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**INTERVIEW WITH SGT. SHAWN PETERSON**

**Q=Sgt. Quinonez**

**Q1=David Dickson**

**A=Sgt. Shawn Peterson**

**A1=**

Q: (Unintelligible).

A: (Unintelligible).

Q: Make sure I give you a card. (Unintelligible). July 21.

A: Can we - we ask a question?

Q: Sure. There you go. (Unintelligible). Okay. (Unintelligible) spelled it out.

A: Oh yeah. I-D-M. (Unintelligible). (Unintelligible) little one. I know. (Unintelligible) month and, like, try and find 'em. They don't even hide it. (Unintelligible) very confident in the bush (Unintelligible).

Q: Yeah. What's that on paper?

A: That's my (Unintelligible), man.

Q: I appreciate it (Unintelligible).

A: The camera made it (Unintelligible) surveillance.

Q: (Unintelligible).

A: Y'all - y'all want me to sit (Unintelligible).

43  
44 Q: Can you relax there.  
45  
46 Q1: Yeah. Just relax.  
47  
48 Q: Okay. We're (Unintelligible). 4-23 (Unintelligible). Are you ready?  
49  
50 A: Yeah.  
51  
52 Q: All righty. Um, I'm gonna (Unintelligible) ask my name. I'm gonna ask your  
53 name. Spell your first and your last and your rank. Then we'll go around the  
54 room and everybody will tell who they are. And I'll explain everything that's  
55 going on. It's, uh, July 21st, 2010. It's approximately 2310. Sergeant  
56 Quinonez, Santa Clara Sheriff's Office in the interview room with the sh- uh,  
57 Sheriff's Office headquarters, uh, interviewing, uh, Sergeant Peterson. Can  
58 you state your first and last name and spelling, please?  
59  
60 A: Yes. It's Shawn S-H-A-W-N, last Peterson P-E-T-E-R-S-O-N. And, uh, I'm a  
61 sergeant with the (Alameda) County Sheriff's Office.  
62  
63 Q: Okay. And, um...  
64  
65 A1: Yeah. It's last name Currin, from the  
66 (Unintelligible) offer.  
67  
68 Q: And you are representing.  
69  
70 A1: Yes. Mr. Peterson.  
71  
72 Q: (Unintelligible).  
73  
74 Q1: I am Sergeant David Dickson D-A-V-I-D D-I-C-K-S-O-N. And I'm the  
75 Sergeant in charge of the (Alameda) County Sheriff's Office Crimes Against  
76 Persons unit.  
77  
78 Q: And Sergeant Dickson is only here to monitor, and he's not here for any  
79 administrative, uh, reasons. He's just here to monitor, for - for your  
80 agency. Okay. Uh, before we get started, I want you to know that you're not  
81 under arrest. You're a witness. Uh, you do not have to answer any questions  
82 you're not comfortable with and you're free to leave at any time. Okay.  
83  
84 A: Understood.

85  
86 Q: Okay. Um, Sergeant Peterson, uh, could you please tell me, uh, what your  
87 employment history?  
88  
89 A: Uh, I've been with the sheriff's department for over 12 years. Um, and I, uh,  
90 currently work, uh, the supervisor in charge of the Special Investigations Unit,  
91 which, uh, investigates, uh, narcotics, Vice, and gambling, uh, crimes.  
92  
93 Q: So you're a narcotics, Vice, and what was that other one?  
94  
95 A: Uh, gambling, I guess. Uh, you know, any specialized investigation that  
96 specializes.  
97  
98 Q: Specialized?  
99  
100 A: Absolutely.  
101  
102 Q: Um, are you a member of any other, uh, and - any other specific special  
103 teams, your department?  
104  
105 A: Uh, no. The special investigation team is it right now. That's (Unintelligible).  
106  
107 Q: (Unintelligible). And, um, we got the law enforcement training. Um, have  
108 you had a specific (Unintelligible) incident?  
109  
110 A: Uh, for allowed for marijuana eradications I've had extensive. Uh, I've - I've  
111 created a 40-hour course for it, the first of its kind. Uh, and, um, just put that  
112 on in May of this year. Um, I've had numerous conferences, courses for  
113 college classes, CNOA classes, uh, (Unintelligible) narcotics officers classes,  
114 40-hours supervisor narcotics officers courses, hundreds and hundreds of  
115 hours in this end. Probably hundreds of hours of field time doing this for the  
116 last four summers.  
117  
118 Q: And, uh, today's incident, uh, was there an op- operations class that was  
119 completed?  
120  
121 A: Yes, sir. It was. I wrote it.  
122  
123 Q: You wrote - you wrote the ops (Unintelligible)?  
124  
125 A: (Unintelligible) (Alameda) County, yes I wrote (Unintelligible).  
126

127 Q: Did you see or was there an office plan written for the, uh, Santa Clara County  
128 Sheriff's Office team?  
129

130 A: Uh, yes. Uh, one was provided to me.  
131

132 Q: And, uh, was there a briefing before, uh, the incident?  
133

134 A: Yes, It was.  
135

136 Q: And were the rules of engagement, uh, explained during that briefing?  
137

138 A: Yes. We have contingency plans, uh, Officer-involved shooting protocols all  
139 listed in our, uh, briefing. And, uh, the op plan, our (Unintelligible) in the op  
140 plan. Our op plan is gone over every time that we have a briefing.  
141

142 Q: And what was your, uh, what was your assignment today? What - what was  
143 the ops plans for today?  
144

145 A: Uh, what - what was the Operations plan for today?  
146

147 Q: Yeah.  
148

149 A: Uh, I, we, I got some phone calls from the, uh, caretaker (N3) Ranch out  
150 there, uh, past, uh, south of (Unintelligible). They got 52,000 acres. Um, I  
151 have a good relationship with this guy, uh, that runs the caretaker 'cause we've  
152 taken several gardens off his property. I've arrested, uh, groomers in the past  
153 that join operations with your county. Today was a big deal. A guy had, uh,  
154 watered down into a creek to get some cattle. Saw the waterline. He had  
155 never been in this creek for the 19 years he'd worked there. He got concerned  
156 about it because it was very remote. Called us and asked us to take care of it  
157 so he could finish his - his job. He couldn't get his cattle without, uh, us  
158 clearing that out. So we put a plan together to go down there and investigate  
159 what, uh, he had found.  
160

161 Q: And based on your training, uh, over - over the years, uh, these waterlines on  
162 these types of properties are normally come with what?  
163

164 A: Um, well if you see a water line in the creek in that remote of an area, yeah  
165 there's, uh, only two things that they could be used for. One for  
166 irrigation. There's nothing to irrigate there. The second is to divert water  
167 from the source to the marijuana garden traditionally.  
168

169 Q: And you've seen this before?  
170

171 A: I've - I've seen this many - many - many times.  
172

173 Q: Okay. So, uh, we've talked about your specific assignment. That's what you  
174 guys went up there for today.  
175

176 A: Right.  
177

178 Q: Walk me through what happened up there. Did you guys, uh, well you guys  
179 started. You guys when up to go find a grow.  
180

181 A: Yeah. I - I - I did all the recon on this little whole thing and the background  
182 on it. Uh, I presented it to your guys because after I was doing the, uh, uh,  
183 some graphical, uh, recon investigation it looked like it could be in your  
184 county. It's hard to say when you get up there. You never know where to  
185 draw in the creek in the finish. We've had multiple (Unintelligible) on the  
186 line. You guys are, uh, very experienced in - in - in this stuff. Uh, I like to  
187 work together. I said, "Hey, let's go out and do this thing." Uh, they put their,  
188 uh, team together. We put ours. We showed up, did our briefing, met the  
189 rancher. He took us out to where we should insert because where he's seen  
190 the, uh, line. We found a foot trail. Uh, started following that down into a  
191 creek called (Sycamore) Creek. Uh, on a Toggle Map, uh, I think, it's, like,  
192 Grid 26 or 36. I gotta look at the map.  
193

194 Q: You said you found a trail leading up to (Sycamore) creek or leading away?  
195

196 A: It was - it was, uh, going down into the creek from the road. And, uh, it's a  
197 pretty obvious sign that there's been human beings in there. Uh, found the,  
198 uh, waterline that the rancher was, uh, referring to. And because at that point  
199 we determined (Sycamore) Creek was in Santa Clara County, we put our  
200 tactical plan together before entering the creek and decided to put six Santa  
201 Clara, uh, investigators in the first squad so that, uh, if there were any arrests  
202 to be made since it was in their county, it would be the primary, uh,  
203 officers. And my team of six would be the support team behind them. And,  
204 uh, that we would, uh, uh, assist them, uh, on - on, um, the approach to any  
205 guard clearing. Uh, we followed this line. My best guess because I have not  
206 been able to refer it to the - the - the GPS I had right now is, uh, we followed  
207 this line. I think it may be a quarter-mile or so, uh, through the creek. Um,  
208 before we got into the creek, I advised everybody that I had seen, uh, from a  
209 vantage point up on the hill a chokepoint look, like, a really, uh, tight spot for  
210 us to travel if we were in the creek and it was a dangerous spot for us. It could

211 be an ambush point. We got, uh, down into the creek and started following  
212 this line and started seeing this chokepoint coming. And I saw a foot trail that  
213 went up the right side of the hill, uh, for I'll call it the south side of the creek.  
214

215 Q: The choke point, really quick choke point, um.

216

217 A: The creek was very wide. Then it comes to a very narrow opening with high  
218 walls with overlooks on the left and the right banks north of the south bank  
219 and (Unintelligible).

220

221 ((CROSSTALK)).

222

223 A: And if you're in that creek bed, it's, like, a turkey shoot. You're in a terrible  
224 position. Um, the waterline had started to travel up this right ravine. It's  
225 gravity-fed. And as it starts to travel up the ravine, they keep the water going  
226 to an elevation above the creek so they can use the hillside to grow...

227

228 Q: Okay.

229

230 A: ... very commonly seen. Saw a foot trail that went up that way. Um, I was  
231 number three out of a six-man stack and my team. Um, we have, we were,  
232 just anywhere from 5 to 10 yards apart. The Santa Clara's team was in front  
233 of my number one man I want to say, uh, maybe 20 to 30 yards, I think, at that  
234 point, the - the last man. Okay. Um, I've worked with your guys a lot. And  
235 we don't really even - even verbally communicate on things that need to be  
236 done. I saw the trail. I knew that they were ahead. And I knew that there  
237 were gonna be a couple of, uh, the Santa Clara people that would take the high  
238 road while we took the low road.

239

240 Q: So the trail split, you're telling me that?

241

242 A: The waterline, uh, went up to the right where this foot trail was. The creek  
243 was heavily traveled as well. We stayed in the creek approaching the choke  
244 point and the team. There - there was portions of that Santa Clara team that  
245 took that foot trail up to where the waterline had gone up the right side of the  
246 ravine.

247

248 Q: How many of the Santa Clara guys took the high road...

249

250 A: Uh, I did...

251

252 Q: ...just for the - for the purpose of this the high road would be...  
253  
254 A: I did not see them take that road because of the distance that we were at. Um,  
255 I later learned that it was, uh, two or three, uh...  
256  
257 Q: Okay.  
258  
259 A: ...but I know two for sure. I don't know if the third was there.  
260  
261 Q: Did any of your team?  
262  
263 A: Negative.  
264  
265 Q: Oh.  
266  
267 A: Our team came stayed in the creek as a unit...  
268  
269 Q: Okay.  
270  
271 A: And, uh, you know, the way we trained is the way we taught. And the way  
272 we've been taught. If you're gonna have a team-up high, it's good to have a  
273 team down low. If they flush somebody out and they run, we'll be in the creek  
274 to capture 'em. Um, as we got to the choke point kinda heavily brushed and,  
275 uh, big boulders, uh, I was given a signal to stop just close fist from the team  
276 leader which is (Derrick Fulton). He had received that signal from the Santa  
277 Clara, uh, uh, people that were in the creek in front of him.  
278  
279 Q: Okay - okay.  
280  
281 A: And we go...  
282  
283 Q: (Unintelligible) a bit. Uh, so possibly two Santa Clara County SO Deputies  
284 took the high road. You guys took the creek.  
285  
286 A: Correct.  
287  
288 Q: And in front of you there was a couple of SO Santa Clara County SO deputies  
289 as well.  
290  
291 A: Correct.  
292

293 Q: And they give you the - the - the command to stop.  
294  
295 A: Correct. I didn't physically see their command to stop. But they gave it to  
296 (Polk) who - who was our lead man. And he turned to give it to us. We all  
297 stopped. And usually, uh, when you're given that signal, it's a variety of  
298 things that can happen. Stop or w- with the terrain the way it is has someone  
299 seen something upfront and we need to be quiet. We stopped. Um, started  
300 scanning the area. And, uh, after a few moments, uh, I heard a shot that came  
301 from in front of me somewhere. I know it did not come from behind me. I  
302 couldn't see where the shot came from. And, uh, I didn't see where it had  
303 originated from. Uh, it wasn't a real loud boom, you know, like, you'd hear  
304 from a 308 or - or a .30-06. Uh, but it sounded like it was some kind of rifle,  
305 some kind of long gun.  
306  
307 Q: You heard a shot, but it wasn't close enough to you or the team was down in -  
308 in the creek. So you did- you don't think it came from down there  
309 (Unintelligible)?  
310  
311 A: Uh, uh, the only - the only few people that I could see in front of me because  
312 of that chokepoint...  
313  
314 Q: Yeah.  
315  
316 A: ...was, uh, (Kastal Avara) who was number two in front of me.  
317  
318 Q: Mm-hm.  
319  
320 A: ...and then (Derrick Polk) who was number one. And a lot of things, you  
321 know, run through your mind. You know, it - it - it just startled me for a sec,  
322 uh, because it - it was, you know, the shot. Uh, I'm thinking AD what  
323 happened, looking around. And I've not seen any, you know, body language  
324 or signs, like, hey I screwed up from anybody. Everyone's looking around  
325 like, where did the shot come from? Uh, a few moments past, uh, like, not -  
326 not much time at all. And I heard from up above me to the right. I heard  
327 somebody yell, "He's got a gun. Um, he's got a rifle. He's in the brush above  
328 you."  
329  
330 Q: So a few seconds after the first shot, you heard this?  
331  
332 A: Yes.  
333



334 Q: So you heard a shot. Not sure where it came from. A few seconds later, you  
335 heard someone yell.  
336  
337 A: I heard one, or I heard, uh, uh, one of the folks 'cause I'm assuming.  
338  
339 Q: Yeah.  
340  
341 A: I didn't see who say this.  
342  
343 Q: Yeah.  
344  
345 A: One of the folks that were on the high road (Unintelligible)...  
346  
347 Q: Okay.  
348  
349 A: ...say this 'cause that's the approximately where the trail was is where...  
350  
351 Q: So you heard from the high road. Yeah. And what exactly did you hear  
352 again?  
353  
354 A: I heard, uh, something to the effect that, "He's got a gun. He's got a rifle. He's  
355 in the brush above you."  
356  
357 Q: Okay.  
358  
359 A: Uh, at this point, things start to get chaotic for reactionary reasons. Uh, I  
360 pushed forward because I was in an exposed area. I pushed forward too, uh,  
361 that boulder at the choke point for cover. Myself, (Polk), and (Demora) were  
362 there. I looked up to my right and I could see, uh, (Craig Diver), um,  
363 standing, um, I guess, maybe 15 feet above me, 20 feet above me.  
364  
365 ((CROSSTALK))  
366  
367 Q: It's a high road.  
368  
369 A: Yeah. Maybe - maybe 15, you know. Uh, he had his rifle trained across the  
370 creek from his point, so he had his rifle trained north on the - on the, uh, north  
371 bank of the creek.  
372  
373 Q: I'll be real quick. Hold on one second. Uh, push forward for cover. You  
374 looked up. Uh, you looked at least 15 feet. You saw Deputy (Diver) pointing

375 his long rifle.

376

377 A: Correct.

378

379 Q: Which way?

380

381 A: Across the creek, uh, so, so, uh, perpendicular to - to the creek flow, so  
382 towards the, uh, north bank of the creek. For my purposes, the Creek runs  
383 east, west.

384

385 Q: Okay.

386

387 A: I could see a second, uh, Santa Clara deputy behind him, but I couldn't see  
388 who it was. Uh, they were, uh, several feet behind him. I heard, uh, someone  
389 shout, "Drop the gun." Drop the gun." And then I saw Deputy (Diver), um,  
390 fire his rifle several times. And pretty much simultaneously why he's doing  
391 that, I turned to the left to see what he was firing at. Due to this big rock  
392 outcropping where we were and the brush in front of us, I couldn't see who he  
393 was firing at.

394

395 Q: Two sh- two shots for that?

396

397 A: Uh, I heard multiple shots.

398

399 Q: Multiple.

400

401 A: I can't tell you how many, though, because, uh, there were a lot of shouting  
402 and things people do a lot of things at the same time.

403

404 Q: And you said, so you're looking up, right? And these shots are being  
405 fired. And you looked, and you said you looked to the left. And - and that, is  
406 that about 15 feet high - high?

407

408 A: It - it gets really steep over there.

409

410 ((CROSSTALK))

411

412 A: The (Unintelligible) just takes off. Uh, it was so deeply later on the guys had  
413 to use ropes and stuff to kind of keep. Uh, it took 'em a long time to get up  
414 there...

415

416 Q: Okay.  
417  
418 A: ...and down because it was so slick.  
419  
420 Q: So from where you, from your point down in that - in that chokepoint, you  
421 looked up and you can see (Diver), the rifle's pointed across. And so he's  
422 shooting across?  
423  
424 A: Correct.  
425  
426 Q: Okay. Good.  
427  
428 A: That's pretty - that's pretty much over our head.  
429  
430 Q: Over your heard.  
431  
432 A: Um, I distinctly, you know, I - I saw clear as day standing up there rifle train,  
433 uh, you know, looking - looking through his, uh, optics. And, uh...  
434  
435 Q: And you said - you said you looked over and what did you see over there?  
436  
437 A: On the left-hand side?  
438  
439 Q: Yeah.  
440  
441 A: I couldn't see anything but brush because we had taken the cover of this  
442 rock. So, um, we pushed past the rock to come around and to see what's -  
443 what's being, what he's firing on. And, uh, looked up top and I heard someone  
444 from up there. I don't know if it was, uh, (Craig) or if it was the, uh, the other  
445 deputy. Um, the other deputy, I believe, was (Montana). I don't know which  
446 one shouted it, but they said, "He's in the deadfall tree. You know, he's in the  
447 deadfall tree." And so I looked up. There's a large, brushy area and there's  
448 one great-looking dead tree laying up there. Um, as we're coming out of this  
449 chokepoint I can see this. In front of me are (Polk) and (Demora) and, uh, two  
450 or three Santa Clara deputies as well and we're - we're literally on top of each  
451 other because they are trying to get up to this bank.  
452  
453 Q: So you guys push forward. You heard, "He's in the deadfall tree." And as  
454 you push forward, you actually got in tight...  
455  
456 A: Yeah.  
457

458 Q: ...the - the - the group is now.  
459  
460 A: The group is very tight.  
461  
462 Q: The group is now tight.  
463  
464 A: Realized that I am in no position to be the first reactionary person here  
465 because of all these people. And we had heard some noises up in the brush  
466 suggesting there was another suspect somewhere up there as well. I sent, uh,  
467 (Gustavo) in front of me down the creek along with, um, (Ferrusia). I told  
468 him to go no further than 25 meters in case that another suspect tried to come  
469 down into the creek and engage us in the creek bed.  
470  
471 Q: You said some 25 feet ahead of you guys.  
472  
473 A: About 25 meters or so. Yeah.  
474  
475 Q: Twenty-five meters.  
476  
477 A: Within eyesight.  
478  
479 Q: And they were going up (Unintelligible).  
480  
481 A: No. They were just here trying to lock some kind of perimeter as best we  
482 could here. And especially to keep anybody from coming in front - in front of  
483 an assault from (Unintelligible) know that we're all trained on this bank.  
484  
485 Q: Got it.  
486  
487 A: Uh, I don't remember who the first one was up that little embankment when  
488 we came around. But I know, I think it was (Stanley Share) was the Santa  
489 Clara deputy, a couple of Santa Clara deputies, deputy (Polk), and then, um...  
490  
491 Q: You saw them actually try to get ((CROSSTALK)).  
492  
493 A: Yeah. They were - they were struggling to get up this hill. And I remember  
494 hearing behind me. I looked over and I still haven't seen the suspect yet. I - I  
495 - I remember hearing behind me here, I hear (Craig) distinctly. (Craig) and I  
496 talk all the time. I heard his voice. (Craig) said, "Hey, go slow. guys. Go  
497 slow. I can't him now. I can't see him."  
498

499 Q: So what'd you do? Pretty much just digging - digging into this  
500 ((CROSSTALK)).

501  
502 A: I remember seeing a couple of guys literally kind of running in place 'cause  
503 the hill's sliding away, so.

504  
505 Q: So that was, like, an embankment then going up, right?

506  
507 A: Yeah.

508  
509 Q: And then you heard (Diver) again. Did you know his voice?

510  
511 A: Yes.

512  
513 Q: Go slow?

514  
515 A: "Go slow. Uh, take your time. I can't see him." Then I heard, uh, I - I don't  
516 know if I heard (Montana) or (Diver). This was the second verbal. I don't  
517 know. I cannot remember - remember who said it. I just remember hearing  
518 say "There he is. I see him. I see him. Where's the rifle." Um, and then, the,  
519 I looked up, back up to see, uh, the guys that were climbing the hill and they,  
520 uh, had gotten cut off. Uh, I want to say, like, a 4 o'clock position to where  
521 the deadfall tree was, where they said he was. Uh, I came up the creek a little  
522 bit, down the creek a little bit to where (Gus) and, uh, (Ferrusia) was to get a  
523 better angle on the view, uh, so that I could get an uphill look at what - what  
524 we're dealing with. And (Unintelligible) no longer taking rounds over the top  
525 of my head. Uh, I sent (Lyden) up with them.

526  
527 Q: Up the...

528  
529 A: Up the hill because I could hear the dude moaning and groaning. I could hear  
530 he was, you know, uh, kind of making noises, like, he - he was hurt. I saw,  
531 um, they started to form a perimeter around the guy, uh, around the - the area  
532 that where the guy was supposed to be. I never saw this guy. (Domingo),  
533 (Mike Domingo) was giving that guy commands. And, uh, (Mike) was telling  
534 him, "Don't move. Don't move. Stop moving." And then I heard someone in  
535 that stack say, "He's putting his hands in the bush. He's reaching for  
536 something and then I saw (Mike) fire several rounds while he saying, "Don't  
537 move." And he fired several rounds in the - in the vicinity area where this  
538 deadfall tree was.

539

540 Q: So you hear him yell out, "Don't move. Don't move."  
541  
542 A: Yeah.  
543  
544 Q: And then you said you heard somebody else?  
545  
546 A: I heard somebody else in that stack say, "He's reaching for something. His  
547 hand, he - he's putting his hands in the bush. He's reaching for something."  
548  
549 Q: He's reaching for something in the bush or...  
550  
551 A: I don't know what - what - what - what, uh, I'm not. I can't quote you what I  
552 heard. But...  
553  
554 ((CROSSTALK))  
555  
556 A: ...what I heard was something like, "(Unintelligible). He's reaching for  
557 something. He's putting - he's putting his hands in the - in the bushes..."  
558  
559 Q: He's putting something in the bushes.  
560  
561 A: ...something to that effect. (Mike) yelled out again. "I said don't move." Or  
562 he might have said something like, "Don't move, motherfucker." And, uh,  
563 then, you know, he fired off several rounds and then told us, yell again, "Don't  
564 move. Don't move." And at the same time, someone in the stack is yelling,  
565 Manos Arriba, Manos Arriba, you know, give it, you know, "Let me see your  
566 hands."  
567  
568 Q: You heard somebody yell out.  
569  
570 A: I heard somebody yell out in Spanish.  
571  
572 Q: In Spanish?  
573  
574 A: Yes.  
575  
576 Q: Okay. So, um, he's reaching for something. Kept putting his hands in the  
577 bushes. (Domingo) again yells, "Don't move."  
578  
579 A: Right.  
580

581 Q: Now you said you heard, Manos (Unintelligible) which in Spanish. I'm a - I'm  
582 a Spanish speaker for the department means "hands up." You - you  
583 understand what that means?  
584

585 A: Uh, yeah, I - I mean, verbatim.  
586

587 Q: Yeah.  
588

589 A: Uh, no is the term we've used a lot...  
590

591 Q: Yeah.  
592

593 A: ...when we're trying to get guys to show us their hands.  
594

595 Q: Did you hear manos arriba...  
596

597 A: I heard manos arriba.  
598

599 Q: ...before di- uh, (Domingo) took the shot or was that after (Domingo) -  
600 (Domingo) took the shot did you hear that?  
601

602 A: Uh, I couldn't say. I cannot say when, if I heard that before or after. (Mike)  
603 was yelling at him, "Don't move." Like I said, "Don't move,  
604 motherfucker. Stop moving." Yeah. I - I wanna say I heard Manos Arriba  
605 and then I heard the shots go off. And I saw - I saw him fire.  
606

607 Q: You say - you actually saw (Domingo)?  
608

609 A: I saw - I saw him fire. Yeah. I heard someone after that (Unintelligible) that  
610 this happened. Someone - someone said, "You know, he's moving his  
611 hand. He's moving a hand." Someone says, "Does he have a handgun?" And,  
612 you know, I just, I don't understand this. I'm just, I'm down there. I yell at  
613 (Mike). (Mike), 'cause I have seen him fire. I said, "(Mike), (Unintelligible)  
614 feel the fire 'cause we're kinda facing each other. He goes, "I see you. I see  
615 you." And then, uh, they - they got him, uh, secured and, uh, medic started  
616 working him, and I booked it up - up - up the creek, uh, to get (Unintelligible)  
617 coverage so we could start getting all the help we needed, uh, for QL, uh,  
618 medical evac, all that kind of stuff.  
619

620 Q: So I just want to recap that (Unintelligible) portion of what we talked  
621 about. So, uh, you guys are coming up on this chokepoint. Uh, two - two SO  
622 deputies, Santa Clara deputies to this high road about 50 feet above you. And

623 you guys took the creek into that chokepoint to try and make through to see  
624 what was going on.  
625  
626 A: Correct.  
627  
628 Q: Um, you guys were separated about 30 feet from each other.  
629  
630 A: Give or take.  
631  
632 Q: Give or take. Um, you heard, uh, you heard a shot. You're not sure where if it  
633 came in front - in front of you or above you.  
634  
635 A: I just know it was in front of my location.  
636  
637 Q: It was ahead of you.  
638  
639 A: Right.  
640  
641 Q: Okay. But not - not sure if it was up or high or low. And then, um, you heard  
642 from, you did hear from - from the top's got a gun. He's got a rifle. He's in the  
643 bush above you."  
644  
645 A: Right.  
646  
647 Q: Uh, at that point you pushed forward, uh, for cover. Um, you looked up the  
648 ridge and you saw (Diver) who you know very well from working at with  
649 before...  
650  
651 A: Right.  
652  
653 Q: ...uh, pointing his long rifle across the creek. Um, saw a second deputy  
654 several feet behind him. You weren't, you weren't sure who that was - that  
655 was at the time. Uh, you heard, "Drop the gun. Drop the gun." Uh, you - you  
656 saw (Diver) shoot, um, multiple rounds towards the left, but you only saw the  
657 bush area because, from your advantage point, you couldn't see it.  
658  
659 A: Correct.  
660  
661 Q: You pushed forward again. Uh, at that point you - you sent two of you- you're  
662 off your deputy's at that point (Unintelligible) meters to secure the perimeter  
663 for cover. Uh, the group's tight. Uh, you heard, uh, he's in the - he's in the  
664 deadfall tree. Um, and after your guys - your guys were upfront, uh, a couple



665 of the SO, uh, Santa Clara SO Deputies started crawling up some  
666 embankment. Uh, they were fu- sliding down because it was - it was dirt and  
667 stuff. Um, you sent, uh, (Lyden) who was your medic for your team for your  
668 unit.  
669  
670 A: Yeah. (Lyden)'s one of our medics.  
671  
672 Q: One of - one of your medics (unintelligible) moaning and groaning coming  
673 from on top of the this is to the not to the left of you. Not to the right.  
674  
675 A: In the area describing the deadfall tree.  
676  
677 Q: Deadfall tree the area was (Unintelligible).  
678  
679 A: (Unintelligible).  
680  
681 Q: Uh, you heard (Domingo), uh, say "Don't move. Don't move." Uh, and then  
682 you heard someone, uh, in the stack say, "He's reaching for something. He  
683 keeps putting his hands in the bushes." (Domingo) yells, uh, "Don't  
684 move." You heard, "Manos Arriba," which means in Spanish, "Hands  
685 up." And then you actually can see from moving up, you can see (Domingo)  
686 and he fires two shots at the...  
687  
688 A: I - I don't know if it was two but several...  
689  
690 Q: Several.  
691  
692 A: ...several shots. Uh, I'll just call the volley.  
693  
694 Q: Okay. Got it.  
695  
696 A: But it - it was more than one. That's the best I can tell you.  
697  
698 Q: Um, did you know anything about the suspect prior to the shooting?  
699  
700 A: Nothing.  
701  
702 Q: Um, how close were you to the suspect?  
703  
704 A: Uh, I never left that creek bed until I went up the creek. Um, and I guess, just  
705 guess from - from the view, I'm gonna say this guy was probably 30 feet  
706 above me, 20, 30 feet to - to the area were - they - they (Unintelligible).

707

708 Q: Right. Um, did the suspect have an (Unintelligible)?

709

710 A: I never saw the suspect. I was told that he had a rifle without a scope. I was  
711 told - I was told that the rifle was right next to him.

712

713 Q: And do you remember who told you that?

714

715 A: Uh, I'm trying to remember because we were yelling back and forth up and  
716 down the hill. Um, I don't remember then. I do- I - I wanna say maybe  
717 (Polk), but I don't remember. It might've - it might've even just been an  
718 overall announcement. "Hey, guns right next to him." Something like that.

719

720 Q: Okay.

721

722 A: It's, like, I remember someone asking me, "Where's the gun? Where's the  
723 gun?" Someone said there (Unintelligible). Because of what happened  
724 someone said, "There it is right there." Uh, so that's. And then someone said,  
725 uh, "Rifle, no scope."

726

727 Q: And did you hear the suspect say anything?

728

729 A: I never heard him say a word. I just heard him moaning. He was making that  
730 distinction, you know, I'm in pain sound.

731

732 Q: And you obviously from your statement, you did hear, uh, others say  
733 something to the suspect, correct?

734

735 A: Uh, yeah. A lot of people were yelling at him, "Stop moving," you know, "Let  
736 me see your hands. Quit moving. Quit moving." You know, there was a lot  
737 of chatter at him.

738

739 Q: And did you hear anyone identify themselves as law enforcement to the  
740 suspect?

741

742 A: Uh, someone yelled Sheriff's Office at some point. I do not know when?

743

744 Q: You heard.

745

746 A: I heard someone yell, "Sheriff's office," uh, but I don't know when that  
747 happened. I cannot tell you when that happened.

748

749 Q: What were you feeling prior to shots being fired?

750

751 A: Prior to the whole (Unintelligible) beginning in the creek? Uh, I was on  
752 alert. Uh, I, this year we've been on several of these. Actually, just about  
753 everyone we've been on someone would be encountered with a gun or they've  
754 run or we have arrested them. Um, I know that this area out there is so remote  
755 that unless there is absolutely nobody there. If there is someone growing  
756 weed, there is a very high chance that we're gonna run into 'em. And, uh, we  
757 haven't run into anybody in those remote spots that haven't been armed.  
758

759 Q: So, uh, you were on alert. And based on prior grows...

760

761 A: Absolutely.

762

763 Q: And - and marijuana grows, h- you always come in contact...

764

765 A: (Unintelligible).

766

767 Q: ...with firearms?

768

769 A: Uh, more - more often. Or and that area was so remote.

770

771 Q: (Unintelligible).

772

773 A: Absolutely. Absolutely. I - I think we pulled last year in our, for - for our  
774 year with indoor and outdoor marijuana grow, I think we pulled something,  
775 like, 61 firearms off on these things.  
776

777 Q: On how many grows did you say?

778

779 A: Uh, last year. Last year, I - I don't know how many grow we did, but we did  
780 around 80,000 plants. We pulled 61 - 61 firearms off.  
781

782 Q: And what were your feelings, uh, while the shots were being fired? What  
783 were you feeling?  
784

785 A: Uh, well when the first shot went off. Uh, you know, we all trained at the  
786 range all the time. I was on our (Unintelligible) team, and I got plenty of  
787 firearms training. And when that first shot went off, you know, the - the first  
788 thought in my mind is okay, I'm not hearing any follow up here. You know,  
789 we - we - we train a couple of rounds, right? I'm thinking, someone's shooting  
790 at us or we just had an AB. And no one's yelling AB. So someone must be

791 shooting at us. So first thought through my head, once we got past all the fuzz  
792 of, okay. (Unintelligible). We got shots fired was where is it coming? Let's  
793 get some cover. And let's find out what we gotta do next. As one, as we were  
794 kinda, uh, approaching the spot in front of us. The next thing I'm thinking is, I  
795 hope that one of the Santa Clara guys didn't just get shot because I cannot see  
796 anything.

797  
798 Q: So you reverted to your training.

799  
800 A: Absolutely.

801  
802 Q: And, uh, what were you feeling after the shots were fired?

803  
804 A: Uh, after the, uh, f- the first. I guess we'll describe it as the volley.

805  
806 Q: Yes.

807  
808 A: Uh, after that I - I wasn't feeling anything. But, uh, you know, making sure  
809 my guys were safe. Making sure we had covering and concealment.

810  
811 Q: I'm talking about the - the (Domingo) shoot, correct?

812  
813 A: Uh, I'm talking about when I saw (Diver) fire. After that first volley, my, I'm  
814 in supervisor mode. I'm the king's leader. Uh, all these guys are my  
815 responsibility. It's not my job to get actively engaged if I don't have to and to  
816 make sure that I'm getting them where they have to be so that they're safe. I  
817 was, uh, you know, uh, the bottom line. I was afraid for someone might who  
818 getting - might who getting Santa Clara at this point too, uh, someone getting  
819 shot, hurt, and killed by this person because it's been announced very clearly  
820 that this guy's got a gun. And we have started firing rounds with, when that  
821 happens, we've got a serious threat happening here.

822  
823 Q: And what did you think the suspect was gonna do?

824  
825 A: Uh, in my opinion, if, uh, if when we get to that level of force when those  
826 things are happening, uh, there's no - there's no doubt in my mind that if that  
827 suspect is trying to kill one of us, take one of us out, ambush us. We're in a  
828 perfect position for an ambush. In the area that he was in, there's absolutely  
829 no reason for that person to be there since all of the trails and everything were  
830 on the other side of the creek.

831

- 832 Q: So you're getting, uh, the suspect was wanting to ambush you or going to kill  
833 you guys, uh, based on the location and your experience in grows?  
834
- 835 A: Absolutely. Whoever it might be coming through whether it was the police,  
836 the rancher, or whoever.  
837
- 838 Q: So follow up with this question. Uh, did you feel the suspect intended to  
839 harm anyone today?  
840
- 841 A: Uh, absolutely. He was armed with a gun he took a position - a position of  
842 advantage.  
843
- 844 Q: Excuse me. And did you fire at the suspect?  
845
- 846 A: I did not.  
847
- 848 Q: And who was working with you today?  
849
- 850 A: From (Alameda) County, uh, Deputy (Derrick Polk), uh, Detective Estala  
851 Warren), uh, (Keith White), uh, Sergeant (Matt Ferrusia), and, uh, Detective  
852 (Markel Ortiz).  
853
- 854 Q: And were any of you deputies or deputies of Santa Clara County injured?  
855
- 856 A: Uh, negative. No one was shot. And to my knowledge, no one twisted their  
857 ankle, hurt themselves in any way today. No one reported it to me.  
858
- 859 Q: And, uh, so you never - you - you never made it up that ridge  
860 then? (Unintelligible) you were down at the bottom?  
861
- 862 A: Once - once - one that many assets were up there and the guys on the other  
863 ridge now had, uh, perimeter issues.  
864
- 865 Q: Mm-hm.  
866
- 867 A: I asked (Unintelligible). And I knew that we needed to get, uh, all the  
868 logistics taking care of. So I just took it upon myself to take care of it. So I  
869 booked up the creek to get a clearing 'cause the (Unintelligible) phone won't  
870 get out unless you have an opening. Uh, and I took a - a perimeter position in  
871 the upper creek. (Ferrusia) later (Unintelligible) with me up there. And, uh,  
872 we have all the logistics and the call-outs and all that stuff.  
873

874 Q: Were you and, uh, Santa Clara able to communicate with your radios or did  
875 you guys have - did you guys have a different pack (Unintelligible)?  
876

877 A: No - no. We - we brought clean (Unintelligible) capable radios.  
878

879 Q: Okay.  
880

881 A: And - and some of our radios we, they transmit to us. And we couldn't  
882 transmit back. But some of our radios we were able.  
883

884 Q: Mm-hm.  
885

886 A: But since (Polk), uh, (Forum), and (Lyden) was with the downed suspect.  
887

888 Q: Mm-hm.  
889

890 A: And they were just across the ridge. We were able to relay info back and  
891 forth when the pack sets weren't working right.  
892

893 Q: Okay. And from your point, you said you could hear that the - the deputies  
894 upon - on top of the ridge after this final shots were fired that they were trying  
895 to administer first aid?  
896

897 A: Absolutely. I - I - I told (Lyden), you know, I ordered them up there to do  
898 first aid 'cause I knew that the Santa Clara's medic was probably gonna need  
899 some help,.  
900

901 Q: Mm-hm.  
902

903 A: Um, especially the way the guy was sounding, and the - and the amount of  
904 rounds that we had fired. Uh, so I - I told them they needed to work on that  
905 guy, go up there, do whatever you need. And I took off to take care of the, uh,  
906 the helicopters. (Unintelligible) dispatch got shots fired (Unintelligible).  
907

908 Q: And then you were doing this through - through your pe- through your - your  
909 people in (Alameda) County?  
910

911 A: Yeah. I called. I called our dispatch and, um, took care of all that. And I  
912 knew Santa Clara was trying. Uh, and then i- we were both having a lot of  
913 trouble. The - the (Unintelligible) phone calls kept dropping. And I think we  
914 were getting pieces of info out at a time between the two of us.  
915

916 Q: And you - you advise them that you had shots fired?  
917  
918 A: I told them we had shots fired. The suspect was down. Absolutely no  
919 deputies, um, from Santa Clara were injured. I requested a, uh, medical  
920 evac. Uh, I was told on (Unintelligible) the team that the medics, uh, had, uh,  
921 said the suspect at that point was 10-10.  
922  
923 Q: And, um, 10-10 for (Alameda) County is...  
924  
925 A: Is, um, basically deceased.  
926  
927 Q: Okay. So (Alameda) County dispatch advised you?  
928  
929 A: No. Not dispatch. Um, one of mine. I was advised, uh, via (Polk)...  
930  
931 Q: Oh yeah.  
932  
933 A: ...or I don't know who it was.  
934  
935 ((CROSSTALK))  
936  
937 A: Someone on my frequency from - from off-scene told me, uh, medics were  
938 (Unintelligible) to say that that was 10-10. So I asked for a helicopter, uh,  
939 from (East Bay Regional) to come to look for any outstanding suspect or  
940 suspects and, uh, started making my phone calls.  
941  
942 Q: Did you see two other suspects running off? Did - did...  
943  
944 A: No.  
945  
946 Q: ...any- anyone from your team advises you that there were two suspects?  
947  
948 A: (Derrick Polk) advised me that he heard a noise in the brush to what he  
949 described as, I think, he said, his 3 o'clock position, which would have been  
950 that right embankment above were, uh, (Diver) did (Unintelligible).  
951  
952 Q: Yeah.  
953  
954 A: ...where, um, Santa Clara guys describe that there was, that they had. They  
955 believed there was another suspect, um, further up or I'm sorry, further down  
956 the creek, down the, uh...  
957

958 Q: (Unintelligible).  
959  
960 A: ...the left embankment where the suspect was engaged, uh, was further up  
961 there. Which is why I sent the other two you guys from my team up the creek  
962 to make sure he didn't try and flank us.  
963  
964 Q: Did you - did you see any other suspects running?  
965  
966 A: No. My position is stack. Didn't let me see too much past that cropping in the  
967 - in the choke point.  
968  
969 Q: (Polk) - (Polk) advised that...  
970  
971 A: He heard.  
972  
973 Q: ...he - he heard. And then after, uh, after the suspect, uh, did you hear who  
974 pronounced the suspect was dead?  
975  
976 A: No. I did not.  
977  
978 Q: After he's pronounced dead, uh, your position was, uh, to just hold the scene?  
979  
980 A: Uh, yeah. We - we made a decision, uh, at that point. We had three people,  
981 um, three or four that were on - on the - the suspect's body, um, and then we  
982 had the other two on the ridge. I'm pretty sure on 360 coverage. So (Ferrusia)  
983 and I decided to stay up the creek about 100 yards from them in case  
984 somebody else decided to come into our area. So we had them covered. We  
985 all decided just to keep the line at that point, where the - where the - where the  
986 furthest front deputy was and we were not gonna move any further down until  
987 we had more support.  
988  
989 Q: So you covered the area, hunkered in, just held your perimeter. Uh, you didn't  
990 - nobody attempted to give chase to these, uh, two possible suspects.  
991  
992 A: Negative.  
993  
994 Q: You decide just to hold the scene, uh, with - with the - with the suspect that  
995 was down and wait for - for, uh, responding (Unintelligible).  
996  
997 A: We were hoping aerial was gonna be able to come in and help us find these  
998 guys. And we're - and we're able to find them.  
999



1000 Q: And approximately, uh, uh, I don't know if you had a watch on you. But how  
1001 much time would you say went by from the time of, uh, the shooting occurred  
1002 to the time you guys received some reinforcements and got off the  
1003 (Unintelligible)?  
1004

1005 A: I - I couldn't even speculate. Oh, I mean, I can tell you that the...  
1006

1007 Q: You (Unintelligible) all that?  
1008

1009 A: I think I, uh, is it okay if I answer? I'm just gonna (Unintelligible) a question  
1010 about that 'cause I went to the CP and met him there 4 o'clock maybe.  
1011

1012 Q: I don't - I don't know.  
1013

1014 A: Okay. Four o'clock. Uh, so we would've got out of there about an hour prior  
1015 to that. It takes about an hour to get out of there, uh, by car to the CP's.  
1016

1017 Q: Okay.  
1018

1019 A: So I - I think we finally got, uh, relieved at, I think, 1500 or so.  
1020

1021 Q: Okay.  
1022

1023 A: That's just my best guess. As a matter of fact, yeah. I think, 'cause I  
1024 remember, uh, (Montana) driving me back to my vehicle out there on the dirt  
1025 road. And I said, "Wow, it's 4 o'clock already." So it was already, we were at  
1026 1600 when we were still out there.  
1027

1028 Q: Okay, I'm just gonna go check with my people to see if there's anything else  
1029 that, uh, anything I missed they might want me to ask you. Uh, do you, is  
1030 there any reports you think that I may not have asked that you may want to  
1031 add?  
1032

1033 A: Uh, I can't think of anything right now.  
1034

1035 Q: Okay. I can't answer. I can't answer (Unintelligible) tomorrow.  
1036

1037 A: And I haven't had to deal with all this before, so.  
1038

1039 Q: Not a problem. Um, one second. I'll be right back.  
1040

1041 A1: I feel bad. I don't know what the hell I'm (Unintelligible).

1042  
1043 A: Are we still?  
1044  
1045 A1: I don't think they would video record? I think they would tell us that.  
1046  
1047 A: Oh yeah. I don't know about that. They don't tell you. Well if I have my  
1048 doubts I'll tell them.  
1049  
1050 Q1: We don't do ours in the - in the same interview. We do stuff, like, if we do, as  
1051 you probably well know we do ours in our conference room.  
1052  
1053 A: Most of the time we just write reports down, don't we?  
1054  
1055 Q1: Uh, it's a shooting. If there's shooting we, uh...  
1056  
1057 A1: That's true. No - no - no.  
1058  
1059 Q1: Is there a, uh, (Gemo). (Gemo) - (Gemo) and (Boy) was our last shooting last  
1060 April. And we interviewed - we interviewed (Gemo) and we interviewed  
1061 (Boy) and we interviewed (Clindel).  
1062  
1063 A: Is there - is, uh, I forgot to cover anything?  
1064  
1065 A1: Not that I can think of. Uh...  
1066  
1067 A: Okay.  
1068  
1069 A1: I'll just bring up that - that (Unintelligible) tap thing. And you - you ended up  
1070 bringing it up anyways.  
1071  
1072 A: Okay.  
1073  
1074 A1: Um, yeah. Now that I remember that last incident that we were just talking  
1075 about with, um, with (Unintelligible).  
1076  
1077 A: They rolled on that.  
1078  
1079 A1: Yeah.  
1080  
1081 Q1: What - what - what - what (Unintelligible) is. What - what according to the  
1082 way - to the way I'm asking this way. When it's unsure why somebody  
1083 dies. We had two of those last year, three of them actually.

1084

1085 A1: That's true.

1086

1087 Q1: One at the jail, the one down in the (Unintelligible) where the guy came out  
1088 from underneath the basement, and then the one with the SWAT team. When  
1089 it's unclear as to why the guy dies. It's not well a shooting is pretty damn  
1090 clear.

1091

1092 A1: I got you.

1093

1094 Q1: When you get into a struggle with someone it's unclear why the person dies,  
1095 that's when the law firm takes the position that they don't want our guys  
1096 giving interviews right then. They're gonna have 'em write, uh, to compel  
1097 statements or write reports because they have no clue why this guy died.

1098

1099 A: Yeah. That's - that's perfect, I guess. Yeah. That makes sense. Yeah. I wasn't  
1100 sure what the (Unintelligible). Like, sometimes we go down there and get  
1101 (Unintelligible).

1102

1103

1104 Q: Great. We're good.

1105

1106 A1: We're good. Yeah.

1107

1108 Q: Oh I'm sorry. There's one thing - there's one thing I need to ask you. Um, on  
1109 record I'm gonna use your, um, did you come out of the (Unintelligible) of  
1110 (Unintelligible)?

1111

1112 A: Yes. (Unintelligible). Let me make sure I get that. (Unintelligible).

1113

1114 Q: Your date of birth?

1115

1116 A:

1117

1118 Q: And do you know your driver's license number by heart?

1119

1120 A:

1121

1122 Q: This is for our - our, um, H, part of H and O just to fill out all that stuff.

1123

1124 A: (Unintelligible).

1125

1126 Q: Okay. Um, that's all I have.

1127

1128 A: Okay.

1129

1130 Q: Thank you both. Appreciate it. Good job, man.

1131

1132 A: Thank you.

1133

1134 Q: Thank you. Do we have one more?

1135

1136 Q1: Two more.

1137

1138 Q: Two more. Okay.

1139

1140 Q1: Do you want us to bring them over or (Unintelligible)?

1141

1142 Q: Uh...

1143

1144

1145

1146

1147 This transcript has been reviewed with the audio recording submitted and it is an accurate  
1148 transcription.

1149 Signed \_\_\_\_\_