

**INTERVIEW WITH SGT. SPAGNOLA**

**Q=Sgt. Davis**

**A=Sgt. Spagnola**

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Q: (Unintelligible). Okay. This is Sergeant (Unintelligible) Davis, badge number 1751. Uh, we're at sheriff's office headquarters. The time is 11:39. I am with Sergeant Spagnola at the sergeants' office. Here on event 10-202-0038E, Edward. And, uh, we are, uh, there is no one else present in the room. Can you please state your name?

A: (Charles) Spagnola. Badge number 1642.

Q: Okay - okay. Um, first of all I noted that no one else is in the room here with us. So there is not an attorney or anything like that. So I want to tell you that you are not the subject in an investigation. You are free to go. You don't have to talk to me. Um, all that other good stuff. So I just want to put that out from the beginning. So, uh, let you know that you don't have to answer any of my questions if you don't want to. And you are entitled to representation if you wanted to at the same time too. So, um, do you want to talk to me today?

A: Sure.

Q: Okay.

A: Why would I not want to talk to you?

Q: Okay. We just gotta get that off, you know, out in the beginning. All right. So I'm just gonna go ov- over, um, uh, who you are. I know who you are. But, you know, we're gonna put it down. So start off with, uh, who you work for, what your current assignment is, how long you've worked here. And any other prior law enforcement experience.

A: Uh, Sergeant Spagnola. I work for Santa Clara County Sheriff's Office. Specifically under the TNT Division. I am the range master, uh, for the past goin' on five years for the department.

43  
44 Q: Um, and how long have you been with the sheriff's office?  
45  
46 A: Uh, probably close to 13 years now.  
47  
48 Q: Um, any other prior law enforcement experience...  
49  
50 A: Yes.  
51  
52 Q: ...before the sheriff's office?  
53  
54 A: I worked 10 years, uh, at Department of Corrections.  
55  
56 Q: Okay. And before that?  
57  
58 A: Uh, no law enforcement. But did - I ran a drywall business.  
59  
60 Q: Okay. Um, so now we're just gonna go over just, uh - uh, some basic  
61 information. How tall are you?  
62  
63 A: Six foot.  
64  
65 Q: And your weight?  
66  
67 A: 180.  
68  
69 Q: And eyes are hazel?  
70  
71 A: Brown. Yeah. Brown.  
72  
73 Q: Brown? Okay.  
74  
75 A: Uh, brown.  
76  
77 Q: And again you work for the sheriff's office. And that's located at 55 West  
78 Younger.  
79  
80 A: Correct.  
81  
82 Q: In San Jose. Okay. And a good contact number?  
83  
84 A: My cell phone is

85  
86 Q: Work number? Or give me your work number.  
87  
88 A: Work number is  
89  
90 Q: Mm-hm.  
91  
92 A:  
93  
94 Q: And the cell number, is that also a work related number?  
95  
96 A: Yes.  
97  
98 Q: Okay.  
99  
100 A:  
101  
102 Q: Okay. Very good. So now we're just gonna start from last night. Just  
103 gonna ask you some basic questions. Last night, um, yeah. I worked last  
104 night. Um, uh, what did you have for dinner? I mean, uh, what time did you  
105 eat dinner?  
106  
107 A: Last night?  
108  
109 Q: Mm-hm.  
110  
111 A: Oh. Actually when we got - on the way here we stopped at...  
112  
113 Q: About what time was it? Okay. So...  
114  
115 A: I would say probably...  
116  
117 Q: So let's just...  
118  
119 A: ...close to 8 o'clock.  
120  
121 Q: Okay. So we're not talking about eating today. We're talking about the night  
122 before - the night before the event. The previous night. We're not - we're not  
123 quite to midnight yet. So we are...  
124  
125 A: I got home. Went out to dinner. So I'm gonna say yesterday at 6:00 pm.  
126

127 Q: Okay. Did you work yesterday?  
128  
129 A: Yes.  
130  
131 Q: Okay. And - and that's at your current assignment as range...  
132  
133 A: That's correct.  
134  
135 Q: Okay. What time do you get off of work?  
136  
137 A: Five o'clock.  
138  
139 Q: Okay. And, uh, so you had dinner. Did you have anything to drink with  
140 dinner?  
141  
142 A: I had a glass - a margarita.  
143  
144 Q: Okay.  
145  
146 A: One glass.  
147  
148 Q:  
149  
150 A:  
151  
152 Q: Okay. What time did you go to bed?  
153  
154 A: That night probably 9 o'clock.  
155  
156 Q: Okay. And, uh, so now this morning what time did you get up?  
157  
158 A: At about 3:30.  
159  
160 Q: Okay. So start from the time that you got up through the - of course - the  
161 events today. Um...  
162  
163 A: So I was told to be here. That we were gonna meet here 'cause we gotta drive  
164 to Livermore and meet with them. So we needed to leave here by 5 o'clock.  
165  
166 Q: Okay. So this is something that I don't know.  
167  
168 A: Well.

169

170 Q: That you had a pre-planned kinda...

171

172 A: Yeah.

173

174 Q: ...thing. But just...

175

176 A: Okay. So, um, got up. Do you want me to go through before when they  
177 asked me (Unintelligible)?

178

179 Q: Yeah.

180

181 A: Okay. So I got up 3:30. Took a shower. I drove into, uh, here at  
182 headquarters. Stopped at 7-11 along the way and got a cup of coffee. Was  
183 here about, oh, 4:30-ish. Maybe a little early.

184

185 Q: Mm-hm.

186

187 A: Met, uh, Deputy (Domingo) in the parking lot. Loaded up, uh, the equipment  
188 we were gonna need for the day.

189

190 Q: And...

191

192 A: 'Cause I took my...

193

194 Q: What were you gonna do today?

195

196 A: Uh, go, uh, I was gonna help Deputy (Domingo) and (Divert) with a  
197 marijuana eradication on Mines Road or somewhere close to that.

198

199 Q: Okay. So you met (Domingo) and you started loading up the truck.

200

201 A: So we loaded up. Uh, took my gear from my truck that I needed.

202

203 Q: Mm-hm.

204

205 A: Loaded it into their truck - their work truck. Was told that we were  
206 gonna meet, um, Alameda SO at Livermoor PD. So, um, people start comin'  
207 in that were also gonna go. (Craig) and Devin, um, (Doug Amaro) and (Brett  
208 Moore).

209

210 Q: Mm-hm.

211  
212 A: By - when everybody was there, loaded up and made the decision who was  
213 gonna drive where. Uh, we drove off around I would say probably 5:15-ish.  
214  
215 Q: Did you have a briefing here before you drove off?  
216  
217 A: Um, no. We had it out there.  
218  
219 Q: Okay. And did you have an ops plan?  
220  
221 A: Yeah. Deputy (Domingo) had ops plans.  
222  
223 Q: Okay - okay. So then you drove to Alameda.  
224  
225 A: Yeah. I want to say we drove to Livermore PD.  
226  
227 Q: Oh.  
228  
229 A: Where we met Alameda.  
230  
231 Q: Livermore PD? Okay.  
232  
233 A: Uh, there, uh, every - as everybody arrived we, uh, (Sean Peterson), who was  
234 the sergeant in charge of the Alameda deputies...  
235  
236 Q: Mm-hm.  
237  
238 A: ...um, had an ops plan. And he covered that ops plan with everybody - the  
239 whole group.  
240  
241 Q: Can you go over, uh, that briefing with me?  
242  
243 A: Uh, he kinda gave us a rundown of the history of, uh, how this - uh, they  
244 weren't sure if there was gonna be actually marijuana there. Just kinda told us  
245 how it all evolved from a rancher. That we're gonna go to a ranch. This  
246 rancher found a pipe. Not sure if there's anything there. Uh, but we're  
247 gonna go out there and take a look to see if we see anything. Um, it's way out  
248 there. It's very far.  
249  
250 Q: Mm-hm.  
251

252 A: Um, so he kinda went through all that. Here's - on the sheet he had a list of,  
253 you know, "Here's my phone number, the emergency phone numbers, the  
254 Alameda's phone numbers, helicopter phone numbers. Um, here's what we're  
255 gonna do in case of emergency." And it was all in the ops plan. So he  
256 covered all the - the details.  
257  
258 Q: Did - did he discuss what the - what was to be done in the event that there was  
259 a - a shooting? Things like that? Did you cover that in the...  
260  
261 A: Yeah. It's - it's, uh, it was actually on one of the sheets of the ops plans...  
262  
263 Q: Okay.  
264  
265 A: ...at Alameda.  
266  
267 Q: Is this the first time that you've assisted on, uh, a eradication of a marijuana  
268 grow?  
269  
270 A: No.  
271  
272 Q: Okay. How many times - prior times have you gone before?  
273  
274 A: I've been doin' it for probably six or seven years. So to give a number of how  
275 many times...  
276  
277 Q: No. Just...  
278  
279 A: Uh...  
280  
281 Q: ...want to look at your experience with - with, uh...  
282  
283 A: A hundred.  
284  
285 Q: Okay.  
286  
287 A: Yeah. Maybe.  
288  
289 Q: Okay. And in your experience in going and assisting and working these, uh,  
290 eradications of marijuana gardens, um, what have you learned through your  
291 experience in - in working them regarding gardens?  
292

293 A: Um, well a lot of things. I mean, you know, sometimes - you know, a lot of  
294 these - these, uh, events are tips that we get from - they're called in on the tip  
295 line.  
296  
297 Q: Mm-hm.  
298  
299 A: Or might - a rancher that knows (Craig) and (Mike) for years...  
300  
301 Q: Mm-hm.  
302  
303 A: ...call and say, "Hey. Um, one of my hands found a pipe or saw some  
304 guys." Uh, so you really don't know what to do. Um, you know, what to  
305 expect. Um, sometimes they say, "Hey. You know, we actually saw  
306 plants." Or they ran into some guys. So it could be somebody that's  
307 poaching. Or it could be somebody growing marijuana. So it's kind of a - a  
308 gamble. You don't really know what you're gonna run into.  
309  
310 Q: Uh-huh.  
311  
312 A: But you gotta be prepared.  
313  
314 Q: And - and...  
315  
316 A: So...  
317  
318 Q: Prepared for?  
319  
320 A: Uh, runnin' into, um, suspects armed with weapons. Uh, it - a good portion of  
321 the ones we've come across we find weapons. And, uh, we've found  
322 numerous weapons in the past.  
323  
324 Q: And - and - and why is it that they have weapons?  
325  
326 A: Uh, there's a few different reasons they have weapons. One is to obviously  
327 protect the gardens. Um, the - they're - the, uh, the marijuana from being  
328 ripped off from other growers or bad guys. Um, one of the other things is for,  
329 uh, you know, animal protection. So there might be snakes, bobcats,  
330 mountain lions, pigs that they gotta, you know, gotta protect themselves from.  
331  
332 Q: So in your experience are - is, um, the eradication of marijuana gardens  
333 considered low risk, medium risk, high risk type of operation?  
334



- 335 A: Um, you know, it's - when we know there's a garden there or 100% sure it's  
336 always kind of, uh, more on the high side. Because you want to be prepared  
337 for the worst. And hopefully, uh, you know, that doesn't come about. But,  
338 you know, more and more, you know, it's getting more and more where  
339 people are, uh, bringing guns in. You know, initially seven years ago we saw  
340 a few. But not very many. Now I see it more and more every year, more and  
341 more.  
342
- 343 Q: Okay. And that's the reason why in your briefing when, uh, with Sergeant  
344 (Peterson) and, uh, the operational plan you went over, um, you know, what to  
345 do in the event that these, uh, you encounter suspects or things like  
346 that. Because...  
347
- 348 A: (Unintelligible)  
349
- 350 Q: Because of the risks associated with these gardens?  
351
- 352 A: Yes.  
353
- 354 Q: Okay. All right. So just wanted to get a little bit of history and background  
355 on that. So go on. I'm sorry.  
356
- 357 A: Um, after Sergeant (Peterson) did his briefing with his ops plan, um, Deputy  
358 (Domingo) brought out his and passed it out. And covered basically the same  
359 thing. But, um, more geared towards us as, um, somebody not in their  
360 jurisdiction. Okay. This is what we're gonna follow our guidelines  
361 specifically. We have the same rules. Alameda, um, got their ops plan from  
362 (Craig) and (Mike).  
363
- 364 Q: Okay.  
365
- 366 A: They just started their, uh, marijuana team and a lot of their learning and  
367 experience came from (Mike) and (Craig). So he covered our specific stuff. I  
368 thought (Mike)'s matched a little better. That's where I got my GPS  
369 coordinates. So, uh...  
370
- 371 Q: Okay. And so could you go over what the - can you go over (Domingo)'s  
372 briefing?  
373
- 374 A: It was very - very similar to - um, I mean he didn't cover the exact same  
375 history because Sergeant (Peterson) covered it. But he said, uh, he pointed  
376 out, uh, saying basic safety, security stuff. There's, uh, you know, if there's

377 potential - if we do run into somebody this is what we're gonna do. Um,  
378 here's the map. This is where we expect - in the past years we've had a couple  
379 out here.

380

381 Q: Okay.

382

383 A: And here's where we had 'em. So he had the maps of previous  
384 GPS coordinates. Which was much better. That helped us out, uh, quite -  
385 quite a bit more. Um, callin' in helicopters and stuff. Um, and he covered,  
386 you know, uh, the order in which us SO, uh, Santa Clara SO were going to be  
387 in the line. And (Craig) and Devin would be first. Uh, I'll be third. (Mike)  
388 would be fourth. (Doug) and then (Brett Moore) would be in, uh, the tail.

389

390 Q: Okay. And he did cover, uh, use of force in his briefing?

391

392 A: Yes.

393

394 Q: Okay. And that would be the sheriff's office because...

395

396 A: Use of force. Yeah. We were gonna - even though we were in their  
397 jurisdiction we were gonna be following the - the sheriff's office use of force  
398 policy per protocol.

399

400 Q: Thank you. No. Go on.

401

402 A: Uh, okay. So after the briefing we - everybody got in the truck. We drove out  
403 to the entry branch on Del Valle Road where we met with the rancher. His  
404 name is .

405

406 Q: Okay.

407

408 A: Uh, I didn't do much talking. Um, the, uh, Sergeant (Peterson) and I think, uh,  
409 Deputy (Domingo), uh, discussed some maps. They had a big map on the  
410 hood of the car. And they were discussing, uh, um, the location where the  
411 rancher found the pipe. And this that and the other.

412

413 Q: Who was the lead case agent, um, on the SO side for...

414

415 A: Deputy (Domingo).

416

417 Q: (Domingo)? Okay. I was kinda picking up on that. And I hadn't asked that  
418 earlier. So thank you.

419  
420 A: Yeah.  
421  
422 Q: So go on.  
423  
424 A: Um, so once they - the rancher explained. And then they got everything  
425 straightened out. Um, he was going to lead us - 'cause it was 10 miles up a  
426 fire road - to where the pipe was seen basically by this rancher. Apparently  
427 during the - way out there is, uh, he lost a cow. And that's how they found the  
428 pipe.  
429  
430 Q: Mm-hm.  
431  
432 A: So he was searchin' for a cow and ran across this pipe. Um, so we got in a,  
433 you know, a convoy and just drove. Just followed the rancher out, uh, for 10  
434 miles down this dirt road. Finally came to a, uh, parking area basically 10  
435 miles i- in.  
436  
437 Q: Mm-hm.  
438  
439 A: And then Sergeant (Peterson) took his truck. And he, uh, Devin followed  
440 him. So then he took his truck and parked it way at the bottom. Because we  
441 were gonna go down this incline. So we wanted a truck so we, you know, had  
442 to drive all the way back up. If we'd have a truck down there. So he parked  
443 his truck down at the bottom. Devin brought him back up. Once everybody  
444 was up there together again - which took about a half hour. It was a long,  
445 I mean, I guess long drive to where they parked it. And, uh, we all geared up  
446 and we were waitin' for 'em to come back. As soon as they came back drank  
447 some water, uh, discuss again the, uh, order in which we were gonna go in  
448 line. You know, (Craig Divert) first following the the trail. Uh, (Craig  
449 Divert) and Devin Fontana are first. Uh, I was gonna be third. And (Mike) -  
450 so on. And we started down, uh, a trail lookin' for the trail. Because we didn't  
451 know if there was a trail. Where - if we were gonna find one.  
452  
453 Q: I have a question.  
454  
455 A: Yeah. Go ahead.  
456  
457 Q: So it sounds like, uh, it was the sheriff's office that formed one team?  
458  
459 A: Correct.  
460

461 Q: Um, were any of Alameda, uh...  
462  
463 A: No.  
464  
465 Q: Okay. So then they formed...  
466  
467 A: They were in their own separate...  
468  
469 Q: They formed a secondary team?  
470  
471 A: Correct. And...  
472  
473 Q: Okay.  
474  
475 A: ...they got behind us.  
476  
477 Q: Okay - okay. So...  
478  
479 A: So we didn't know where the trail was, if there was a trail.  
480  
481 Q: Mm-hm.  
482  
483 A: Um, but he pointed and said, "You know, if you follow this down, you know,  
484 you'll see the pipe and the creek down at the bottom."  
485  
486 Q: Mm-hm.  
487  
488 A: So we just kinda started wandering down the hill lookin' for possible trails that  
489 might be made by humans as opposed to animals. Uh, probably 150 yards in  
490 we started seein' some trails that were pretty well worn. Um, and looked like  
491 possibly used for, uh, high traffic, uh, growers. And then shortly after that,  
492 um, probably another 100, 150 yards we found, uh, we saw a, uh, irrigation  
493 pipe.  
494  
495 Q: Okay. Go on.  
496  
497 A: So first thing that we did is - you know how a - a pipe - just because you saw a  
498 pipe that pipe could be three years old. I mean, they could've been growin'  
499 there three years ago and never got caught and just left the pipe.  
500  
501 Q: Mm-hm.  
502

- 503 A: And we've found that several times. So one of the first things we do is we  
504 pick the pipe up to see if there's water in it. And sure enough there was water  
505 in it. And we followed that pipe along the creek up around the hillside. Down  
506 for another couple hundred yards. And, uh, at one point, uh, Devin heard  
507 something snap. And I heard the snap. But I couldn't - it was a big  
508 branch. Like somebody stepped on a big, huge branch. And De- Devin was  
509 up here. (Craig) was here. And I'm back here, you know, in line. I could  
510 hear the snap. But I couldn't tell if it was Alameda below us in the creek...
- 511
- 512 Q: Mm-hm.
- 513
- 514 A: ...that stepped on somethin' or if it was Devin. But Devin stopped and got on  
515 the radio and said, "Hey. I heard a branch break about 50 yards up ahead of  
516 us." And so he said - so we - everybody stopped and we just sat there and  
517 listened for a few minutes.
- 518
- 519 Q: Okay.
- 520
- 521 A: Let you catch up. Okay. Your hand's probably tired from writing so  
522 much. Uh, so it was after, you know, we stopped and we were listening,  
523 lookin' around to see if anybody is, you know, watchin' us. Or if there's  
524 anybody around. Ty- typically when you hear a big branch snap animals in  
525 the, uh, well they just don't break branches. They - they step over stuff. Deer  
526 and pig and stuff. So when you hear a snap you know, um, with pretty good  
527 certainty that it's not an animal. Especially that big of a snap as that was. So  
528 as we're lookin' around probably 30, you know 40 minute- or seconds later  
529 somebody comes on the radio and says, "There's somebody on the hill." And  
530 I thought they said, "At our 3 o'clock."
- 531
- 532 Q: Mm-hm.
- 533
- 534 A: My 3 o'clock was off to my right. So I'm lookin' up the hill to my right and I  
535 don't see anything. It's just all brush. And it's pretty steep. But there's a lot of  
536 brush, uh, and I don't see anything. So I look back. And I notice (Craig) and,  
537 uh, (Divert) - Devin Fontana are lookin' to my left. So maybe the person was  
538 facing the other direction or somethin.' So I look over and I don't see  
539 anything. And then I heard somebody come on the radio and say, "He's got a  
540 rifle - he's got a rifle." And then shortly after that - a few seconds later I could  
541 hear a fire - uh - uh, one round go off. And it was to my right. I could tell it  
542 was to my right. So I'm assuming it was (Craig) or Devin that fired. 'Cause  
543 they're only - at this point - 50, you know, (Craig) is 20 feet ahead of me. And  
544 Devin is shortly, you know, a few, uh, feet a- ahead of him. So I can't see the

545                   guy. So I turned to my r- uh, left. Between me and the ridge where they see  
546                   this guy there's a huge creek. And it's steep. It's about 50 feet down.  
547  
548 Q:                Uh-huh.  
549  
550 A:                And Alameda is all down there. And (Mike) ended up being down behind in  
551                   that creek with (Brett Moore) and (Doug Amaro).  
552  
553 Q:                And you could see them? You could see (Mike) and (Amaro)?  
554  
555 A:                I can't see them.  
556  
557 Q:                Oh. You couldn't - you can't see them?  
558  
559 A:                Because it's too steep.  
560  
561 Q:                Too steep?  
562  
563 A:                So I move around and I keep look- scanning the hillside where they - where  
564                   they're lookin.'  
565  
566 Q:                Uh-huh.  
567  
568 A:                'Cause I still don't see the guy. And then finally I get a - a little hole in the  
569                   canopy, uh, the branches and I see the probably from the chest up of the  
570                   guy. 'Cause he's standing, like, next to some big bush - brush. And I can't see  
571                   anything down below his chest. So when I see him, you know, I heard that  
572                   shot go off and I peaked, you know, probably five seconds later I find him.  
573  
574 Q:                Mm-hm.  
575  
576 A:                As I - I move and I see him in my scope. My, uh, rifle scope.  
577  
578 Q:                Uh-huh.  
579  
580 A:                He's - it doesn't look like he was hit. 'Cause he's just standing there.  
581  
582 Q:                Mm-hm.  
583  
584 A:                And I yell out, "Put your hands up - put your hands up," across the, uh, valley  
585                   to him.  
586

- 587 Q: Mm-hm.  
588
- 589 A: Across the creek. He's a little bit higher elevated on the hillside than us. But  
590 he's only 50 yards away probably.  
591
- 592 Q: Okay.  
593
- 594 A: So I yell at him, "Put your hands up - put your hands up." So he puts his  
595 hands up. So I'm figuring he can understand me. But - 'cause I could - people  
596 are also yelling in Spanish at him. And I don't know what they're yellin'  
597 'cause I don't understand Spanish. Uh, but I'm yellin' in English. I hear other  
598 people yellin' in English. Somebody is yellin' somethin' in Spanish. He's  
599 complying. His hands are up. And I notice he's got somethin' in his ha- left  
600 hand. And it's a dark object. I'm not sure what it is. I thought it was a rag at  
601 first or somethin.' But I'm not sure. I wasn't, you know, it wa- was - it was  
602 just dark and I'm not sure what, you know, the - the shape was - wasn't like  
603 super defined. So I said, "He's got somethin' in his hand. He has somethin' in  
604 his hand," over the radio. And I'm yellin' it out as well verbally that he had  
605 somethin' in his hand probably at least, um, ten times.  
606
- 607 Q: Okay.  
608
- 609 A: And I hear other people yellin' at him as well. And, uh, so I one - uh,  
610 probably twice during, well, yelling at him he brought his hands down. And  
611 then I'm yelling, "Bring - put your hands back up - put your hands back  
612 up." He brought his - brought his hands back up. They came down  
613 again. And then I heard several shots to my right again. So I was assuming  
614 they were (Craig) and Devin.  
615
- 616 Q: Go on.  
617
- 618 A: So I didn't see, you know, at that point to me anything that I could 100%  
619 identify as a threat, um, from my view. Because he was standing kind of - all  
620 I could see was the - behind a - near a bush. And all I could see is chest  
621 up. And the thing in his hand was a dark object. But I couldn't make out what  
622 it was.  
623
- 624 Q: Okay.  
625
- 626 A: Um, after probably the second or third time he brought his hands down, uh,  
627 shots rang out to my right. I saw the guy go down. I yelled, "Suspect down -

628 suspect down." Uh, at - at that point all I could see is his leg about from knee  
629 up to his thigh in the grass where he was standing.  
630

631 Q: Uh-huh. Okay.  
632

633 A: But he was still moving. So I could see his leg moving around. So I'm telling  
634 (Craig) once - once the rounds - the shots were fired I put out that I was  
635 covering. And I heard other people say, "Covering - covering." And the guys  
636 up, uh, down in the creek were yelling, um, "We're goin' up." Get that - you  
637 know, "We're movin' up to, uh, you know, to the suspect." So as they're  
638 moving up I'm yelling, "He's still moving - he's still movin' around. Be  
639 careful. He's still movin' around." Uh, I must have yelled that because it took  
640 'em a little bit to get up that steep embankment.  
641

642 Q: Mm-hm.  
643

644 A: Um, it was a super steep cliff. So by the time they get up there I must have  
645 yelled it, you know, eight times at least. And then, uh, I saw Deputy  
646 (Domingo) go up high over behind him. And I'm te- and he's still  
647 movin.' The suspect's still movin' in the gr- in the - I could see his leg still  
648 movin.' And I see - I saw his hand come up once. Well, uh, the point where  
649 de- Deputy (Domingo) was above him.  
650

651 Q: Uh-huh.  
652

653 A: Come up and then come back down into the grass. Didn't see anything in - in  
654 his hand 'cause it was too quick. And this was his right hand. So then I hear  
655 de- Deputy (Domingo) yellin,' "Don't move. Stop moving - stop  
656 moving." And then after about the second or third time he yelled it I heard,  
657 "Boom - boom - boom - boom." I don't know if it was three shots, four  
658 shots. But it was several shots. And after those several shots he still was  
659 moving.  
660

661 Q: Okay.  
662

663 A: Uh, probably for another 30 seconds that I could see.  
664

665 Q: Uh-huh.  
666

667 A: But that - that point, uh, Deputy (Domingo) was pulling on him and he was  
668 tellin' somebody to come over and cover. I could hear him yelling at  
669 somebody across, "Cover. Come over and cover." So as they were movin' up



670 I told de- de- Deputy (Domingo), "I'm goin' cold." Because I don't want to  
671 point my rifle where they're at.  
672

673 Q: Okay.  
674

675 A: So I brought my rifle down. And, uh, (Craig) and Devin said that they  
676 thought they heard two other people that were - one on the - the side of the  
677 creek, the ridge where the suspect was. And one on our side runnin' back  
678 towards the gardens area - where we suspected the garden to be - away from  
679 us.  
680

681 Q: Uh-huh.  
682

683 A: So we just kinda held security while they took care of that business. So after  
684 this, uh, suspect was handcuffed, um, I'm guessing (Doug Amaro) started  
685 doin' first aid. Um, I asked, "What's the status? Is he 10-15? We got him  
686 hooked up?" 'Cause there - there was a lot of people millin' around him. Um,  
687 trying to get him from not sliding down the hill apparently. Um, 'cause I saw  
688 'em have to drag the guy back up a little bit.  
689

690 Q: Okay.  
691

692 A: And then I asked, uh, as soon as - I said, "(Mike), as soon as you can get the  
693 guy secured and some other people over there get that sat phone out and let's  
694 start gettin' Life Flight on the phone. Let's get somebody over here with a  
695 helicopter. Get this guy out of here." 'Cause I knew he was still movin.' So I  
696 figured he was still alive. So let's - well, you know, obviously get him some,  
697 uh, first aid. So (Doug Amaro) was doing first aid. We called Life Flight to  
698 try to get this guy, uh, out of there as quick as possible. Um, we had difficulty  
699 with the sat phones working - the satellite phones working. So we - I had to  
700 actually have them, uh, go about 50 yards up above the suspect to get  
701 reception with - with Alameda's sat phone - satellite phones. Um, and then  
702 finally they got reception. They got CHP. And then (Mike) was able to get  
703 reception with his. Once they were - he was cuffed and, um, Alameda was  
704 helping (Doug), you know, holding cover while (Mike) was on the  
705 phone. Uh, had him call radio, notified them of the - what - the  
706 incident. Suspect down. No officers injured. Call - notify  
707 (Unintelligible). Let the ops lieutenant know. Um, and then, uh, while they  
708 were - he was makin' all those phone calls I had Devin try to get his  
709 working. He was able to intermittently talk to Lieutenant (Havoc) to kind of  
710 give him - knew SERT was gonna come out. And I knew the location we  
711 were at was gonna be almost impossible for them to find us.

712  
713 Q: Mm-hm.  
714  
715 A: So I told him, "Let him know that I'm gonna send Devin and (Brett Moore)  
716 back out to the trucks to convoy them in. 'Cause they'll never find us if they -  
717 we don't." And so that's - so I had, uh, I had, um, (Brett) and Devin drive  
718 back and, uh, locate, you know, wait for the SERT team to arrive at the  
719 ranch. And then I had (Mike), uh, (Domingo) on one end of the perimeter and  
720 (Craig) on the other while we were waitin' for SERT team to come  
721 up. Admonished them, you know, "Okay. You guys shooting. You can't talk  
722 to each other about the incident. So just you hold security here. You go over  
723 here." Kinda separated 'em. Um, made sure that, uh, everybody was fine, you  
724 know. Drank water. "Everybody okay? No problems?" We did a - what we  
725 call a sit rep where we check on the status of each officer. And everybody  
726 seemed to be doin' okay.  
727  
728 Q: Okay. So it sounds like you took command of the scene once this - once  
729 everything started kind of calming down after the shooting you kinda took  
730 control of it. Uh - uh, like a leadership role a little bit?  
731  
732 A: Yeah.  
733  
734 Q: Over it? Okay.  
735  
736 A: 'Cause they have - they actually have a, you know, a check off list.  
737  
738 Q: Okay.  
739  
740 A: That we have on the ops plan of, okay, if an incident like this happens,  
741 okay. First thing we do, um, get fir- uh, render first aid. So you just go down  
742 the checklist.  
743  
744 Q: Okay.  
745  
746 A: So I went and started goin' down the checklist. Did it all - everything I could,  
747 you know, hit the checklist.  
748  
749 Q: Okay. And then you still - by the sound of it - potentially had two - one - two  
750 suspects. One on each side of..  
751  
752 A: Out...  
753

- 754 Q: ...the ridge outstanding.  
755
- 756 A: Yeah.  
757
- 758 Q: Right. So then you guys provided cover and you checked on everyone. All  
759 right. So what, uh, and you sent (Amaro) and (Unintelligible) out to go get -  
760 to go meet them to bring 'em in. So - and then you're checking on the status of  
761 everyone. So go on from there.  
762
- 763 A: Right. And then while (Mike) was, uh, covering the trail we came in on so  
764 nobody came in behind us - excuse me. And (Craig) was covering the area  
765 where suspects we thought - believed, uh, outstanding ran. I, uh, took the tape  
766 and went around the area where (Craig) and, uh, Devin fired their  
767 weapons. And put some crime scene tape up. And I saw - I noticed a shell  
768 casing. I put a little piece of, uh, tape there. And then once, uh, Sergeant  
769 (Lane) came in to re- to, uh, from SERT I had him climb up the hill where the  
770 suspect was and put some crime scene tape around where (Mike), uh,  
771 shot. And waited for a replacement.  
772
- 773 Q: Okay. Now I'm gonna ask some specific questions. Uh, you said there was  
774 potentially two more suspects. One on each side of the ridge. Uh, did  
775 anybody see any suspects?  
776
- 777 A: No.  
778
- 779 Q: Um, and again just to clarify what you had told me. Is the reason that you  
780 thought there was two more suspects is 'cause he - the - the - there was - you  
781 heard or someone heard movement of wa- walking - running away or walking  
782 away towards the grow.  
783
- 784 A: Somewhat. That's - okay. Um, that big branch we, uh, earlier I said that we  
785 heard break. That was on our side of the ridge.  
786
- 787 Q: Okay.  
788
- 789 A: The suspect was on the opposite side of the ridge. So that branch that broke in  
790 front of us was not the suspect. So we knew somebody was ahead of us. And  
791 then this guy was seen seconds later. So we didn't - we knew somebody had  
792 stepped on somethin.' And he wasn't there. 'Cause we - our attention was  
793 diverted to the person on the hill with the rifle.  
794
- 795 Q: Okay.

796  
797 A: And then they also believed they heard, um, somebody goin' through, you  
798 know, breaking branches, goin' on the same side as the suspect. But going  
799 like - so the sound is what we heard.  
800  
801 Q: Okay.  
802  
803 A: Nobody was actually seen.  
804  
805 Q: Now in - in your training and experience here at the sheriff's office and what  
806 you do, um, with the, uh, as - as range master, um, what other training has -  
807 tha- that you've learned through your time here has helped you when you go  
808 into these marijuana grows? For instance I see that your shirt says,  
809 "SERT," on it. Are you a member of the SERT team?  
810  
811 A: Correct.  
812  
813 Q: Okay.  
814  
815 A: I've been a member of the SERT team, uh, almost 13 years. Well probably  
816 closer to 12. I've been, uh, on - the sniper team leader for about the past six  
817 years. Uh, we do teach. Um, I've been through advanced and - basic and  
818 advanced, uh, tactical tracking and shooting. Um, learned to track down  
819 human people, uh, as opposed to tracking animal, game. Learned the  
820 difference.  
821  
822 Q: Okay.  
823  
824 A: Uh, we do teach. Uh, as far as the sniper team we teach - my team teaches,  
825 um, not only our department but other departments like Sunnyvale  
826 (Unintelligible) our, uh, expertise and training and, uh, Palo Alto on, um, rural  
827 operations. So we teach it to outside agencies as well.  
828  
829 Q: Um, uh, you mentioned that you're a member of the sniper team. Um, anyone  
830 else?  
831  
832 A: Team leader.  
833  
834 Q: The team leader? Anyone else, uh, on this, uh, in this operation today a  
835 member of, uh, the SERT team and has some of this background as well?  
836  
837 A: Yes. Um, Deputy (Domingo) is my assistant team leader on the sniper team.

838

839 Q: Uh-huh.

840

841 A: He's, uh, also has the basic and advanced tactical tracking. Um, (Craig  
842 Divert) is also. And Devin Fontana are both on the sniper team as well. And  
843 they both have advanced and - basic and advanced, uh, tactical tracking as  
844 well.

845

846 Q: Okay. Uh, good. So - so now when you - I thought it was curious you were  
847 mentioning how you hear the snapping of a branch and you know it's - it's not  
848 - it's - it's not an animal 'cause animals walk over it and stuff. So I was just  
849 kinda covering some of your expertise on that. And knowledge of it. 'Cause I  
850 didn't know that.

851

852 A: Yeah. There's a lot of things that, you know, that will send signals. Um, blue  
853 jays are a big alarm. When blue jays see something moving they start  
854 screaming to each other. So if you hear blue jays moving - you know, usually  
855 they give us away because they see us moving. So if we hear it ahead of us  
856 and they're really chirpin' real loud we know that somethin' is scarin'  
857 'em. Um, usually they don't chirp at deer and, you know, animals. 'Cause  
858 that's somethin' they see all the time. And it's usually people or somethin' that  
859 scares 'em. And squirrels will do it as well. If squirrels see you they'll start a  
860 real high pitched squeal to others to kinda say, "There's somebody here." So  
861 that actually is an alarm system for some of the growers. If they hear that they  
862 - they know somethin' is comin.' And they can prepare. So that's one of the  
863 reasons we have to be really on, uh, you know, high alert when that starts  
864 happening. Because it's an alarm basically for them.

865

866 Q: Oh. Good. I - I didn't know that - I didn't know that. Okay. So now  
867 everybody is kinda sitting down and waiting to be relieved. So, um, how  
868 much time does it take before you get - you get some relief comin' up  
869 there? You said you saw, uh, Sergeant (Lane) come in.

870

871 A: Well, um, go back a little bit. But, uh, um, when we finally got CHP to -  
872 responding and we heard them coming, uh, you know, in the distance that they  
873 were arriving to try - to possibly, you know, transport this - the, uh, subject,  
874 uh, (Doug Amaro), you know, informed me, "Hey. He's, uh, 10-55 or  
875 deceased." And at that point I said, "Okay." Well we're not - I made the  
876 decision we're not going to move the body if he's deceased. So now he's - it's  
877 a, uh, it's obviously a homicide scene at this point - a crime scene. We  
878 gotta leave him there for the - let the, uh, crime scene investigators and  
879 detectives make the decision. And the coroner. So instead of moving him we

880 left him. And then, uh, I - we told CHP to, uh, just stage somewhere in case  
881 they needed 'em.  
882

883 Q: And did - you already gave me a little bit of the history on (Amaro)? And, uh,  
884 what his position in this operation was? And his background?  
885

886 A: Well, uh, we started...  
887

888 Q: You were telling me he pronounced death. So...  
889

890 A: Yeah. He is a, uh, certified, uh, you know, paramedic. And, uh, with the fire  
891 department. And he's also a haz-mat specialist. And he's got a lot of medical  
892 training. Um, he's been through, uh, SWAT school. And he's been through,  
893 you know, the medic SWAT school. They have actually, uh, a two week  
894 SWAT school just for medics.  
895

896 Q: Oh. Okay.  
897

898 A: So he's done - he's done a lot of training there as well. Uh, he is one of our  
899 SERT medics. So the reason we started bringing medics was, um, not only  
900 before the first shooting occurred, uh, in a grow. But because people would  
901 be getting - would get injured. Like, they would slip or fall, twist their  
902 ankle. Uh, we had a guy fall off a rock and hit his head on a boulder.  
903

904 Q: Oh. Okay.  
905

906 A: Um, you know, so that we thought you know what? If we're way out here  
907 might be smart of us - for us to maybe bring some of the medics in case  
908 somebody gets bit by a rattlesnake. I've encountered many rattlesnakes, uh,  
909 out there. So that originally was the reason for us. You know, in case one of  
910 us gets hurt or, uh, suspect runnin' away falls and breaks his leg. We've got  
911 somebody there with more experience than us. I mean we have basic first  
912 aid. But, um, it - we thought it would be better for not only our benefit but for  
913 the suspect's benefit if we had somebody that has a little bit more, uh, medical  
914 experience and training than we do.  
915

916 Q: Okay. And - and for that reason when you hear him calling time of death -  
917 when you hear him calling the - the sus- the suspect is deceased and you make  
918 the decision that there's - just to set up crime scene tape. Uh, and based on his  
919 experience you know that if he - if he's calling death that he has the  
920 experience to be able to call death. And there's no more need to try to bring in  
921 medical assistance for this gentleman?

922  
923 A: Correct.  
924  
925 Q: Okay. All right. Um.  
926  
927 A: And I (Unintelligible) he had got - he - when he finally came back onto the  
928 side where I was he informed me that he tried several different, um, Asherman  
929 valves. Which is a chest valve to try to, um, relieve some blood in the lungs  
930 and keep him breathing. He, um, tried, uh, you know, different medical, you  
931 know, things. Uh, and it just - he - the person was deceased.  
932  
933 Q: Okay.  
934  
935 A: It didn't work.  
936  
937 Q: No. I just want to understand. 'Cause you made a decision to not have medics  
938 come in. And I'm trying to understand the background here. So...  
939  
940 A: Yeah.  
941  
942 Q: Basically what it sounds like is everything was done to render aid to this  
943 person until, you know, nothing else could be done. 'Til he...  
944  
945 A: Correct.  
946  
947 Q: ...dies on scene. Um, anyway. So good. Thank you. Okay. So go on.  
948  
949 A: Um, so it was gonna take - um, we knew it was gonna take awhile for  
950 anybody to get there to relieve us. So basically what we did is we had - I ha- I  
951 had, um, three Alameda officers - because the suspect actually was on the  
952 hillside, was in direct sunlight. And out there it was probably 90 degrees. So  
953 I directed, um, (Craig) and (Mike) to come - or (Craig) and (Doug) to come  
954 off the hill to get out of the sun. Leave the three, uh, Alameda deputies that  
955 are up there. Have them move to a bush where they're in the shade but near  
956 him. And bring you down. That way we keep people out of the sun and we  
957 don't get any - have any injuries.  
958  
959 Q: Mm-hm.  
960  
961 A: Um, so probably an hour - maybe hour and a half later, um, we start gettin'  
962 radio messages that SERT is here and the command post is here. We're  
963 comin' in. Uh, we just held our position until we were relieved.

964

965 Q: And who relieved you from your position?

966

967 A: Uh, Sergeant (Lane) was the first in. And then Sergeant (Cannon) was, uh,  
968 came in behind him. And, uh, Deputy (De La Pena). So it was just the three  
969 of them. And then probably half hour later Sergeant (Simonson) and Sergeant  
970 (Bashless) came in.

971

972 Q: So as, uh, each one came in was a - a member of your team relieved? Or  
973 when they came in and got in position were you all relieved? How were you  
974 relieved from the scene?

975

976 A: Uh, when all of them came in we made the decision that, "Okay, if you have  
977 enough to secure the scene for now, uh, we're gonna get out of here."

978

979 Q: Okay. So...

980

981 A: So I can get (Craig) and Devin and, um, (Mike) and everybody out.

982

983 Q: So you all left together?

984

985 A: Yes.

986

987 Q: Okay. All right. So...

988

989 A: With Alameda.

990

991 Q: Okay.

992

993 A: So - and then the only ones left were, um, (Lane), (Cannon), (De La Pena),  
994 (Simonson) and (Bashless).

995

996 Q: Okay. Now you all go back to when you left the - the, uh, location and the  
997 incident you all went back to where?

998

999 A: To the, uh, staging area where we parked the trucks initially.

1000

1001 Q: Mm-hm. And was there anybody there to meet you guys?

1002

1003 A: Um, initially the only people that weren't there that - that were new were a  
1004 couple of, um, Alameda motor unit, uh, (Unintelligible) bike riders. That was  
1005 the only two people that, uh, were new. Everybody else was us.



1006  
1007 Q: Okay. So you remained there until more people arrived?  
1008  
1009 A: Correct. They were - we were - they were gonna send the, uh, detectives and  
1010 the CSI units out to - to meet us there.  
1011  
1012 Q: Okay. So did you remain pretty much in a leadership role with...  
1013  
1014 A: Right.  
1015  
1016 Q: ...the team there? And, um, from my understanding is you have knowledge  
1017 that, uh, you wanted to separate some of the members that were involved in -  
1018 in the shooting. Um, tell me what you did in - in a leadership role, uh, with  
1019 the team there as, uh, the investigations division came in.  
1020  
1021 A: Well as far as having, uh, everybody not talk, I mean, I couldn't have 'em sit  
1022 out in the - the 90 degree sun.  
1023  
1024 Q: Mm-hm.  
1025  
1026 A: So I sat in the truck with them and we had the air - AC on. And we just kinda,  
1027 you know, talked about other things. You know, work, schoo- schools comin'  
1028 up and stuff other than the shooting itself.  
1029  
1030 Q: Okay.  
1031  
1032 A: Yeah.  
1033  
1034 Q: Okay. And, uh, did you ever work investigations in as far as, um, your  
1035 background here at the sheriff's office?  
1036  
1037 A: Yes.  
1038  
1039 Q: Okay.  
1040  
1041 A: I worked three years as a detective - property crimes, uh, identity theft. And I  
1042 was, uh, also a crime scene investigator.  
1043  
1044 Q: Okay. So you - 'cause it sounds like you have understanding that, you know,  
1045 you - you want to keep them separated and not talk about the incident.  
1046  
1047 A: Right.

1048  
1049 Q: Uh, so, um, just want to see if you had any background experience in - in - in  
1050 investigations. So sounds like it helped.  
1051  
1052 A: Yeah.  
1053  
1054 Q: Thank you. All right. So then, uh, how long do you think it was before you  
1055 started - uh, before anybody else arrived on - on...  
1056  
1057 A: Uh...  
1058  
1059 Q: At - at...  
1060  
1061 A: It - we were probably waiting for, uh, a couple hours.  
1062  
1063 Q: Mm-hm.  
1064  
1065 A: At least. Because, um, I don't know if - you know I don't know what - what's  
1066 happening on the other end. But by the time the, um, we had made radio  
1067 contact that they were - they were on their way out. Okay. Well we're  
1068 waitin.' It was at least probably - well the drive in from the ranch where we  
1069 were to actually where our cars were staged is probably close to an hour and a  
1070 half..  
1071  
1072 Q: Okay.  
1073  
1074 A: ...drive. Um, because it's windy, dusty, you know, 10 miles. So that's  
1075 probably an hour. But then, you know, I don't know what - what ha- what's  
1076 goin' on. But it was probably at least a couple hours.  
1077  
1078 Q: So who relieved you from that leadership role there?  
1079  
1080 A: Um, the one that got there - uh, Sergeant (McAllister), uh, showed up with  
1081 Sergeant, um, (Alonis). Uh, she took the lead and she had like five CSIs with  
1082 her. So she - she, uh, separated - she had, uh - uh, to bring us back down to  
1083 the command post in that...  
1084  
1085 Q: Uh-huh.  
1086  
1087 A: ...ranch area. Uh, I rode with one of the CSIs. And then one of the CSIs rode  
1088 with (Mike), (Craig) and Devin in their truck to make sure nobody discussed  
1089 anything. And we all, uh, left together. And then Sergeant (McAllister) and

1090 (Alonis), DA investigator and a couple of CSIs stayed to go walk the trail to  
1091 the incident.  
1092

1093 Q: Okay. And then from there when you went to the command post you  
1094 kinda were still on standby until you came here. Is there anything else that  
1095 you feel that you need to tell me between those points when - you being here  
1096 and talking to me?  
1097

1098 A: No. Uh, I did, uh, I did a, you know, uh, Captain, you know, (Pew) asked me,  
1099 uh, to give him a short brief synopsis of, you know, the incident.  
1100

1101 Q: Uh-huh.  
1102

1103 A: Uh, so the DA investigator was there. Captain (Unger), uh, Captain (Pew),  
1104 Lieutenant (Morrisey) and I believe that was it. Um, so I just gave them, um,  
1105 a, uh, short brief summary of the same thing I just told you.  
1106

1107 Q: Okay. Now I'm gonna go back and ask some questions. And I've got  
1108 additional questions for you. Okay? So I'll just go ask the additional - just the  
1109 top of my - of my head right now. Um, when was the last time that you  
1110 qualified?  
1111

1112 A: I have the qualification card. But it was the first half of the year. I'd say  
1113 probably, um, February.  
1114

1115 Q: Okay. So...  
1116

1117 A: I'm qualified.  
1118

1119 Q: So you're currently - you're - you're current with your  
1120 qualifications? Okay. Uh, and, uh...  
1121

1122 A: Oh. In reality we just made that - uh, June we just made a new  
1123 qualification. So (North) and I - (Chris Randorth) and I went through the  
1124 qualification to - to test it out. So that was probably June. So...  
1125

1126 Q: Okay. Now, um, when the initial shooting happened and you're scanning and  
1127 you're looking for the suspect and you're seeing him across the canyon, you  
1128 know, it's about 50 feet. He's puttin' his hands up and puttin' 'em down. And  
1129 then you hear the shots go off to your right. And it's coming from the  
1130 direction where you said, uh - uh, (Divert) and Fontana are at. Um, you know,

1131 can you hear them, uh, vocalizing anything? I know you're hearing a lot of  
1132 people vocalizing things. Are you hearing...  
1133  
1134 A: Uh.  
1135  
1136 Q: Tell me what else did you hear coming from your right with these shots.  
1137  
1138 A: Again, initially there was the one by itself.  
1139  
1140 Q: Uh-huh.  
1141  
1142 A: And then I finally saw the suspect. And, uh, but he was still there.  
1143  
1144 Q: Mm-hm.  
1145  
1146 A: Um, excuse me. Um, and then I didn't really - I was focused on the suspect  
1147 yelling, you know, uh, "Put your hands up." Initially I actually came on the  
1148 radio and I - 'cause I thought he was an Alameda officer. And the reason I  
1149 thought he was an Alameda officer is because when he came - when I saw  
1150 him he had the same camo pattern t-shirt as Alameda was wearing.  
1151  
1152 Q: Okay.  
1153  
1154 A: Their BDU uniform. But - 'cause when they put out the description of him it  
1155 was tan shirt, tan hat. Suspect, tan shirt, tan hat. He's got a rifle. So when I  
1156 saw him I - from my angle around this - the bush I could see - I thought - I  
1157 said, "I think it's a Alameda officer," I put out over the radio.  
1158  
1159 Q: Okay.  
1160  
1161 A: Because that's the - I saw that thing. And all of a sudden I realized - 'cause he  
1162 - he looked - he didn't look like the, uh, the average person we see in a garden.  
1163  
1164 Q: Okay.  
1165  
1166 A: An illegal.  
1167  
1168 Q: Mm-hm.  
1169  
1170 A: You know, you would see from Michoacan or somethin.' He was tall. Um, he  
1171 had a clean goatee.  
1172

- 1173 Q: Uh-huh.  
1174
- 1175 A: He did have a tan hat. But he had a, uh, you know, this, um, ACU pattern  
1176 camouflage. The same one that Alameda was wearing. And then I realized  
1177 he's wearing - it's a t-shirt. And - and I'm - as I'm lookin' at him I'm  
1178 visualizing the Alameda officers we were with. And I'm thinkin,' okay. None  
1179 of 'em - this guy isn't any of 'em.  
1180
- 1181 Q: Mm-hm.  
1182
- 1183 A: And then all of a sudden I hear gunshots goin' off - off to my right. And I  
1184 don't know. I would say, you know, I'd have to be guessing. 'Cause there  
1185 was several. But, you know, four or five. Um, and that's when, you know,  
1186 uh, suspect went down. But, um, you know, I was yelling, "Put your hands  
1187 up. Put your hands down. Put your" - you know, or, "Put your hands up - put  
1188 your hands up." (Unintelligible) down. "He's got somethin' in his hand." All  
1189 that's in between the shots goin' off. The four or five of 'em. So, um...  
1190
- 1191 Q: Did you hear anybody say, um, "I see a weapon?" Do you hear the vo- the  
1192 suspect yell anything?  
1193
- 1194 A: Somebody put out - as soon as, uh, they - they identified there was a suspect  
1195 on the hill above us, uh, I didn't see him. Obviously eventually 'cause I was  
1196 lookin' to my right. But, um, shortly after that - I would say only, you know,  
1197 five seconds maybe after somebody - I, uh, noticed him somebody came on  
1198 and said, "He's got a rifle - he's got a rifle." Uh, it went out at least twice.  
1199
- 1200 Q: Mm-hm.  
1201
- 1202 A: That he had a rifle. So I knew he was armed. But I, you know, I couldn't see  
1203 anything from my position. All I saw, you know, uh, when it got  
1204 (Unintelligible) I saw the first shot went off. He's - he's still standing  
1205 there. So okay. Uh, I didn't know if it was this guy. I heard it over here. But,  
1206 you know, I'm in the canyon. You know, you...  
1207
- 1208 Q: Yeah.  
1209
- 1210 A: ...don't know if it's, you know, echoing. But I - I - I in my mind thought it was  
1211 over here to my right. Up ahead of me I should say. Not off to my right  
1212 'cause I was facing this way. And, uh - uh, once the shots went off I look at -  
1213 you know then I thought - I - I started saying, "I think it's Alameda." And  
1214 then it was silent for a second. And then I'm yellin,' you know, "Put up your

1215 hands - put up your hands." And then that's when his hands went up with  
1216 stuff in it. Shortly after the shots went off.  
1217  
1218 Q: Um.  
1219  
1220 A: So I didn't hear any - I mean I heard twice, "He's got a rifle - he's got a rifle."  
1221  
1222 Q: No. That's good - that's good. This is why we're going back. You know, and  
1223 you're giving me very vivid descriptions, you know, uh, when I'm asking you  
1224 a specific question. 'Cause this is the first time I'm hearing about the t-  
1225 shirt. And, you know, which means you're stopping and assessing what you're  
1226 seeing. Because you're thinking he's a member of your own team. And then  
1227 realizing, no. It's - it's a different - different shirt altogether. So it was a very  
1228 - very - very good description. So thank you. Um, I know I asked you  
1229 already. And, uh, and I'm gonna ask it again 'cause I didn't quite hear the  
1230 answer. Did you hear the suspect vocalize anything?  
1231  
1232 A: No. Not the suspect.  
1233  
1234 Q: Okay. You didn't hear him vocalize anything? Um, we went over that.  
1235  
1236 A: Yeah. But I knew he could hear me because he did - or, you know, whoever  
1237 in Spanish. I don't know if it was my English or the - whatever somebody was  
1238 saying in Spanish. But he was - he did, you know, he raised his hands up.  
1239  
1240 Q: He was following the - those commands initially. Okay.  
1241  
1242 A: Uh, no, uh, verbal back from him at all.  
1243  
1244 Q: Okay. What I'm gonna have you do next if it's okay with you. I'm  
1245 gonna have you take this piece of paper and this pen. I want you to put your  
1246 name, um, you know, your name, badge number, uh, today's date and then  
1247 sign it. And then just draw me a quick little map of, uh, your location, the  
1248 canyon. Kinda identify people. And I know there was a lot of  
1249 movement. Right? So just kind of initially when the shooting happened, uh,  
1250 the positioning, the canyon. And then just indicate, uh - uh, direction if - if  
1251 you can. And it doesn't have to be to scale. I understand.  
1252  
1253 A: I'm just trying to figure how to mark this as far as north, south. Uh, um, the  
1254 creek line kinda ran down here. So this area up here...  
1255  
1256 Q: Uh-huh.

1257  
1258 A: ...was a hill. The hill, uh, you know, a steep hill.  
1259  
1260 Q: Okay.  
1261  
1262 A: So I don't know how you want me to indicate steep hill. But on this - thi- uh,  
1263 there was like a - looked like a - there was - it might've been a trail or  
1264 somethin' that this subject was walkin' on.  
1265  
1266 Q: Okay.  
1267  
1268 A: Uh, or do you want me to put, uh, it's not a creek.  
1269  
1270 Q: Mm-hm. 'Cause you said it was a - if I'm understanding you right...  
1271  
1272 A: Yeah.  
1273  
1274 Q: A canyon?  
1275  
1276 A: Exactly.  
1277  
1278 Q: So you guys were on either side of it?  
1279  
1280 A: Right.  
1281  
1282 Q: Okay. So then, um, in between the canyon was the creek is what you're  
1283 telling me?  
1284  
1285 A: Yeah.  
1286  
1287 Q: Okay. So now I'm visualizing what you're telling me. I'm understanding.  
1288  
1289 A: And then this just went up really high. It was super steep. So...  
1290  
1291 Q: Okay.  
1292  
1293 A: Um, a lot of brush over here. Some trees over here.  
1294  
1295 Q: Mm-hm.  
1296  
1297 A: Uh, suspect - I was, I would say, here on the other opposite ridge.  
1298

1299 Q: Okay. And just mark - if you, uh, can put a X with a circle on it please put  
1300 your name on there.  
1301  
1302 A: Okay.  
1303  
1304 Q: That'll - that'll indicate your location.  
1305  
1306 A: And then I'd say...  
1307  
1308 Q: And then you guys were following what was the - that irrigation  
1309 pipe. Right? That you guys lifted that you said it contained water?  
1310  
1311 A: Yeah.  
1312  
1313 Q: Okay.  
1314  
1315 A: So you want me to draw that pipe?  
1316  
1317 Q: No. You don't need - have to. I just - you can if you want to. But just...  
1318  
1319 A: So this is...  
1320  
1321 Q: (Unintelligible)  
1322  
1323 A: ...where we were goin' this direction.  
1324  
1325 Q: Okay.  
1326  
1327 A: Which is, you know, depending on how you look at it. I mean, it ran - the  
1328 creek actually ran kind of, uh, east, west. But it looked like it ran  
1329 southwest. So...  
1330  
1331 Q: So from what I understand at the top of this piece of paper you wrote your  
1332 name and badge number.  
1333  
1334 A: Right.  
1335  
1336 Q: That is the direction that you were coming from.  
1337  
1338 A: Correct.  
1339



- 1340 Q: And towards the bo- towards the pi- uh, end of the paper away from your  
1341 name is the direction you were moving to.  
1342
- 1343 A: Correct.  
1344
- 1345 Q: And I see that you put an arrow in the direction that you're moving to.  
1346
- 1347 A: Correct.  
1348
- 1349 Q: Okay.  
1350
- 1351 A: (Unintelligible)  
1352
- 1353 Q: Thank you.  
1354
- 1355 A: Okay. So, um, Alameda had, uh, several officers down here. And then they  
1356 had - I'm not sure exactly how many they had at the time. I want to say that  
1357 there was - some of 'em were a little farther behind.  
1358
- 1359 Q: Okay.  
1360
- 1361 A: And some...  
1362
- 1363 Q: Mm-hm.  
1364
- 1365 A: Um, (Domingo) was down here. Um, I want to say, uh, (Doug Amaro) and  
1366 (Brett Moore). So suspect - I would say he was actually on this ridge  
1367 line. Um, when I saw him there was a - like a gigantic bush right here.  
1368
- 1369 Q: Uh-huh.  
1370
- 1371 A: And he - all I could see was, like, this much of him. 'Cause there's - the bush  
1372 was I'd say, you know, covering him. So I could only see his chest up.  
1373
- 1374 Q: Okay. So it looks like you drew a bush. And then it looks like you drew a  
1375 torso.  
1376
- 1377 A: Correct.  
1378
- 1379 Q: And a head.  
1380
- 1381 A: Correct.

1382  
1383 Q: Okay.  
1384  
1385 A: And I'll put, uh, suspect.  
1386  
1387 Q: Okay.  
1388  
1389 A: And probably across this canyon is about 50 yards. Do you want me to put  
1390 so- uh, that?  
1391  
1392 Q: Sure - sure. Just draw an arrow to connect the two. And then write 50 on  
1393 there - yards. That'd be good. Thank you.  
1394  
1395 A: I'll put, um, Alameda County SO is this e- are the Xs.  
1396  
1397 Q: Okay. Good. Thank you.  
1398  
1399 A: Um, so between us was probably, you know, 30, 40 - 30 feet maybe. Maybe  
1400 20, 30 feet.  
1401  
1402 Q: Okay. And how big would you say the canyon is in relation to - here's the  
1403 creek - and your position? How steep?  
1404  
1405 A: Actually right over here were some rocks. And it was like probably, uh, 20  
1406 feet down. Straight down.  
1407  
1408 Q: Oh. 'Cause I think you just mentioned something like 50.  
1409  
1410 A: Yeah.  
1411  
1412 Q: Feet?  
1413  
1414 A: Well...  
1415  
1416 Q: Fifty?  
1417  
1418 A: Well, yeah. From the - from where - probably from where I was. 'Cause it - it  
1419 had steeper parts. And then it had, you know, a little bit shallower back  
1420 here. And...  
1421  
1422 Q: So you guys were - in your position in relation to the creek you - you were  
1423 pretty high?

1424  
1425 A: Yeah.  
1426  
1427 Q: Okay.  
1428  
1429 A: So we were up here. Creek's lower. And then it - this side goes up.  
1430  
1431 Q: Uh-huh.  
1432  
1433 A: The creek is probably, uh, you know, I don't know. I'll put  
1434 (Unintelligible). It's probably about, uh, you know, maybe 10, 15 feet across.  
1435  
1436 Q: So this is pretty steep is what I'm imagining then.  
1437  
1438 A: Yeah.  
1439  
1440 Q: Okay.  
1441  
1442 A: It's very steep.  
1443  
1444 Q: Okay.  
1445  
1446 A: Um, when the Alameda guys had to come down from up here - 'cause  
1447 Alameda - three guys I told you about were in a bush.  
1448  
1449 Q: Uh-huh.  
1450  
1451 A: That's about 50 - or whatever - 50 feet up from him.  
1452  
1453 Q: Uh-huh.  
1454  
1455 A: When they had to come down they had to actually get some string, um, some  
1456 rope out of their backpack. Tie it to a tree and kinda repel down the hill.  
1457  
1458 Q: Wow.  
1459  
1460 A: And they were falling and slipping - and falling and slipping the whole way  
1461 down.  
1462  
1463 Q: Okay.  
1464  
1465 A: Uh, so very - very steep.

1466  
1467 Q: Okay.  
1468  
1469 A: I'll say bush here. Um, uh.  
1470  
1471 Q: I think - I think that's good. You've given me...  
1472  
1473 A: Uh, draw my...  
1474  
1475 Q: ...an idea of what you...  
1476  
1477 A: ...position.  
1478  
1479 Q: ...described. Yeah.  
1480  
1481 A: Yeah. I mean, again, um, straight across almost - maybe just a little bit to my  
1482 left off this way was, uh, the guy probably 50 feet across the canyon. Pretty  
1483 steep here. Very steep. This - uh, on our side it went up that, like, 50 feet or  
1484 whatever. And then flattened out where we were.  
1485  
1486 Q: Uh-huh.  
1487  
1488 A: But on the other side it's just straight up all the way up. No flattening out all  
1489 the way to the top. So it's much - much steeper.  
1490  
1491 Q: Okay. Well good. I appreciate that. Anything else that you can think of  
1492 that's, uh...  
1493  
1494 A: No.  
1495  
1496 Q: Any questions for me?  
1497  
1498 A: No. That's about it.  
1499  
1500 Q: Okay. Um, from what I understand you're - you're free to go. I'll just, uh, I'll  
1501 walk you back. Uh, make sure that, uh, somebody gives you a ride  
1502 (Unintelligible). It's been a really long day for you. Um, you have my contact  
1503 information? I...  
1504  
1505 A: Yeah.  
1506  
1507 Q: So you can get a hold of me if you have any questions and stuff.

1508

1509 A: (Unintelligible)

1510

1511 Q: And, uh, okay. Well good. Then we'll just walk you back.

1512

1513 A: Thank you.

1514

1515 Q: And, uh, if I do have any questions, um, I did get your contact information to  
1516 call you to verify any questions. Okay. This will complete the interview  
1517 with, uh, Sergeant Spagnola. The time is 12:43. Thank you.

1518

1519

1520 This transcript has been reviewed with the audio recording submitted and it is an accurate  
1521 transcription.

1522 Signed \_\_\_\_\_