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INTERVIEW WITH DEP. JOSEPH BROWN

Q=Sgt. Jason Brown

Q1=Sgt. Hermon Leon

A=Dep. Joseph Brown

A1=

Q: Okay. Uh, before, uh, we start, I have your card, , but if we can, I'd like to go around the room and just make sure we all know each other, uh, introduce each other. Uh, I'll start, uh, Sergeant Jason Brown with the Sheriff's Office. Go ahead.

Q1: I interject. Uh, , it looks you're intending to record this. This is not an administrative interview. It's a criminal investigation.

A1: Okay.

Q1: You're not allowed to record this. You will receive a copy of this recording.

A1: Okay.

Q1: In its entirety.

A1: All right.

Q1: At this point, we'll record and then we'll provide that...

A1: All right.

Q1: ...in a future date.

A1: Um, let's just make a record of it if we can?

Q1: Sure, it already is.

A1: Oh, sorry.

Q1: But - but if you want to formalize it when you introduce yourself.

46 A1: That's fine.
47
48 Q1: ...that will be inserted.
49
50 A1: All right.
51
52 Q: Thank you very much, everyone. Again, I'll start, uh, Sergeant Jason Brown
53 with the Sheriff's Office Investigations Division.
54
55 Q1: Sergeant Hermon Leon with the Sheriff's Office Investigations.
56
57 A: Deputy Joseph Brown, Headquarters Patrol.
58
59 A1: Um, I just want to make a quick
60 note that, uh, my recorder is off, uh, per advisement of Sergeant Leon?
61
62 Q1: Leon. Yes, sir.
63
64 A1: And, uh, because this is not administrative and this is the criminal, uh, no
65 recording, uh, is available for me. But you will make these tapes available to
66 me on a later date.
67
68 Q1: Absolutely, in its entirety.
69
70 Q: Correct. And, uh, there, uh, I - I'm under - I'm, I understand that there, uh,
71 there's potential administrative interviews at a later time probably after, uh,
72 after work we have been completed here which, uh, you are- are more than
73 welcome to deal with them as appropriately. Uh, so, uh, Deputy Brown,
74 Joseph, can I call you Joseph?
75
76 A: Yes, sir.
77
78 Q: Okay. First thing that I want to do is just get to know, uh, a little more about
79 you, um, uh, and, uh, the things that, uh, that, brought you here today. Um, but
80 I want to make sure you are - you have here with you. Um, you
81 are a witness to an incident, uh, from overnight, um, we would like to - to get
82 your version of the incident, um, and you - you know, can answer what, uh,
83 questions you feel we'd like to get your, uh, your - your statement. And, um,
84 whatever you're not, um, just comfortable discussing with us, that's fine, just
85 let us know and, uh, you - we'll - we'll go from there, okay? Is that okay?
86
87 A: Yes, sir.
88
89 Q: Uh, so, Deputy Joseph Brown, um, what is your badge number, sir?
90

91 A: 2152.
92
93 Q: 2152. Um, I have, uh, November 16, I'm going to go with, uh, let's go with
94 about 8:42. And how long have you worked for the Sheriff's Office?
95
96 A: Two years.
97
98 Q: Two years. Uh, so, you graduated the academy sometime in 2011?
99
100 A: Yes, sir.
101
102 Q: Uh, what assignments have you had since then?
103
104 A: Courts, bailiff deputy, at the FTO training, back to courts and headquarters
105 patrol.
106
107 Q: How long did you work in courts, the first time?
108
109 A: One year.
110
111 Q: One year. And then FTO, when - when did you get in the FTO program?
112
113 A: October 1 of 2012.
114
115 Q: Do you remember when you completed the program?
116
117 A: January 1 of 2013.
118
119 Q: Okay. Perfect. Um, and you mentioned, uh, going back to courts after that.
120
121 A: Yes.
122
123 Q: And how long were you in courts after that?
124
125 A: Approximately two months.
126
127 Q: When you came back to patrol, sometime in March, I guess.
128
129 A: April 1.
130
131 Q: April 1. What was your assignment when you came back to, um, to patrol?
132
133 A: I was assigned as 71 George 1.
134
135 Q: Down at South County?

136
137 A: Ten plan day shift.
138
139 Q: Uh, was that your steady beat or was this more like a vacation relief type, uh,
140 uh, assignment?
141
142 A: It was more a vacation relief.
143
144 Q: More a vacation relief. Uh, how did you end up being, uh, at headquarters?
145
146 A: So, I was on vacation, I went to a different shift. I went to that June - mid-
147 June.
148
149 Q: Has it been the night shift since then?
150
151 A: I was, uh, 10 plan swing shifts until mid-July and then I was 12 plan swing
152 shift until last week.
153
154 Q: Uh-huh.
155
156 A: And then this week, I started as 10 plan midnight shift.
157
158 Q: So, this week was your first week on this particular shift?
159
160 A: Yes.
161
162 Q: And what was your - your call sign this, uh, week?
163
164 A: 61 Bravo 3.
165
166 Q: 61 Bravo 3. The whole week?
167
168 A: Yes.
169
170 Q: Do you have any prior law enforcement experience? I think you mentioned
171 the academy. Do you have any prior law enforcement experience before that?
172
173 A: No, sir.
174
175 Q: Uh, so, working 61 Bravo 3 this week, prior to that, you were on 12 plan?
176
177 A: Yes, sir.
178
179 Q: ...swings.
180

181 A: Yes.
182
183 Q: Which are similar hours but different days?
184
185 A: Yes, sir.
186
187 Q: Just a couple more hours in the shift, right?
188
189 A: A few more hours in the shift.
190
191 Q: Um, what are the - the - actually, I - I don't know, what are the - the midnight
192 shift hours for, say 61 Bravo 3?
193
194 A: Oh, there's not a 61 Bravo 3 for...
195
196 Q: Swing shift.
197
198 A: Or for...
199
200 Q: For midnight since you're working this week. Check.
201
202 A: Uh, it's, uh, 2200 hours to 0800 hours.
203
204 Q: Tuesday night to Friday night?
205
206 A: To Friday.
207
208 Q: Um, so, if you start your shift at 2200 hours, what time would you normally
209 show up for work every or the four days that you worked that shift what time
210 would you normally show up to work?
211
212 A: I'm always early.
213
214 Q: Always early. About how early?
215
216 A: Uh, I show up about 8:45, 2045 hours.
217
218 Q: Wow, you are early. Uh, uh...
219
220 A: I like to be prepared.
221
222 Q: Yeah. Um, is that to do, you know, like administrative things like load your
223 car and change your clothes, or what do you normally do on that hour, hour
224 plus.
225

226 A: Make sure my car is fully functioning, all of my equipment functions
227 properly. I'm dressed appropriately on time. Any paperwork that I had
228 pending is completed.
229

230 Q1: Completed like, uh, those - those wonderful activity logs.
231

232 A: Uh...
233

234 Q: So, in order to - to, uh, arrive er- early for your shift like that, do you normally
235 and I understand it's been a week, um, on this particular shift, but would you -
236 this past week, did you, you know, get off your shift at eight in the morning
237 and go home and go right to sleep or would you go home, be up for a while
238 and then sleep just prior to coming to work? How did you work your sleep
239 patterns, um, especially if it's just for the week?
240

241 A: Uh, well, luckily I have a very understanding family that knows that I need to
242 sleep before work.
243

244 Q1: Very good.
245

246 A: Uh, the days that I work the night before, I would go home and stay up until
247 about 9:00, 9:30 in the morning and then I would go to sleep until about 1800.
248

249 Q: And, uh, straight through with very few interruptions with that, or do you
250 have, uh, I don't know little ones that run around and...
251

252 A: I have two little ones but I'm, uh, a very solid sleeper.
253

254 Q: Okay. Um, any problems sleeping over the week or does it usually work
255 pretty good?
256

257 A: No.
258

259 Q: Is that cause you have the 12 plan non-swing shift prior to this week so it kind
260 of helped you move into that pretty well.
261

262 A: I've just always been good at sleeping.
263

264 Q: Okay. All right. Good. What time did you get up yesterday?
265

266 A: 1800 hours.
267

268 Q: 1800 hours-ish or on time or did you set an alarm?
269

270 A: I used my alarm clock.

271
272 Q: Set an alarm, okay. Um, did you eat prior to coming to work?
273
274 A: Yes, I did.
275
276 Q: Um, did you eat after you got to work?
277
278 A: Uh, snacked in my patrol car.
279
280 Q: Snack in your patrol car. Um, did you - did you get sufficient rest for that day
281 since it was Friday, it's a long week, night shift.
282
283 A: Absolutely.
284
285 Q:
286
287
288 A:
289
290 Q: -um, when you arrived to work yesterday, were you down paper that
291 you had to catch up on before you started your shift?
292
293 A: No, I was not.
294
295 Q: No. Okay. So, at 2200 hours, uh, when the shift starts, how did you start your
296 shift?
297
298 A: Uh, we had briefing...
299
300 Q: Uh-huh.
301
302 A: ...for approximately 30 minutes.
303
304 Q: Uh-huh.
305
306 A: And then my first call was a suspicious circumstance in Bravo 6.
307
308 Q: Bravo 6, that's kind of towards the - the Campbell, southern end of San Jose,
309 correct?
310
311 A: Yes. It was at Camden and Union.
312
313 Q: All right.
314
315 A: Specifically Union.

316
317 Q: And, um, at some point, uh, during your shift, uh, you received a - a call, um,
318 on Cleveland Avenue, correct?
319
320 A: Yes.
321
322 Q: Why don't you tell me what happened?
323
324 A: Uh, I was with the other central units and we were at North Bascom. And
325 we received the call that there was a suspicious circumstance, uh, on 95
326 Cleveland. And the information came out that they believed it may have been
327 a 459 in progress because someone heard, uh, glass shattering and a woman
328 yelling. So, myself and the other units were right around the corner, we
329 arrived in a matter of minutes.
330
331 Q: You mentioned being at North Bascom with the other, um, midnight
332 units, um, what - what personnel specifically?
333
334 A: Uh, 61 Bravo 1 Deputy Galan and 61 Bravo 6 Deputy Espinosa.
335
336 Q1: So, just the three of you?
337
338 A: Yes.
339
340 Q: When the call came, suspicious circumstance, uh, woman - woman screaming,
341 um, did they get any more specific as to maybe, uh, where this person was?
342
343 A: I can't remember.
344
345 Q: Um, over the radio, was there any information about what she was screaming
346 or - or any - any in - information from - from prior.
347
348 A: Not that I can recall.
349
350 Q: Have you ever been to that residence before?
351
352 A: No, I have not.
353
354 Q: Um, so, you and Deputy Galan and Deputy (Espinosa), you start responding
355 from - from North Bascom and you mentioned that you were there in just a
356 matter of minutes...
357
358 A: Yes.
359
360 Q: ...uh, were there any updates from dispatchers while you were en route?

361
362 A: Not that I can remember.
363
364 Q: Um, and when you arrived, you specifically - how - how did you approach
365 Cleveland? What was your route?
366
367 A: Uh, went directly across Bascom from cause it's right here...
368
369 Q: Uh-huh.
370
371 A: Started - so I started heading south on Bascom..
372
373 Q: Uh-huh.
374
375 A: And then, the very first left which would be eastbound on Olive and then I
376 think it's one block up or two blocks up, turn right which would be southbound
377 on Cleveland.
378
379 Q: Uh-huh.
380
381 A: And it's the second or third house in, I think it's the second house.
382
383 Q: Okay. Um, were you - in the order first, second, third, to arrive, I know you
384 guys were probably together but...
385
386 A: We were all together but it was Galan, myself and (Espinosa).
387
388 Q: So, you were kind of in the middle, the middle car there.
389
390 A: Yeah.
391
392 Q: Um, when you guys arrived, what - what happened next?
393
394 A: Uh, I got out of my vehicle, walked around in front of my vehicle and saw a
395 woman sitting on the, uh, porch of 95 Cleveland.
396
397 Q: She was just sitting there?
398
399 A: Just sitting there.
400
401 Q: Did you hear the screaming that, uh, the dispatchers and the re - reporting
402 party had mentioned?
403
404 A: No, I did not. She was playing with a guitar, looked like she was tearing apart.
405

406 Q: Uh, other than the guitar, did you hear any - the - not the scream but the
407 breakage or anything that had been mentioned?
408
409 A: No.
410
411 Q: Did you see anybody else?
412
413 A: No, I did not.
414
415 Q: Um, how did the woman appear, how was she clothed?
416
417 A: I can't remember.
418
419 Q: Don't recall? Can you describe her to me?
420
421 A: Uh, she had dark hair and she was an older woman at least 50 years old, but
422 probably older.
423
424 Q: Um, did she say anything to you guys?
425
426 A: I can't remember what she said. I know she stood up and walked towards me.
427 And when she walked towards me, she had the guitar in her hand and a knife
428 in her hand.
429
430 Q: So, she had a guitar on her hand and a knife in her hand. How was she holding
431 the guitar?
432
433 A: I can't recall.
434
435 Q: Um, do you recall if it was one-handed or two-handed?
436
437 A: I know the knife was in her one hand. I can only speculate that the guitar was
438 in one hand.
439
440 Q: Okay. Um, so you mentioned a knife being in one hand as well, do you know
441 how she was holding the knife?
442
443 A: I - I can't recall. I know it was in one hand but like that's all I know.
444
445 Q: Which hand maybe it was in?
446
447 A: I don't recall.
448
449 Q: Okay. Uh, so now you have arrived, you see the woman, did somebody
450 verbalize anything to her?

451
452 A: I told her to drop the knife as I was pulling out my service pistol.
453
454 Q: So, she gets up with the guitar in one hand and the knife in the other and she
455 starts walking, you said specifically...
456
457 A: Yes.
458
459 Q: ...towards you.
460
461 A: Fastly approaching me.
462
463 Q: Uh, so, she's quickly approaching you, um, would you say she is a - a quick
464 walk or a sprint?
465
466 A: It was a fast walk.
467
468 Q: Um, in what - in what manner, uh, she was angry, she was, uh, describe her.
469
470 A: I don't know if she was angry and to me it was an aggressive manner and she
471 was walking towards me.
472
473 Q: Um, did she say anything to you?
474
475 A: I can't remember.
476
477 Q: Okay. You, uh, verbalized to her drop the knife.
478
479 A: Yes.
480
481 Q: Um, do you know how many times you had said that?
482
483 A: I don't remember.
484
485 Q: Um, did you say anything else to her?
486
487 A: Uh, Sheriff's Office, drop the knife multiple times.
488
489 Q: And you drew your service weapon?
490
491 A: Yes.
492
493 Q: Uh, what did she then do?
494
495 A: She kept walking towards me, I retreated to the back side of my patrol car to

496 get distance between her and I.
497
498 Q: And yours was the one in the middle, correct, your patrol car?
499
500 A: My car was the first car north of her driveway.
501
502 Q: Facing...
503
504 A: Facing south.
505
506 Q: ...south. Okay.
507
508 A: Deputy Galan's car was facing north across the street.
509
510 Q: Okay. So, you retreated, then back towards the rear - the rear or the opposite
511 side?
512
513 A: The rear and the opposite side.
514
515 Q: Okay. The opposite rear side of your vehicle.
516
517 A: So, I retreated would be the direction of north and east.
518
519 Q: Okay. Did you happen to notice what the other deputies did?
520
521 A: I noticed they were at the front of my vehicle, I don't know what they were
522 doing.
523
524 Q: Um, did you happen to hear them give any orders or anything to - to this
525 person?
526
527 A: I can't recall.
528
529 Q: Okay. That's fine. Um, so, when you made it to the - the - the, I guess the
530 driver's side rear then, it was what it would be, correct?
531
532 A: Yes.
533
534 Q: Of your vehicle, tell me what happens next.
535
536 A: Uh, I started to walk towards, it looks in my mind I felt like I was walking
537 towards, uh, Deputy (Espinosa) and Galan towards the front of my vehicle and
538 I know that she - the suspect kept approaching me. And someone yelled
539 something that either told me to get out of the way or crossfire.
540

541 Q: Uh-huh.
542
543 A: So, I immediately ran across the street and got behind a vehicle.
544
545 Q: You said across the street like the other side from 95?
546
547 A: So, I ran south and east. So, I ran south enough to where I wasn't in a crossfire
548 then east to where I could get behind something that could stop a round.
549
550 Q: How are you feeling at this point?
551
552 A: Fine.
553
554 Q: Well, not right now, I mean, during this - at the time that this is happening,
555 how - how - what ran through your mind, how - how were you feeling about
556 this woman with the knife?
557
558 A: I felt like oh my, God, this lady is going to try and stab me or my partners.
559 And it was just like I don't want to sound bad but it's terrifying when
560 someone is approaching you with a knife.
561
562 Q: Uh-huh. Um, when prior to you going across the street and you mentioned,
563 uh, Galan and (Espinosa) towards the front of your vehicle and somebody,
564 you know, watch out, crossfire whatever it is that they said, did she somehow,
565 this - this lady somehow make it in between you guys then?
566
567 A: I don't know. I can only assume.
568
569 Q: Did she ever drop the knife?
570
571 A: Not that I know of.
572
573 Q: So, when you run across the street, you're now taking cover behind the
574 vehicle, then what happens?
575
576 A: I verbalized that I was behind the vehicle.
577
578 Q: Uh-huh. To your partners?
579
580 A: To my partners.
581
582 Q1: And then?
583
584 A: And then, I can't remember after that. I could remember someone, uh, yelling,
585 but I know it was not the suspect and then, three shots being fired.

586
587 Q: From your vantage point, um, were you taking complete cover with your head
588 down or were you still trying to watch what was - what was going on with this
589 - this woman and your partners?
590
591 A: Complete cover with my head down.
592
593 Q: Head down. Uh, were you afraid she was going to stab you with the knife or
594 try and injure you with the knife?
595
596 A: I mean, someone chasing you with a knife, of course, yes, I was.
597
598 Q1: At the point where you - you turned and you ran across the street, how far
599 away from you would you say this - this female was?
600
601 A: Maybe 20 to 30 feet at the most.
602
603 Q1: So, when you were in the back of your car just prior to running, they were
604 near the front of your car, I'm talking about Galan and (Espinosa), where at
605 this point would you say this female was if you can recall?
606
607 A: Um, just prior to running?
608
609 Q1: Just prior to you turning, yeah.
610
611 A: Uh, if I was at the front of my car, she would have been at the back of my car,
612 so the distance of a patrol car.
613
614 Q1: You would have been where, I'm sorry?
615
616 A: If I was at the front of my car, she would have been at the rear of my patrol
617 vehicle.
618
619 Q1: So basically a car length.
620
621 A: A car length.
622
623 Q: So that I can get a better idea, um, you know, if it's okay with you, it's not in
624 our context but I'd like to see if maybe you can draw kind of how from your
625 memory, mind how it may have looked, say, from the top looking down, how
626 about a map. Um, and I know that at some point there's an intersection
627 between Topeka, I'm sorry, Cleveland and Olive.
628
629 A: Yes.
630

631 Q1: Um, if you can just orientate, um, using that intersection however you like,
632 um, just kind of draw cause I'm - I think I'm kind of maybe I'm getting a little
633 turned around.
634
635 A1: If I may interject, um, is there maybe a Google map that you guys can maybe
636 pull up, if we can pause for a second. Maybe that be more helpful.
637
638 Q1: Sure.
639
640 Q: Yeah.
641
642 Q1: Yeah.
643
644 Q: Yeah, we can.
645
646 A1: Do you guys want to go off for a sec?
647
648 Q1: Sir, do you want to...
649
650 A: Yeah.
651
652 Q1: ...try to pull that up.
653
654 A: I'll go.
655
656 Q1: Okay. All right. Um, we can kind of wait if you like. Uh, while we're waiting,
657 just kind of something else I wanted to ask and I apologize I didn't ask this
658 earlier, but have you been able to talk to your family?
659
660 A: I (unintelligible). My wife is living out of country.
661
662 Q1: Oh, okay.
663
664 A: Someone needs to be there for my kids.
665
666 Q1: Yeah. Yeah. Yeah. I apologize for - for forgetting about that. I just like to
667 make sure that people were able to touch base with their loved ones, let them
668 know that they're okay.
669
670 A: Absolutely. Speaking of all this, can I ask you a question off topic?
671
672 Q1: Sure.
673
674 A: My, uh, incident on...
675

676 Q: Oh, I know what you're asking about.
677
678 A: Has anyone...
679
680 Q: You know what, why don't we...
681
682 A: ...contacted the 5-year-old?
683
684 Q: We will, uh, we'll talk about that later. You sure you don't need some water
685 or anything?
686
687 A1: I'm good. Thank you. And no, there is no relation. Pennsylvania.
688 Philadelphia. Well, Darby, Pennsylvania, but it's like an incorporated San
689 Jose kind of deal. My wife is from there. She grew up there, born in Boston.
690 (unintelligible) she's happy.
691
692 Q1: I printed out three. You can just grab that.
693
694 Q: Oh, okay. Good. Okay. So, I have here - and I'll show you this. I have what
695 appears to be near the top of the page Olive.
696
697 A: Yes.
698
699 Q: Across the top and then from top to bottom looks like, uh, northbound at the
700 top and then south at the bottom of Cleveland. And there is a - it's a marker
701 delineating the address of 95 Cleveland Avenue in San Jose. Does this, uh,
702 look similar to the location or like the location from the event that we're
703 speaking of?
704
705 A: Yes. It does.
706
707 Q: Okay. So, okay, so the first thing that I would like, uh, for you to do is, um,
708 we'll make a legend down near the bottom here and using the letter A, uh, if
709 you could, uh, draw where your vehicle was parked in and mark with a letter
710 A, please.
711
712 A: On that actual map.
713
714 Q: On the actual map itself. Correct.
715
716 A: This is approximately...
717
718 Q: I understand that. Yeah.
719
720 A: Not exact.

721
722 Q1: And also so it's clear, obviously, this image doesn't show all the vehicles that
723 are there at the time of the incident.
724
725 A: Correct.
726
727 Q1: Even if it's from previous date, so...
728
729 A: Yes.
730
731 Q: Uh, if you would just want to write, uh, down here at the bottom A and to put
732 my vehicle or maybe your vehicle number.
733
734 A1: We're not going to say (unintelligible) picture of one or how do you want to
735 do it?
736
737 Q: Ah, what we can do is - what we're going to do is we will give it, uh, an
738 evidentiary number. I don't know whether it is at the top of my head. Um, but,
739 um, we can definitely let you know what that will be.
740
741 A1: Okay.
742
743 Q: Um, using the letter B if you could, um, please what you can remember give
744 me the approximate location of - well, let's who's next. How about Deputy
745 Galan's vehicle.
746
747 Q1: If you could somehow show the directionality.
748
749 Q: Past...
750
751 A: Exactly what I was gonna...
752
753 Q1: Like which way that car is facing, okay, okay.
754
755 Q: And I understand you probably don't know their vehicle numbers.
756
757 Q1: Maybe - maybe he does.
758
759 Q: Maybe he, and a C for Deputy (Espinosa)'s vehicle.
760
761 Q1: And also just so we're clear. If we're going to ask you something that you
762 don't know the answer to, don't guess. Just tell us you don't know.
763
764 A: Yes.
765

766 Q1: Okay. Thank you.
767
768 A: I worked ops too long to know their cars.
769
770 Q: Oh, yeah, that's true. So - so, yeah, if I placed your vehicle, uh, on the south
771 bound side of Cleveland just north of 95, does that sound right?
772
773 A: Southbound direction in westbound side of the street.
774
775 Q: South bound direction, west downside just north of - of Cleveland. Um,
776 Deputy (Espinosa)'s vehicle looks like it's right behind yours in a similar
777 location facing a similar direction.
778
779 A: Correct.
780
781 Q: And Deputy Galan's vehicle looks like it's actually facing the other direction,
782 uh, on the other side of the road, the east side of the road, facing northbound.
783
784 A: Correct.
785
786 Q: Just maybe on the, what we'll call the south edge of the property 95
787 Cleveland.
788
789 A: Yes.
790
791 Q: Um, depicted in this picture there's what appears to be some kind of white
792 vehicle here. Maybe a, I don't know, large - I don't know, it's larger than
793 these cars across the street, maybe a large van or something. Do you recall
794 seeing that vehicle, uh, at the residence when you go arrived?
795
796 A: No, there was a vehicle in the center of the driveway, not in that location.
797
798 Q: Okay. So without the vehicle in that location, where is it that the stairs are
799 located, uh, that you mentioned or did you say stairs or porch?
800
801 A: It's like, a stoop porch.
802
803 Q: Where would - if you can, uh, uh, just kind of show me where it is that, uh,
804 you first encountered um, the - the female subject?
805
806 A: Depicted on this there's an overhang you can see right here.
807
808 Q: Okay.
809
810 A: On the northern portion of the property.

811
812 Q: Okay.
813
814 A: Approximately two to three feet.
815
816 Q: Okay.
817
818 A: Just guesstimation. And her residence or the door she was in front of is the
819 first door that you come to along that porch line.
820
821 Q: Okay. Where was she sitting?
822
823 A: She was sitting directly in front of the door from what I could see at the
824 moment at the location I was.
825
826 Q: Draw a little triangle right there.
827
828 A: We'll refer to that as...
829
830 Q: Okay. Very good. Now, when you first made visual - when you first laid eyes
831 on her, where - where - how far away from your vehicle were you? Were you
832 still with your vehicle? Where were you when you first were able to see here?
833
834 A: I was still in my vehicle.
835
836 Q: Still in your vehicle. When you made verbal contact with her, where were you
837 then?
838
839 A: I was at the fence line, the corner of the fence right here.
840
841 Q: And she had a guitar.
842
843 A: She was sitting on top of the guitar.
844
845 Q: Oh, she was sitting on top of the guitar. Could you notice anything in her
846 hands at that point?
847
848 A: No. I could not.
849
850 Q: Did you make verbal contact with her by saying what?
851
852 A: I can't recall.
853
854 Q: Did she acknowledge you?
855

856 A: I can't recall.
857
858 Q: But at some point she got up.
859
860 A: Yes.
861
862 Q: And when she got up were you still near the fence line?
863
864 A: Yes. I was.
865
866 Q: When she got up, did you notice anything in her hands prior to picking up the
867 guitar?
868
869 A: I don't know. She picked up the item simultaneously but no. I would say no.
870
871 Q: When she got up did she bring them up with her or did she stand up and bend
872 over and pick them up?
873
874 A: I can't recall.
875
876 Q: Okay. And when she came down off of the porch, the stoop, uh, how did she
877 come and approached you then?
878
879 A: At, um, very fast walk, aggressively.
880
881 Q: Straight towards you?
882
883 A: Straight towards me.
884
885 Q: Now, again, uh, I want to make sure we, we're clear. That vehicle that is in
886 this picture was not there when this happened.
887
888 A: Um.
889
890 Q: So there was no obstruction between you and her?
891
892 A: No obstruction.
893
894 Q: Do you at this point now, when she's walking towards you, do you have an
895 idea of where Galan and (Espinosa) are?
896
897 A: I have an idea, but I do not know exactly.
898
899 Q: Okay. Um, if this idea, is Galan still near her vehicle and (Espinosa) still near
900 his vehicle or are they - just you guys all come together?

901
902 A: We're kind of all coming.
903
904 Q: Okay. All right. Understood. Um, so she - as she's advancing towards you.
905 You start moving back towards your vehicle but the east side of your vehicle.
906
907 A: Negative. I was on the west side of my vehicle backing northbound on the
908 sidewalk.
909
910 Q: Okay. So that's I think, that's where I was getting confused. So you made it
911 towards the rear of your vehicle on the passenger side then.
912
913 A: Yes. Took my vehicle between her and I.
914
915 Q: Okay. Did you make it around the trunk?
916
917 A: Yes. She kept - she continued to approach as I went around.
918
919 Q: So she continued on the sidewalk then?
920
921 A: Yes.
922
923 Q: When you make it to the back of your vehicle, you had your - your sidearm
924 out yet?
925
926 A: I had it out here.
927
928 Q: At the fence line backwards because you've already seen the knife of her
929 hands.
930
931 A: Absolutely.
932
933 Q: And you are providing her with - with verbal commands?
934
935 A: Verbal commands, informed her that I'm with the Sheriff's Office, drop the
936 knife.
937
938 Q: Okay. Um, but she keeps coming.
939
940 A: Correct.
941
942 Q: You mentioned you can't recall if she was - said anything or not or just that
943 she - you don't know what she said.
944
945 A: I can't recall.

946
947 Q: Okay. Um and you can't, also can't recall whether you heard (Espinosa) and
948 Galan giving verbal commands.
949
950 A: I yelled really loud.
951
952 Q: Okay.
953
954 A: I could not hear.
955
956 Q: Very good. Um, now you're at the back of your vehicle, in between yours and
957 (Espinosa)'s or just off to the side?
958
959 A: Correct, in between.
960
961 Q: And then at some point what happens?
962
963 A: I - I start to make it back towards Galan and (Espinosa), where I believe they
964 are. And then I hear something to the effect of crossfire or Brown, run and I
965 ran south and east to about the location of this tree, there's a car there I don't
966 believe it's the car that's depicted in this photograph. However, there was a
967 car there and I got down behind what would be the engine block between the
968 west side of the street and the east side of the street.
969
970 Q: Was it in a similar location, this other car?
971
972 A: Exactly.
973
974 Q: Oh.
975
976 A: Not the exact location but very similar.
977
978 Q: Very similar.
979
980 A: Because of that tree.
981
982 Q: Okay.
983
984 A: I do recall that tree.
985
986 Q: After you, uh - after you - you had kind of pointed with the pen there, uh,
987 when you left, I guess, the cover of your vehicle, you had kind of pointed
988 down towards more in front of - of the residence of - of Topeka, is that - is
989 that correct?
990

991 A: Uh, the residence of 95 Cleveland.
992
993 Q: Uh, why do I keep saying Topeka. Cleveland, I'm sorry, so more towards the
994 front of Cleveland.
995
996 A: Yes.
997
998 Q: Um, did you run to that location, walk to that location?
999
1000 A: I can't recall.
1001
1002 Q: When you did that was it around from the opposite side of your car, the east
1003 side of your car or did you go back down the sidewalk?
1004
1005 A: Ah, I went through the street, it would be the east side of the car.
1006
1007 Q: Down the street. Okay. And what did the - the - the woman do?
1008
1009 A: Uh, I can't recall.
1010
1011 Q: And then when Galan and (Espinosa), uh, yelled to you, you went and took
1012 cover behind the - the vehicle parked on the other side of the road, I guess,
1013 kind of near Galan's car, correct?
1014
1015 A: There's a - Galan's car was in the center of the street, I believe. And there was
1016 a car along the curb line. And I got behind that car.
1017
1018 Q: So on the east side of that other car.
1019
1020 A: Very east side of the street.
1021
1022 Q: All right. You mentioned ducking your head down and that not having visual
1023 anymore on - on the woman, correct?
1024
1025 A: No visual.
1026
1027 Q: And so no visual on Galan or (Espinosa) either?
1028
1029 A: Nobody, so I verbalized that I was behind cover.
1030
1031 Q: Okay. And then what happened?
1032
1033 A: Then I heard three shots.
1034
1035 Q: You mentioned three shots - three distinct shots?

1036
1037 A: Correct.
1038
1039 Q: Do you know where they came from?
1040
1041 A: No.
1042
1043 Q: Did you ever see the woman with a gun?
1044
1045 A: No, I didn't.
1046
1047 Q: Just the knife and the guitar.
1048
1049 A: Correct.
1050
1051 Q: Um, did you ever put out any radio traffic after you went on scene?
1052
1053 A: I did put out, uh, shots fired. Ah, and after that I put out, uh, that the suspect
1054 was down, uh, she was not conscious and not breathing. And did not have
1055 pulse. I don't know if I put that, no, I didn't put that out. Um, I also put out
1056 that I was staying out front and Deputy Galan and Deputy (Espinosa) were
1057 gonna search the building to clear that. And I don't remember radio traffic
1058 after that.
1059
1060 Q: So you mentioned all of the things that have happened after you heard the
1061 three shots. And then you mentioned, um, putting out radio traffic that shots
1062 were fired. But when you put out that radio traffic, were you still behind your
1063 cover of the vehicle?
1064
1065 A: No.
1066
1067 Q: After the three shots and prior to - to putting out the radio traffic of shots
1068 fired, how long would you say you maintained your cover?
1069
1070 A: A matter of seconds.
1071
1072 Q: How did you break that cover?
1073
1074 A: I stood up. Ran south around that vehicle and then in a direct manner towards
1075 where Deputy Galan and Deputy (Espinosa) went.
1076
1077 Q: And what were they doing?
1078
1079 A: They were, uh, yelling to the suspect. I don't know what they're yelling but
1080 they're yelling towards the suspect, with their guns still drawn.

1081
1082 Q: The gun still drawn?
1083
1084 A: Correct.
1085
1086 Q: Um, and you ran up, were you still, did you still have your gun drawn?
1087
1088 A: Yes, I did.
1089
1090 Q: Um, did you - yourself fire any - any shots from your firearm?
1091
1092 A: No, I did not.
1093
1094 Q: At what point, uh, did you re-holster your firearm?
1095
1096 A: Um, immediately when I got over there, I holstered my sidearm. I informed
1097 my partners that I was going off so I could cuff.
1098
1099 Q1: Um, and then what?
1100
1101 A: Deputy Es- Deputy (Espinosa) said to glove up. Great advice. So I took a pair
1102 of gloves out of my pouch, my duty belt and, uh, applied the handcuffs to the
1103 suspect.
1104
1105 Q: You mentioned not being sure whether you had broadcast - well, you
1106 mentioned that you had broadcast that the suspect was down.
1107
1108 A: Yes.
1109
1110 Q: Um, and then, uh, something about her - you know, about being conscious or
1111 breathing, is that correct or - or what did you - you put on the radio?
1112
1113 A: Um, I don't know the exact traffic. I know that I cuffed the suspect, checked
1114 for a pulse and I could not see any rise or fall of the chest, so I did put out that
1115 she was not conscious and not breathing. I don't know the exact verbiage, but
1116 I did put that out.
1117
1118 Q: Was that prior to or after handcuffing her?
1119
1120 A: After handcuffing her.
1121
1122 Q: When you first approached her and Galan and (Espinosa) were still on gun,
1123 was she face down or face up?
1124
1125 A: She was face down.

1126
1127 Q: Face down.
1128
1129 A: Yes.
1130
1131 Q: Um, were her hands available for you to handcuff her? Or did you have to
1132 retrieve them from somewhere else?
1133
1134 A: Uh, I had to retrieve her hands.
1135
1136 Q: From?
1137
1138 A: I can't recall exactly where they were.
1139
1140 Q: After you cuffed her to check her pulse and her breathing, did you have to roll
1141 her over?
1142
1143 A: No. As I said, the breathing I looked for the rise and fall of her chest and felt
1144 near what I thought was her nose and I tried to feel her, uh, carotid to see if
1145 there was a pulse on her neck, on the left side of her neck.
1146
1147 Q: And this is while she was face down?
1148
1149 A: While she was face down.
1150
1151 Q: Okay. Um, and then - then after you have - have checked her pulse and
1152 handcuffed her and looked for her breathing, then what?
1153
1154 A: Uh, Deputy (Espinosa) and Deputy Galan went to search the building.
1155
1156 Q: And you stayed with...
1157
1158 A: With the, uh, suspect.
1159
1160 Q: Um, how long would you say that you have to stay with, uh, the woman prior
1161 to, uh, (Espinosa) and Galan returning?
1162
1163 A: Uh, returning from?
1164
1165 Q: Returning from searching the building.
1166
1167 A: I can't recall.
1168
1169 Q: Um, while you, uh, waited for them, did you redraw your weapon?
1170

1171 A: No, I did not.
1172
1173 Q: Did you - you just - you stood by with the woman?
1174
1175 A: Yes.
1176
1177 Q: Um, what did you do while you waited, uh, for them?
1178
1179 A: Stood by and just, just stood there.
1180
1181 Q: Did you put out any more radio traffic?
1182
1183 A: The only radio traffic I put out was that Galan and, uh...
1184
1185 Q: (Espinosa).
1186
1187 A: (Espinosa)...
1188
1189 Q: Yeah, yeah.
1190
1191 A: Sorry, were, uh, searching the building and that I would be out front.
1192
1193 Q: Prior to them returning, um, did you try and administer any first aid to the
1194 woman?
1195
1196 A: No, I did not.
1197
1198 Q: Did somebody verbalize over the radio that fire and paramedics were needed
1199 to respond or...
1200
1201 A: I remember the radio saying - I don't remember someone asking for fire and
1202 medics, but I remember radio confirming that they were already in route.
1203
1204 Q: Okay.
1205
1206 A: Which would tell me that someone did ask, but I don't remember them asking.
1207
1208 Q: Okay. Ah, when (Espinosa) and Galan returned, then - then what happened?
1209
1210 A: I don't know.
1211
1212 Q: Eventually, did fire and paramedics show up?
1213
1214 A: Yes, they did.
1215

1216 Q: Um, and then what happened?
1217
1218 A: Ah, I was still with the suspect and the fire asked if I could help them roll the
1219 body so they can, uh, apply their equipment to see if she was still alive or not.
1220
1221 Q: Okay. And, uh, so they - they applied whatever it is that they do.
1222
1223 A: Yes.
1224
1225 Q: Um, did they, you know, apply first aid or any medical intervention to her or
1226 how did...?
1227
1228 A: No, they did not. Uh, I rolled her over from - I grabbed her by her left arm and
1229 pulled her to the right so she would be on her back, um, on top of her guitar
1230 still. And as soon as my flashlight hit the eyes, the one medic, it was a female,
1231 she said, "We still have to apply the," whatever she called it, some equipment
1232 but she can already tell that she was, uh, deceased because there was no
1233 reaction from her pupils with my flashlight.
1234
1235 Q: You mentioned the guitar still being there.
1236
1237 A: Yes.
1238
1239 Q: Um, tell me about the - the guitar, like the position of the guitar.
1240
1241 A: I don't know very much, sorry, I just know it was on her body, I can't recall if
1242 it was strings up, strings down.
1243
1244 Q: But it was underneath her.
1245
1246 A: It was underneath her body, yes.
1247
1248 Q: When she - I want to go back just a second. When it - when - when she got up
1249 off the porch and she started advancing towards you, were you able to see if
1250 the guitar was intact? Was it damaged, broken at all?
1251
1252 A: Uh, when she was on the porch, uh, it looks like she was tearing it apart.
1253
1254 Q: Um, but, I don't know, I guess, with our - our limited musical knowledge or
1255 guitar knowledge you, kind of unable to - to say how it was damaged or...
1256
1257 A: No, I - I cannot. I couldn't even tell if it was actually a guitar or a bass.
1258
1259 Q: Oh, well, got you. Ah, so, what else did you see around - around...
1260

1261 A: ...her.
1262
1263 Q: ...the woman as she lay there.
1264
1265 A: Um, while she was face down there was a, uh, black handled steak knife to the
1266 left of her body.
1267
1268 Q: While she was face down?
1269
1270 A: While she was face down.
1271
1272 Q: Okay.
1273
1274 A: So if I rolled her over it would have been to the right of her body.
1275
1276 Q: Okay.
1277
1278 A: So for all intents and purposes it would have been on the south side - south of
1279 her body.
1280
1281 Q: Okay.
1282
1283 A: On the - in the driveway and north of the vehicle that was in the driveway, so
1284 between her and the vehicle.
1285
1286 Q: Since you're pointing to - to, uh, the photo again, um, using an X, if - if you
1287 can to the best of your recollection, could you - to put on - on here where it
1288 was that, um, the woman lay after, uh, when you came up to attempt cover?
1289
1290 A: Um, it's kind of difficult because there's a van here, but it would have been...
1291
1292 A1: Just draw right over the van...
1293
1294 Q: Draw over the van.
1295
1296 A: It would have been probably just where the van's driver side looks like it's...
1297
1298 Q: And which - where would her head be?
1299
1300 A: Ah, I'll put a circle over here.
1301
1302 Q: Um, just a - like it seem like a dash where you can recall maybe where the
1303 knife was?
1304
1305 A: I - I can't recall exactly if it was towards her upper body, her head, her lower

1306 body, um, it was just in the area between - I'll put a circle for the vehicle that
1307 was there.
1308
1309 Q: Okay.
1310
1311 A: So, it would have been between her and the vehicle somewhere.
1312
1313 Q: Okay. Did you notice anything else on the ground?
1314
1315 A: No. I did not.
1316
1317 Q: Um, so when EMS and, comes and they attached their devices, they
1318 pronounce the woman deceased, and then what happened?
1319
1320 A: EMS left and Sergeant (Tong) asked me to mark whatever evidence I could
1321 see in the area with event cards. That was, what was immediately on my
1322 person.
1323
1324 Q: And what did you mark?
1325
1326 A: I marked three shell casings and a steak knife.
1327
1328 Q: From your marking post incident, if you can just explain where were the
1329 casings?
1330
1331 A: There is one casing on the bottom portion of the windshield of the vehicle
1332 because the vehicle was facing west, the vehicle was facing into the...
1333
1334 Q: Towards the house.
1335
1336 A: Yeah, yeah. And at the bottom of the windshield there was a shell casing just
1337 near the windshield wiper.
1338
1339 Q: Oh, okay.
1340
1341 A: I marked that with an event card. There was one in the crack of the driveway,
1342 and I marked that with an event card, and there was another one somewhere
1343 else in the driveway, I don't remem- recall, and then the knife and I marked
1344 them, all four items with event cards, over, placed on top or near.
1345
1346 Q: And then after that at some point you were - you were, I guess contacted. Did
1347 you give a briefing, a brief statement of what happened?
1348
1349 A: No. I did not.
1350

1351 Q: Okay. Were you assigned somebody to be with you?
1352
1353 A: Yes. I was.
1354
1355 Q: And then who transported you back to the office here?
1356
1357 A: Deputy Brand.
1358
1359 Q: Do you know about what time it was that you left the scene?
1360
1361 A: No. I do not.
1362
1363 Q: After marking the casings and the knife and prior to being, you know, brought
1364 to here at headquarters what happened in between that time?
1365
1366 A: I was told to remove some of my gear that had the suspect's blood on it.
1367
1368 Q: Do you, do you recall what it is you removed?
1369
1370 A: I removed my flashlight because I believe it had blood on it. My baton that I
1371 believe had blood on it and my boots.
1372
1373 Q: And what happened to those items?
1374
1375 A: The flashlight and the baton turned out not to have blood, and the boots, my
1376 service traveler, service shirt were taken by one of the crime scene
1377 investigators.
1378
1379 Q: You gave your flashlight, your baton to someone on the scene?
1380
1381 A: Correct.
1382
1383 Q: They were, I guess inspected?
1384
1385 A: My flashlight, baton and boots were taken by Deputy (Forttato) and placed
1386 into a brown paper bag. I placed them in the brown paper bag, and then they
1387 were transported by a Deputy Amaya from the scene to headquarters, and then
1388 they were given to Deputy Welch who inspected it and found that there was
1389 no blood on the baton or flashlight.
1390
1391 Q: Were they returned to you?
1392
1393 A: They were returned to me.
1394
1395 Q: But the boots were not.

1396
1397 A: The boots were not.
1398
1399 Q1: Um, and you brought up a good point where we should try to clarify this.
1400 Right now as we are doing this interview you are dressed casually in a T-shirt
1401 and jeans. How were you dressed at the time of this incident, can you describe
1402 that?
1403
1404 A: I was in full Sheriff's Office uniform.
1405
1406 Q1: What does that consist of?
1407
1408 A: That consists for me long sleeve, khaki brown shirt with Sheriff's Office
1409 patches on both sleeves. My issued badge, department issued badge, name tag
1410 on the - my right breast - above my right breast pocket, duty belt with service
1411 pistol, duty issue keys, handcuff case with two sets of handcuffs. Magazine
1412 pouch with two Glock 22 magazines, pepper spray, baton, radio, the
1413 department issued radio and department issued flashlight and glove pouch for
1414 carrying latex gloves.
1415
1416 Q1: Okay. And your pants?
1417
1418 A: Service green, service trousers with the department issue stripe and black
1419 boots.
1420
1421 Q1: Okay. And you mentioned your badge. You touched your left chest. Is that
1422 where...?
1423
1424 A: Yes. It's above my left breast pocket.
1425
1426 Q: Okay. And what were you driving?
1427
1428 A: I was driving a fully marked Sheriff's patrol vehicle. Vehicle 09705.
1429
1430 Q1: Okay. And so, if somebody'd seen you or your patrol car would you be clear
1431 to identify, well, then as a police officer or deputy?
1432
1433 A: For sure absolutely.
1434
1435 Q1: Okay. Now I know you said you arrived and you parked facing southbound on
1436 Cleveland, correct?
1437
1438 A: Yes, sir.
1439
1440 Q1: Okay. Did you have any of your emergency lighting activated?

1441
1442 A: No. I did not.
1443
1444 Q1: Police lights activated?
1445
1446 A: No, I did not.
1447
1448 Q1: We know because we've been there, but what time of day was this - was this
1449 nighttime, daytime?
1450
1451 A: It was just after midnight.
1452
1453 Q1: Just after midnight. So it was nighttime?
1454
1455 A: It was nighttime, yes.
1456
1457 Q1: Can you describe the lighting in the area?
1458
1459 A: Um, it was dark. I don't recall street lights or - I do know there was lighting
1460 either in the residence or on the porch because I could see her, but I don't
1461 recall any other ambient lighting or artificial lighting by street poles or
1462 residences.
1463
1464 Q1: Okay. Um, and so, the lighting that she was under, was she fully visible to you
1465 then, or was there any obstructions?
1466
1467 A: Yes. She was fully visible to me.
1468
1469 Q1: Okay.
1470
1471 A: Because she was on the porch so it was kind of elevated above the fence-line.
1472
1473 Q1: About how many feet?
1474
1475 A: It's a short porch, maybe 18 inches, two feet.
1476
1477 Q1: Okay. Back here. So when you got out of your vehicle and you see the lady on
1478 the porch, um, well, one, was there any type of suspect description given to
1479 you over the air?
1480
1481 A: I just recall a lady screaming.
1482
1483 Q1: Okay. But you didn't know what the role that lady would be, or whether a
1484 suspect, victim, just somebody screaming.
1485

1486 A: No.
1487
1488 Q1: Okay. So when you saw that lady what was in your head, what did you think
1489 her role may be in that?
1490
1491 A: Probably that she was a victim of a crime.
1492
1493 Q1: Okay, and so, if I remember right, you got out of your car and you start
1494 walking on the front of your vehicle to approach the lady?
1495
1496 A: Yes.
1497
1498 Q1: And do you remember saying anything as you are approaching to her?
1499
1500 A: I don't remember saying anything.
1501
1502 Q1: Did you have your flashlight out?
1503
1504 A: Yes, I did.
1505
1506 Q1: Did you have it activated and illuminating or anything?
1507
1508 A: No. I did not.
1509
1510 Q1: Okay. So it was turned off?
1511
1512 A: Yes, it was.
1513
1514 Q1: Okay. Were you able to clearly see as you walked?
1515
1516 A: Yes.
1517
1518 Q1: Okay. And I realize just because a lot of things were happening, so I am trying
1519 to see if you remember what the lighting might have been, but it's not a test,
1520 so...
1521
1522 A: It's dark and hard to see at night.
1523
1524 Q1: Yeah, that's true. Okay. So about where again did you reach before the lady
1525 stood up and started advancing?
1526
1527 A: The fence line of the house just north of 95 Cleveland.
1528
1529 Q1: So that would be right around the sidewalk ends and it starts transitioning to
1530 the driveway...

1531
1532 A: Correct.
1533
1534 Q1: For 95 Cleveland?
1535
1536 A: Correct.
1537
1538 Q1: Okay. And you may have done this so I apologize, can you estimate the
1539 distance when you and the lady at the point she stood up.
1540
1541 A: At the most 25 to 30 feet.
1542
1543 Q1: Okay. And you said, if I remember right, she didn't say anything or you just
1544 don't recall if she said anything?
1545
1546 A: I don't recall if she said anything.
1547
1548 Q1: Okay. At that point had you identified yourself verbally as a Sheriff's deputy
1549 or law enforcement?
1550
1551 A: Yes, I have.
1552
1553 Q1: You have by then?
1554
1555 A: Yes, I have.
1556
1557 Q1: What did - what did you say?
1558
1559 A: When she was up she had a knife in her hand, so I said Sheriff's Office, drop
1560 the knife.
1561
1562 Q1: Okay. So all that was immediate?
1563
1564 A: Yes, it was.
1565
1566 Q1: Okay. And I know you've had some time to think about it, do you recall what
1567 hand she had the knife in?
1568
1569 A: No, I do not.
1570
1571 Q1: Okay. But you distinctly remember seeing a knife?
1572
1573 A: Yes, I did.
1574
1575 Q1: Do you remember the position of the knife, how she was holding it, whether it

1576 was blade up, blade down?
1577
1578 A: No, I do not.
1579
1580 Q1: Do you remember was she holding it by the handle or by the knife blade?
1581
1582 A: She was holding it by the handle, how, whether it was blade up, blade down,
1583 or which hand I don't know.
1584
1585 Q1: Okay. Would it help you if I ask you was it like it was in a downward stabbing
1586 motion or versus like a thrusting motion?
1587
1588 A: No.
1589
1590 Q1: No? It doesn't help for you, okay. So she gets up. You clearly see she is
1591 holding a knife and what does she do?
1592
1593 A: She walks fast and aggressive towards me.
1594
1595 Q1: And what did you think when you saw that and how did you feel?
1596
1597 A: Again, I was terrified that this lady is going to come and stab me.
1598
1599 Q1: Okay. And so, at some point you started creating distance, right?
1600
1601 A: Yes, I needed to.
1602
1603 Q1: What do you think the closest distance she got to you was at any point
1604 during...?
1605
1606 A: A matter of feet. I can't - maybe five, five to ten feet.
1607
1608 Q1: Five to ten feet, okay. And if I understood you right, um, you got up and I
1609 know you went north and kind of the east around the back of your vehicle, to
1610 put the vehicle between you and her, correct?
1611
1612 A: Yes.
1613
1614 Q1: She followed you?
1615
1616 A: Yes.
1617
1618 Q1: Okay. And then so at some point you rounded your vehicle and you were now
1619 towards the front of your car but your car was still between you and her? Is
1620 that - did I understand that correctly?

1621
1622 A: Not necessarily between us. She is at the rear of my vehicle, not at the front of
1623 my vehicle.
1624
1625 Q1: So as you rounded, so was she?
1626
1627 A: Yes.
1628
1629 Q1: Was she still holding a knife?
1630
1631 A: Yes.
1632
1633 Q: Do you remember at that point at that point how she was holding it?
1634
1635 A: No. I do not.
1636
1637 Q1: Had she said anything to you?
1638
1639 A: I do not remember.
1640
1641 Q1: Were you still identifying yourself as...?
1642
1643 A: Yes.
1644
1645 Q1: Deputy? Okay. And then it was that point, when someone yelled either
1646 crossfire or get out of the way?
1647
1648 A: Yes.
1649
1650 Q1: But you don't know who yelled it?
1651
1652 A: No, I do not.
1653
1654 Q1: Do you remember was it a male voice, or a female voice?
1655
1656 A: I can't recall.
1657
1658 Q1: Do you recognize it as probably one of your beat partners either (Espinosa) or
1659 Galan?
1660
1661 A: I can't recall.
1662
1663 Q1: Okay. I can imagine it was very stressful at that point.
1664
1665 A: I've only worked with them a week, so.

1666
1667 Q1: Oh, okay, all right. So that, it all goes down and then I know you were on
1668 across the street eastbound to take cover behind another vehicle.
1669
1670 A: Correct.
1671
1672 Q1: Okay. When you're running eastbound what does the suspect do?
1673
1674 A: I don't know.
1675
1676 Q1: Did you lose sight of her?
1677
1678 A: I don't know.
1679
1680 Q1: Do you know if she followed you as you went eastbound as well?
1681
1682 A: I don't know.
1683
1684 Q1: Okay. The last point in time prior to the shooting, where did you see her at?
1685
1686 A: The last point in time prior to the shooting?
1687
1688 Q1: Yeah.
1689
1690 A: Was that I have recalled?
1691
1692 Q1: Yes.
1693
1694 A: It was her at the rear of my passenger side of her, rear driver side of my
1695 vehicle while I was at the front of my vehicle.
1696
1697 Q1: Okay. And after the shooting you saw her in the driveway, totally different
1698 position?
1699
1700 A: Correct.
1701
1702 Q1: So you don't remember how she got from behind your car to that driveway
1703 spot?
1704
1705 A: I could only speculate but no, I did not know.
1706
1707 Q1: Yeah. And we don't want you to do that. I just want you to have a clear mind
1708 and I know a lot was happening very fast.
1709
1710 A: Yes.

1711
1712 Q1: So, you know, this is normal. I know you ordered her to drop the knife, did
1713 you hear anybody else order her to drop the knife?
1714
1715 A: I couldn't hear over my yelling.
1716
1717 Q1: Your own yelling?
1718
1719 A: Yes.
1720
1721 Q1: Could you hear if anyone else identified themselves as Sheriff's deputies or
1722 law enforcement?
1723
1724 A: Again, I couldn't hear over my own yelling.
1725
1726 Q1: I'm going through here.
1727
1728 A: Sorry.
1729
1730 Q1: At the last point you saw the suspect do you - do you know the relative
1731 position as to where Deputy Galan may have been or Deputy (Espinosa) to
1732 her?
1733
1734 A: No, I do not.
1735
1736 Q1: Okay. Do you know if the suspect had taken notice of their presence?
1737
1738 A: Don't know.
1739
1740 Q1: Do you recall seeing if any of the other patrol cars had any of their emergency
1741 lighting activated part of the shooting or their spotlights?
1742
1743 A: I do not know.
1744
1745 Q1: Sorry. I'm going through all my notes to make. And then you said you
1746 checked her or you noticed, you were looking for the rise and fall of her
1747 breathing, in her chest and you saw none.
1748
1749 A: Yes.
1750
1751 Q1: And then you said you checked for a carotid pulse?
1752
1753 A: Correct.
1754
1755 Q1: What was the result of that?

1756
1757 A: No pulse.
1758
1759 Q1: No pulse, okay. And you just don't remember if you put that out over the air
1760 or not?
1761
1762 A: I don't know the verbiage that I used, but I know I said that she's not
1763 conscious and not breathing.
1764
1765 Q1: Okay. And you were asked if you performed any first aid after handcuffing
1766 her or even before handcuffing her, did you perform any first aid?
1767
1768 A: No. I did not.
1769
1770 Q1: Okay. Do you know why?
1771
1772 A: I am not trained for gunshot wounds.
1773
1774 Q1: So you could see there was gunshot wounds?
1775
1776 A: I could assume there was because of the gunpowder.
1777
1778 Q1: Okay, all right. Did you look for gunshot wounds?
1779
1780 A: No. I did not.
1781
1782 Q1: Okay. And I know you didn't request or you don't recall requesting EMS
1783 because radio had already advised they were en route.
1784
1785 A: Correct.
1786
1787 Q1: Okay. And other than marking those items of evidence, I assume you didn't
1788 touch those items of evidence. You just marked their general location?
1789
1790 A: Marked them in their general location, not on top but next to.
1791
1792 Q1: Okay. Did you ever handle any of those items of evidence?
1793
1794 A: No.
1795
1796 Q1: Okay.
1797
1798 A: In fact I made a medic move their feet so they wouldn't touch anything.
1799
1800 Q: Okay. And then very quickly after she stood from her location on the porch

1801 you started, you know, giving verbal commands and they were loud and you
1802 couldn't hear, you know, necessarily what other people were saying or doing
1803 but did you ever hear in the surrounding area or in that location any of the 4-
1804 15 that you were dispatched to at all? Because this is circumstance that are
1805 really to you, and, you know. So the reason for your response being the
1806 suspicious circumstance you didn't necessarily see or hear what the
1807 dispatchers had put out in relation to that disturbance of that suspicious, you
1808 just have - you came across this subject at that location?
1809

1810 A: Correct.

1811

1812 Q: Okay. Um, did Galan arrive and looking at our sketch here did she arrive from
1813 a different route or did she go out and make a U-turn?
1814

1815 A: She went out and made a 3-point turn.
1816

1817 Q: Oh, okay. And, um, at the point where you turned and you ran towards the
1818 east and took cover behind the corner on the other side were you fearing for
1819 your own safety?
1820

1821 A: Yes, I was.
1822

1823 Q: Were you fearing for the safety of your partners?
1824

1825 A: Well, both.
1826

1827 Q: Um, and then after when you ran up and you approach where the woman was
1828 lying on the ground did you recognize that that night as being similar or just
1829 the same as the one you saw her holding or can you not, not tell?
1830

1831 A: Yes. I recognize that night as being similar to the one that she had in her hand.
1832

1833 Q: Okay. And you mentioned possibly blood being on your flag-slide and your
1834 baton, and that there was blood on your boots. Was there blood on the ground
1835 or did it come from her body, or do you know where the...
1836

1837 A: There is the blood on the ground when I stepped into to handcuff her.
1838

1839 Q: Okay.
1840

1841 A: And I have my flashlight on my hand which is why I would then assume that
1842 there was blood on the ground...
1843

1844 Q: I see and but you didn't notice any injuries to her or did you notice injuries to
1845 her?

1846
1847 A: I did notice it at that time.
1848
1849 Q: Okay. And real quick before I forget it, can you place some X work, was that
1850 you took cover in the general area? I'm sorry, not an X, a little square.
1851
1852 A: A little square.
1853
1854 Q: Could you sign the date and time that, just near the bottom, right?
1855
1856 A: Yes, and (unintelligible) then.
1857
1858 Q: Thank you. And, yes, I know I covered it but I didn't think I - so earlier you
1859 were dressed in your full uniform, correct?
1860
1861 A: Yes, I was dressed.
1862
1863 Q: Okay. And you mentioned Detective Welch or Deputy Welch?
1864
1865 A: Yes.
1866
1867 Q: Okay. Did he take pictures of you wearing all the equipment and the uniform
1868 that you were wearing at the time of the incident?
1869
1870 A: He took pictures of me wearing all the equipment that I was wearing at the
1871 that time, my suit minus my boots.
1872
1873 Q: And where were your boots?
1874
1875 A: My boots were in his possession.
1876
1877 Q: Okay.
1878
1879 A: Because they were covered in blood.
1880
1881 Q: But as far as your uniform, your pants, your badge, your patches, all of that
1882 was as you were at the time of the incident?
1883
1884 A: Correct.
1885
1886 Q: Okay. And I know you said you saw the lady sitting outside on top of the
1887 guitar, was anyone else outside that you saw?
1888
1889 A: No.
1890

1891 Q: Okay. And I know you were not sure how she was holding the knife but do
1892 you recall her making any type of slashing or stabbing motions while holding
1893 the knife?
1894
1895 A: No, I do not.
1896
1897 Q: Okay.
1898
1899 A: Or threatening manners at all. Just by her approaching, meaning dressed
1900 (unintelligible).
1901
1902 Q: And can you describe that because aggressive means different things to
1903 different people.
1904
1905 A: A very fast walk towards me as I am yelling at her, the Sheriff's Office, drop
1906 the knife.
1907
1908 Q: Did you see her face?
1909
1910 A: Yes, I did.
1911
1912 Q: Did she - can you describe the look on her face?
1913
1914 A: No, I could not.
1915
1916 Q: How about just her general body posture, was it relaxed, was it tense?
1917
1918 A: I don't know her as a person, so I can't tell her - if she was slouched, or
1919 normally slouched or standing straight. I can't recall.
1920
1921 Q: Okay. But can you tell a casual walk versus the way I described as walking
1922 with a purpose, that I don't know if that helps, this was...
1923
1924 A: I would say yeah, and your description of walking with a purpose.
1925
1926 Q: Determined, and I don't want to put words in your mouth so don't - if you
1927 don't agree...
1928
1929 A: She was approaching me in a very aggressive manner in my opinion at that
1930 time. And now...
1931
1932 Q: Was there any doubt as to what you perceive her intent to be?
1933
1934 A: No, no doubt.
1935

1936 Q: And what was that that you perceived?
1937
1938 A: That she intended to harm myself and my partners.
1939
1940 Q: Okay, how?
1941
1942 A: With the knife that was in one of her hands.
1943
1944 Q: Okay. And can you - can you talk about some of your training and experience.
1945 I know you have at least about two years on?
1946
1947 A: Yes, sir.
1948
1949 Q: Okay. Um, as part of your training do you have to qualify it, the stripes of
1950 (unintelligible)?
1951
1952 A: Yes, I do.
1953
1954 Q: How many times a year?
1955
1956 A: Twice a year.
1957
1958 Q: Okay, do you know when the last time you qualified was?
1959
1960 A: It was October 21 this year.
1961
1962 Q: This year, so you are current on your rating qualifications?
1963
1964 A: Yes, I am.
1965
1966 Q: Okay. What about mandatory training such as force options?
1967
1968 A: I know that I am current and I did it right before I came back out at patrol in
1969 March of 2013.
1970
1971 Q: Okay, so sometime this year you've done it?
1972
1973 A: Yes, I did.
1974
1975 Q: Okay. And how many times did you do those or (unintelligible)?
1976
1977 A: I think it's an annual requirement.
1978
1979 Q: Annual or biannual, or you have it every two years.
1980

1981 A: I've done it.
1982
1983 Q: Either way you just did it. Okay. Um, have you ever really been involved in
1984 any other officer shooting incidents whether it is that involved an officer who
1985 actually fired or (unintelligible) officer?
1986
1987 A: No, I have not.
1988
1989 Q: Okay. Now, counselor, do you have something?
1990
1991 A1: No.
1992
1993 Q: No? Okay. Do you have any questions for us?
1994
1995 A: No, sir.
1996
1997 Q: Is there anything maybe that we forgot to cover or we just didn't cover as
1998 thoroughly as you would like?
1999
2000 A: No, sir.
2001
2002 Q: All right. I have 10 minutes to 10. And we agree with that?
2003
2004 Q1: Yeah.
2005
2006 Q: Is that - just state the time in the past...
2007
2008
2009 The transcript has been reviewed with the audio recording submitted and it is an accurate
2010 transcription.
2011 Signed _____