1873
1874 A: ...it's going to be tough for me. So up is, uh, eastbound on this diagram.
1875
1876 Q: Okay. Okay.
1877
1878 A: Okay?
1879
1880 Q: That's fine.
1881

1882 A: Um, and it's honestly, it's kind of northeast anyway to be quite honest with
1883 you.
1884
1885 Q: No problem.
1886
1887 A: But...
1888
1889 Q: So just draw the (unintelligible) in and put your positions and - right there.
1890
1891 A: Okay. So we're set up on the hillside from up here. Okay. I had Mexican food
1892 last night. Sorry.
1893
1894 Q: No, it's okay.
1895
1896 A: So by the way I - I couldn't believe that I hear (unintelligible)...
1897
1898 Q: I know.
1899
1900 A: ...what I had for dinner but, um, I - I had Mexican food. I had a chicken
1901 burrito if you want any specifics. (Unintelligible)I do remember that. But I
1902 (unintelligible). Okay. This is a - Officer (unintelligible) is here.
1903
1904 Q: Okay.
1905
1906 A: Um, now, I had a vision - visual of myself here...
1907
1908 Q: So which - which - what was to your left?
1909
1910 A: Okay. This is the, uh, hillside to the left.
1911
1912 Q: Okay. Could just put left on the bottom so I know that's - 'cause...
1913
1914 A: Okay.
1915
1916 Q: Yeah. Indicate left 'cause you described it really well...
1917
1918 ((Crosstalk))
1919
1920 A: This is my right. Okay.
1921
1922 Q: Yeah, 'cause everything was given to your left, your right so then looking out
1923 on people would be their references.

1924

1925 A: Okay. Okay. I was, um, this is where the dry creek bed is...

1926

1927 Q: Okay.

1928

1929 A: ...where the hillside goes up.

1930

1931 Q: Mm-hm.

1932

1933 A: So I was, uh, about here.

1934

1935 Q: Okay.

1936

1937 A: I think I'll put myself in there.

1938

1939 Q: Yes, please.

1940

1941 A: Um, okay, uh, (Doug Moral) - Deputy (Moral) was, uh, about here.

1942

1943 Q: Okay.

1944

1945 A: And, uh, I'm going to put Deputy (Doug). Okay.

1946

1947 Q: Okay.

1948

1949 A: Yeah, 'cause I'm not sure how to spell his last name (unintelligible).

1950

1951 Q: Okay.

1952

1953 A: Um, he was here. And, um, (Domingo) was about here.

1954

1955 Q: And you're drawing this after the shooting occurred or before?

1956

1957 A: Um, before.

1958

1959 Q: Okay. All right.

1960

1961 A: And I can explain...

1962

1963 ((Crosstalk))

1964

1965 Q: Okay. No problem. No problem. That I understand.

1966
1967 A: Yeah, I know it's - it's difficult to envision sometimes. But this is- this is as we
1968 were kind of as we were frozen.
1969
1970 Q: Mm-hm.
1971
1972 A: Um, I'm here. Uh, there's trees and brush.
1973
1974 Q: Okay.
1975
1976 A: I'll - I'll draw - I mean, there - it was a steep hillside.
1977
1978 Q: And the wind is heavy brushing the trees?
1979
1980 A: Um, it's very much vary depending on where you were.
1981
1982 Q: Okay.
1983
1984 A: I mean there were (unintelligible). I remember being, uh, fairly tall weeds.
1985
1986 Q: Okay.
1987
1988 A: And I saw him about (unintelligible) show bushes or something here. Like
1989 this. I kind of saw him go like that.
1990
1991 Q: Okay.
1992
1993 A: So here is where kind of the suspect was.
1994
1995 Q: Can you write suspect? Yeah, there you go. Thank you.
1996
1997 A: He was here. So I kind of saw him stuck between a couple of bushes here.
1998
1999 Q: Mm-hm.
2000
2001 A: Um, and then after the shooting, I pretty much went towards this hillside...
2002
2003 Q: Uh-huh.
2004
2005 A: ...and then (Doug) went like that as well.
2006
2007 Q: Okay.

2008

2009 A: And we kind of took whatever cover we could find at the hillside.

2010

2011 Q: Okay. So in your drawing where you have marked that it's you, you also drew
2012 an arrow...

2013

2014 A: Yes.

2015

2016 Q: ...that went in the direction of your...

2017

2018 A: The direction of my (unintelligible).

2019

2020 Q: ...left and that is - the arrow indicates the direction that you traveled?

2021

2022 A: Yes, that was after a shot was fired.

2023

2024 Q: Okay. Same thing for, uh, the position where Deputy (Doug Moral) is, you
2025 also drew an arrow to go left.

2026

2027 A: Yes.

2028

2029 Q: To indicate the position that he traveled after the shooting?

2030

2031 A: Yes.

2032

2033 Q: Okay. Good. Thank you.

2034

2035 A: And generally up in this area, now, I - I didn't have a visual 'cause they were
2036 up above...

2037

2038 Q: Okay.

2039

2040 A: ...me on the hillside.

2041

2042 Q: Uh-huh.

2043

2044 A: But, um, I'll put somewhere here Deputy (Fontana). Um, they were positioned
2045 somewhere up here, and, um, I never saw it, but apparently there was a pipe.

2046

2047 Q: Okay.

2048

2049 A: That was there.

2050

2051 Q: And that was the pipe that they make reference to?

2052

2053 A: Right. And they were...

2054

2055 Q: Following...

2056

2057 ((Crosstalk))

2058

2059 Q: Okay.

2060

2061 A: ...to the hillside. And, you know, I mean before this - I mean, they were
2062 making sure that there weren't trails and that sort of this. So there's a lot of
2063 community - there is communication going on between us.

2064

2065 Q: Now you wrote steep?

2066

2067 A: Yes.

2068

2069 Q: How?

2070

2071 A: Uh, you know, I think I thought someone said it would be about 65 degrees or
2072 something like that. Boy, I tell you what, that would probably be about, right.

2073

2074 Q: Okay.

2075

2076 A: Um, which is, you know, it was...

2077

2078 Q: All right. Could you just, like, put in...

2079

2080 A: Uh, that's...

2081

2082 Q: ...(unintelligible) going to want to do it - we're not going to go into hey it
2083 was...

2084

2085 ((Crosstalk))

2086

2087 A: You know, it was...

2088

2089 Q: ...it was 65, it was 70.

2090

2091 A: I know. I know.

2092

2093 Q: You know.

2094

2095 A: Like it would be easier if I - it was - it was very...

2096

2097 ((Crosstalk))

2098

2099 Q: No problem. No problem.

2100

2101 A: So it's just across - it's the hillside.

2102

2103 Q: Okay.

2104

2105 A: I mean, it's - it's more steep at some spots.

2106

2107 Q: Now, the distance between you and the suspect, how - how far do you think
2108 that was?

2109

2110 A: Um, I estimated that was about 60.

2111

2112 Q: Okay.

2113

2114 A: About 60 feet maybe.

2115

2116 Q: Okay.

2117

2118 A: Maybe even a little longer than that.

2119

2120 Q: No problem.

2121

2122 A: So it was a little - right here.

2123

2124 Q: Okay. I think this really helped out. Now, where were the Alameda guys
2125 behind you?

2126

2127 A: Yes, um, uh, they were kind of, you know, (unintelligible)...

2128

2129 Q: Okay. No problem.

2130

2131 A: I'll stick them up, like, here somewhere 'cause I know they were...

2132

2133 Q: And just write Alameda.

2134
2135 A: Yeah.
2136
2137 Q: Okay. I think this - that's definitely going to help me visualize...
2138
2139 A: I hope so.
2140
2141 Q: ...what you told me. No, it does. It does.
2142
2143 A: All right.
2144
2145 Q: You know, if it is - if it is, you know, we weren't there and I - you actually
2146 gave a really good description...
2147
2148 ((Crosstalk))
2149
2150 A: No, I'm trying.
2151
2152 Q: Okay. All right. Have my business card.
2153 .
2154 A: Okay.
2155
2156 Q: I'm just going to go double-check with, uh, make sure that, uh, um, they know
2157 that you're done and they can - we'll tell you a few more things and, uh, make
2158 sure you can go home and get some sleep.
2159
2160 A: Okay, that would be probably a good point.
2161
2162 Q: All right. No, stand by. Stand by.
2163
2164 A: Sorry.
2165
2166 Q: Mm-hm.
2167
2168 Man: (Unintelligible).
2169
2170 Q: All right. We're good.
2171
2172
2173
2174

Interviewer: Sgt. Davis

07-22-21/10:15 pm

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2175 This transcript has been reviewed with the audio recording submitted and it is an accurate
2176 transcription.
2177 Signed _____