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INTERVIEW WITH DEPUTY DIBERT

Q=Sgt. McAllister #1706

Q1=Man

A=Deputy Dibert

A1=

Q1: Good morning. How are you?

Q: Good. How are you?

Q1: Good. Good morning.

A: Morning. How you doing?

Q: Thanks for coming in.

A: Sure. Absolutely.

Q: You're back to work on Monday, huh?

A: Yes.

Q: Yay. All right. Sergeant McAllister, Sergeant (Unintelligible) present with
and Deputy (Craig) Dibert. It is the,
uh, 6th of August at 9:35-ish regarding Case 10-202-0038. Um, Deputy
Dibert, this is just, uh, a couple of follow-up questions from our interview on
the 21st of July. Uh, you understand this is still a voluntary thing? You don't
need to be here. Um, if at any point you want to leave, you can.

A: Absolutely.

Q: Um, have you had time to confer what we're going to talk about today with
your attorney?

43 A: Yes.
44
45 Q: Okay. Um, so I'll just go ahead and ask these questions. Hopefully we can get
46 out of here pretty quickly. Um, on the day of the incident, how was your
47 weapon and your magazines loaded? How many, um, uh, rounds did you have
48 in each magazine?
49
50 A: Uh, we always - I always load all of my magazines to 30.
51
52 Q: Okay.
53
54 A: It's a 30-round capacity magazine.
55
56 Q: Okay.
57
58 A: And so the rifle, um, uh, I inserted a 30-round magazine and then loaded the
59 chamber. So there was one in the chamber and 29 in the magazine.
60
61 Q: Okay. And how many, uh, magazines did you have that day?
62
63 A: Um, one in the rifle, and three spare magazines.
64
65 Q: Okay. And just confirm for me. I believe, uh, at some point did you, um,
66 reload your weapon or change magazines?
67
68 A: Yes. Uh, after the scene appeared to be somewhat Code 4, uh, yeah. I did a
69 tactical reload, and I took the magazine that was initially in my rifle and put it
70 in my pocket...
71
72 Q: Okay.
73
74 A: ...and inserted a new magazine.
75
76 Q: Okay.
77
78 A: And I gave, uh, uh, when I submitted my weapon to the Detective Bureau, I
79 gave them both magazines.
80
81 Q: Okay. Um, are there any modifications or changes to the weapon, uh, your
82 issued weapon?
83
84 ((Crosstalk))

85
86 A: The weapon had things added to it...
87
88 Q: Okay.
89
90 A: ...that are all approved.
91
92 Q: Okay.
93
94 A: Uh, but nothing has been modified or changed that would change the
95 performance of the weapon.
96
97 Q: Okay. Um, what - what's been added to it?
98
99 A: Uh, optics, uh, flashlight. Uh, the front, um, handguard was replaced with one
100 that has rails on it so that we can attach night vision.
101
102 Q: Okay.
103
104 A: That's all.
105
106 Q: Okay. Um, and during the incident, did you ever hear any, um, the suspect say
107 anything or make any sounds, noises, anything from him at all?
108
109 A: No. I never heard anything from the suspect, no.
110
111 Q: Okay. Um, and when you fired the - the - your weapon the first time, the one
112 round, what was your, uh, position - your stance?
113
114 A: Um, I was standing, unsupported.
115
116 Q: Okay.
117
118 A: Um, and I was on a, standing on an incline, with my back to the uphill.
119
120 Q: Okay. And what about your second position?
121
122 A: Basically the same. It was just probably about, I don't know, 5 or so yards
123 further...
124
125 Q: Okay.
126

127 A: ...east of where I stood the first time, but it - they were both standing and
128 supporting.
129

130 Q: Okay. And did you, um, see any of your rounds impact? And if so, do you
131 know where?
132

133 A: I - I didn't see anything...
134

135 Q: Okay.
136

137 A: ...impacting, um, and because (Fontana) and I were basically right next to
138 each other, uh, I have no idea. I saw a reaction from the suspect, but I had no
139 idea if it was mine or (Fontana)'s or a combination of both.
140

141 Q: Okay. When you say you saw a reaction. What was the reaction?
142

143 A: Um, it - I would - I would guess that based on the way he turned and moved
144 his body, that something - he was hit somewhere in the left rib cage or left
145 chest area.
146

147 Q: Okay.
148

149 A: Uh, he kind of - kind of winced and turned that direction as if something, you
150 know...
151

152 Q: Okay.
153

154 A: ...obviously he had experienced some pain there. But, um, I have no idea
155 whose rounds, uh, those were.
156

157 Q: Okay. But you got the impression that there was some sort of impact on the
158 left...
159

160 A: Rib cage or left chest area, yeah.
161

162 Q: ...rib cage area. Okay. Okay. That's all I have.
163

164 A1: Okay.
165

166 Q: You, Fred?
167

168 Q1: No.

169
170 Q: That was it. Easy?
171
172 A1: Very easy.
173
174 Q: I try to make it easy.
175
176 Q1: (Unintelligible).
177
178 Q: All right. Thanks for coming in (unintelligible). I appreciate it.
179
180 Q1: Sure, absolutely.
181
182 A1: Craig, they'll let you out, um...
183
184 A: Okay. Thanks.
185
186 Q: Let's see here. We have a ETA for (Fontana).
187
188 A1: Okay.
189
190 Q: Sorry I had to make you come back.
191
192 A1: Oh.
193
194 A: Oh, that's okay.
195
196 A1: I think (Fontana) can come over at any time, so...
197
198 Q: Have him come on.
199
200 A1: Um...
201
202 Q: Whatever works for you.
203
204 A1: Yeah. Let me walk him out. I'll (unintelligible).
205
206 Q: All right. Sounds good.
207
208 A1: All right.
209
210

211 This transcript has been reviewed with the audio recording submitted and it is an accurate
212 transcription.
213 Signed _____