

INTERVIEW WITH DEP. JENNIFER GALAN

Q=Sgt. Jason Brown

Q1=Sgt. Hermon Leon

A=Dep. Jennifer Galan

A1=

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A1: (Unintelligible), yes. A collection.

Q: You just want to get a ticket, here you go. Okay. So, uh, let me, uh, write this down for you here. One of the things I'd like to do is make sure - we've gone through this a couple times already, but for your benefit, uh, make sure that we all start by just introducing ourselves, and so we all, uh, know who we are, and we're very, uh, comfortable and relaxed with everything. Uh, I will start. I am, uh, Sergeant Jason Brown, uh, with Sheriff's Investigations.

Q1: Sergeant Hermon Leon with the Sheriff's Office Investigations.

A1:

A: Uh, Deputy Jennifer Galan with Headquarters Patrol.

A1: And, uh, I just would like to make a record that I am not able, or not so much that I'm not able, I'm not allowed to record this conversation. However, as I understand, uh, copies of, uh, this recording will be provided to me at a later date.

Q: Correct, sir. Um, I'm going to go with 12:07, yes?

A1: Exactly, I don't know.

Q: A one out of three is not bad. Uh, Jennifer Galan, right?

A: Correct.

Q: How do you, uh, spell your first name?

A: J-E-N-N-I-F-E-R.

46 Q: Oh, so I had it right. And last name is G-A-L-A-N?
47
48 A: Correct.
49
50 Q: And your badge number?
51
52 A: 2137.
53
54 Q1: You say 37?
55
56 A: Correct.
57
58 Q1: Thank you.
59
60 Q: So - so that you - you know, uh, we will - we will take our time. We are in no
61 rush. Um, when you feel like you need or want to take a break, take a deep
62 breath, go for a walk, we are great with that. Um, if you want to keep going,
63 we will keep going. If you - you want to stop for a minute, we will. Um, this
64 is, you know, about an incident from earlier and we would like that you - you
65 were involved in - we would like, you know, your - your statement, your
66 version, your account of what happened. Um, you can answer or not, anything
67 that you want. Um, but we would like to know what happened, uh, with that.
68 You have here, who is here to help and assist you through
69 whatever you need, okay?
70
71 A: Yes, sir.
72
73 Q: And please do not be - be afraid to tell us if you need time, okay?
74
75 A: Yes, sir.
76
77 Q: Um, we're good?
78
79 A: Yes, sir.
80
81 Q: All right.
82
83 Q1: Can I suggest that if - if we ask you something, and you just don't know the
84 answer, just tell us you don't know. We don't want you to guess or anything
85 up, okay?
86
87 A: Okay.
88
89 Q1: We're perfectly okay with I don't know.
90

91 A: Okay.
92
93 Q: Um, so with that, um, now, um, we are all formally introduced. Um, what I'd
94 like to make sure that I do is I'll ask you, you know, comfortable, is to make
95 sure that I know more about you than I do now, okay?
96
97 A: Okay.
98
99 Q: Um, one of those things, uh, being, uh, what, uh, is your current, uh, rank
100 within the Sheriff's Office here.
101
102 A: Um, I'm deputy.
103
104 Q: Your Deputy Sheriff?
105
106 A: Yes.
107
108 Q: And how long have you worked with the Sheriff's Office?
109
110 A: Um, three years.
111
112 Q: Three years?
113
114 A: Yeah.
115
116 Q: So do you remember when it was that you started the academy?
117
118 A: Um, I started on October 5 of 2010. My (unintelligible) was October 4 of
119 2010.
120
121 Q: And prior to going to the academy, had you worked with any other law
122 enforcement or security at all?
123
124 A: No, sir.
125
126 Q: Um, do you have any past military background?
127
128 A: No, sir.
129
130 Q: Um, so, um, just schooling and, um, went - went to going to law enforcement,
131 uh, kind of, correct?
132
133 A: Uh, yes. I did an internship with Interpol in Washington, D.C. and then I went
134 with - uh, I went to Contra Costa Academy for two months before I got
135 injured and I was out.

136
137 Q: Oh, sorry to hear that, but, you're in a better place now.
138
139 A: (Unintelligible).
140
141 Q: Um, since graduating from the academy, um, what, uh, kind of shifts and
142 assignments - so actually the assignments that you had?
143
144 A: Uh, just patrol at varied shifts. Um, I worked, let's see, uh, 12 swings, 10
145 swings, 10 days, 10 mids, back to 12 swings, and then back to 10 mids and
146 then to parks, and then back to 10 mids.
147
148 Q: So you are all over the place?
149
150 A: Yes.
151
152 Q: Um, has patrol been your only assignment? Were you ever assigned to any
153 other divisions?
154
155 A: Uh, Parks Patrol seasonally, um, this year, October or, I'm sorry, April 2013
156 to October 2015.
157
158 Q: Um, and, uh, in that, I - I know you had to complete the other - at the
159 conclusion of the academy, you had to complete (unintelligible) training to go
160 on to patrol, correct?
161
162 A: Yes, sir.
163
164 Q: Um, commonly known as the FTO training?
165
166 A: Yes, sir.
167
168 Q: And then you went out, uh, to patrol on your own. What, uh, areas of the
169 county have you worked, uh, as assigned patrol?
170
171 A: Uh, solo or as partner?
172
173 Q1: Just solo.
174
175 A: Solo, um, eastside, and then Central and South county, so out of Headquarters
176 Patrol.
177
178 Q: Headquarters Patrol? Um, what do you like best?
179
180 A: What unit?

181
182 Q: Yeah.
183
184 A: Uh, Central.
185
186 Q: Central?
187
188 A: Yeah, me too.
189
190 Q: Um, you, uh, currently work 10 mids, correct?
191
192 A: Correct.
193
194 Q: What, uh, what days of the week is that?
195
196 A: Uh, Tuesday through Friday, 10:00 pm to 8:00 am.
197
198 Q: How long have you worked on that shift?
199
200 A: Um, what do you mean?
201
202 Q: This time.
203
204 A: Oh, this time, okay, uh, I was reassigned to the shift in, uh, October 2013. So
205 it's been approximately, um, just over a month.
206
207 Q: And what did you do before that?
208
209 A: Uh, Parks Patrol.
210
211 Q: Parks?
212
213 A: Yes.
214
215 Q: Um, and prior to that?
216
217 A: Uh, 10 mids, um, from January 2013 to April 2013 and I worked, uh, down in
218 South County.
219
220 Q: Um, and you're in Parks, is that a - a midnight thing?
221
222 A: Um, it was a - it's a varied swing shift and, um, then I was detailed in special
223 assignments and my - my schedule was different (unintelligible).
224
225 Q: Okay. But not the hours you're working now?

226
227 A: Correct.
228
229 Q: So you've got like a - a month to adjust back to 10 mids?
230
231 A: Correct.
232
233 Q: Since coming back to 10 mids, have you worked the same beat at same area?
234
235 A: Uh, yes, I've been assigned in Central the whole time...
236
237 Q: The whole time?
238
239 A: ...coming back.
240
241 Q: Same beat the whole time?
242
243 A: Uh, no. I was, uh, 61 Bravo 3 for the first week. And then, um, for a week, uh,
244 Sergeant (unintelligible) requested me down South to fill, um, Deputy
245 (Eunice) spot when she's on vacation. And then, um, 61 Bravo 1 has been my
246 assigned beat since I have been back.
247
248 Q: Could it be worse, right?
249
250 A: Yeah.
251
252 Q: Um, do you normally work with the same people on any given shift, or every
253 week, or how does that work?
254
255 A: Uh, technically, yes. Um, Deputy (Dawu) has just moved over to the East
256 side. He was, um, Bravo 3. But he just moved over to the East side. So Deputy
257 Brown came to our shift and, um, so he's got the new division.
258
259 Q: The new division? How's that working out?
260
261 A: Uh, well.
262
263 Q: You wouldn't tell me anything, uh, different right? Um, do you, uh - do you
264 enjoy working night shift or what shift is your favorite?
265
266 A: Um, mids works well for - for family purposes and I - I was coaching before
267 this, so I could coach with the schedule.
268
269 Q: What do you coach?
270

271 A: Water polo.
272
273 Q: Water polo. Uh, I don't know anything about water polo, unfortunately. Um,
274 so that works out for your schedule. Is it still water polo season?
275
276 A: No, it ended last Tuesday.
277
278 Q: And was that high school, or is that college, or was that...
279
280 A: Uh, I coach high school.
281
282 Q: High school. Okay. So now you're on this mid shift, um, which works out
283 good for - for family and stuff. How do you adjust to working late nights like
284 that?
285
286 A: Um, I don't really (unintelligible) during the day. I go home and shower, and
287 go to bed early and usually I'm asleep until about 4:30, 5 o'clock and...
288
289 Q: And you have the rest of the night?
290
291 A: And I'm up the rest of the night.
292
293 Q: Do you, uh - when you're at home and you're trying to sleep during the
294 middle of the day, is it, uh, difficult to do so or hard because there's people
295 around?
296
297 A: Uh, no, I'm typically pretty (unintelligible).
298
299 Q: Oh, gotcha. Um, in a typical day, uh, workday or work night, I guess, uh, what
300 time would you normally show up for your shift?
301
302 A: 9:55.
303
304 Q: 9:55. All right. Well, I've done that. Um, and, um, as we start to focus in a
305 little bit, maybe we can ease our way up to it and just with how our week has
306 gone so far, okay?
307
308 A: Okay.
309
310 Q: Um, now, you start your week on Tuesday nights, correct?
311
312 A: Correct.
313
314 Q: Uh, Tuesday leading up to your - your first shift of the week, um, is it easier
315 or harder for you to sleep on a Tuesday because, you know, you're probably

316 well adjusted back a day, you know, living like a normal human being on day
317 shift or so, uh - so it easier or harder? Are you - are you able to rest on
318 Tuesdays before you come into work?
319

320 A: Um, my rest is just relaxing, I don't sleep. But on Tuesdays, I - I stay up all
321 day.
322

323 Q: On your off days, do you stay up during the day and go to bed at night, you
324 know, normally, or do you usually kind of vary that a little bit, stay up later in
325 the night, or how does that work out?
326

327 A: Um, I usually stay up, uh - my late is like around 2 o'clock.
328

329 Q: Okay.
330

331 A: And go to bed.
332

333 Q: So it's not quite banker's hours, but not quite midnight hours then?
334

335 A: Correct.
336

337 Q: All right. So on Tuesday, this past Tuesday, before coming into work, did you
338 have an opportunity to take a nap or catch any sleep before work, or just the
339 rest that you talked about?
340

341 A: Just the rest that I talked about.
342

343 Q: The rest? Um, tell me how Tuesday went at work?
344

345 A: At work?
346

347 Q: Yeah. Anything outrageous happen?
348

349 A: Um, no, we're just, uh - we had a (unintelligible) calls at BMC on Tuesday
350 (unintelligible). Um, it was, uh, Deputy Brown's first night on the shift. And
351 then...
352

353 Q: Baptism by fire, huh?
354

355 A: Yeah, uh, Deputy Brown (unintelligible). Um, we had, uh, (unintelligible)
356 stuff (unintelligible) call.
357

358 Q: Mostly paper type stuff?
359

360 A: Yeah, and then, uh, EPS, they gave someone else's property with a different

361 person that was discharged and then (unintelligible) father and (unintelligible)
362 daughter. And in the ER, they lost a signal 50 (unintelligible) discharged
363 person that was supposed to be kept on hold. And then, um, a rape from
364 earlier on the east side. She, uh, didn't want - start to begin with, and then few
365 hours later, she was talking to him and she came over and then - to sit with her
366 (unintelligible) that happened so...

367
368 Q: Kind of chill night, huh?

369
370 A: Yeah, nothing crazy.

371
372 Q: Were you able to leave on time I guess Wednesday morning, I guess, is that
373 right, Wednesday morning? Mm-hm. Of Wednesday's, uh - Wednesday
374 during the day, how did that go for you?

375
376 A: Um, fine.

377
378 Q: When you leave on Tuesday - I guess Wednesday mornings after your first
379 night of midnights, are you - so are you normally be tired? You feel fine?
380 How is that as compared to maybe the rest of...

381
382 A: Um, usually, typically, I'm more tired on Wednesdays, Thursdays, I usually
383 sleep until about 6:00 or 6:30.

384
385 Q: Those are, uh, the first ones right?

386
387 A: Yeah.

388
389 Q: Um, so on Wednesday morning, getting off on time, what time do you think
390 you went to bed?

391
392 A: (Unintelligible).

393
394 Q: Wake up?

395
396 A: I wake up 6:00, 6:30.

397
398 Q: At 6:00, 6:30?

399
400 A: Yeah.

401
402 Q: Um, what do you do before going to work?

403
404 A: Um, sit on the couch.

405

406 Q: Nice. How did Wednesday night go?
407
408 A: Um, fine I think. (Unintelligible)
409
410 Q: Did you have paperwork to catch up on Wednesday from all the stuff at BMC
411 the night before?
412
413 A: No, I'm pretty cool (unintelligible).
414
415 Q: (Unintelligible)?
416
417 A: Yeah.
418
419 Q: How many outrageous calls for service Wednesday night? Thursday morning?
420
421 A: No, none, I don't think so.
422
423 Q: I know it's - days are going out. Up on time Thursday morning?
424
425 A: Yes.
426
427 Q: Um, how did your sleep go Thursday?
428
429 A: Fine, (unintelligible).
430
431 Q: Normal bedtime?
432
433 A: Yes.
434
435 Q: Normal wakeup time of what time?
436
437 A: Uh, I usually wake up at around 4:00.
438
439 Q: 4:00?
440
441 A: Yeah.
442
443 Q: A little bit earlier. And then rolling to Thursday evening, now I know
444 Thursday was a little different?
445
446 A: Yeah.
447
448 Q: Tell me about Thursday.
449
450 A: Um, Thursday, right when I got downstairs, uh, (unintelligible) briefing in

451 shots fired on the East side, (unintelligible) right now (unintelligible). So
452 we're going out to the car, loaded up, um, got there and then, um, was there
453 the whole night. Um, there's another deputy that's injured at 4050 and she
454 can't drive to a doctor's appointment. So I left around, um, 6:45 and I picked
455 her up and took her to her doctor's appointment and got back to headquarters
456 at 7:30 and, uh, got off, went home, showered, and went picked her up, took
457 her home.

458
459 Q: What was your assignment over there on the East side?
460

461 A: Um, I got there and Deputy (Kimble) told me that he came for surveillance
462 videos and then found those surveillance vid- video at the house, uh, just east
463 of the parking lot and, um, they had the entire murder on the...
464

465 Q: The incident?
466

467 A: Yeah, (unintelligible) on film. So I sat at the house until, uh, Deputy (Kimble)
468 could come and retrieve the - the, um - the data. He ended up having to just
469 take device, um, and then I was on permanent position until - until about 6:45.
470

471 Q: Was that the only place that had any video?
472

473 A: Um, the supermarket had video, and then across the way to south on
474 (unintelligible) that video, that building (unintelligible).
475

476 Q: Were you able to watch the video from the place where Deputy (Kimble)
477 (unintelligible) and picked up the device?
478

479 A: Yeah, I saw them.
480

481 Q: (Unintelligible)?
482

483 A: Um, um, (unintelligible). It was a drug deal gone bad.
484

485 Q: Um, by the time you arrived, did you ever go directly to, uh, the scene in the
486 location where it had happened, or did you go to the command post?
487

488 A: Um, I went really to...
489

490 Q: Excuse me.
491

492 A: ...(unintelligible). Um, my vehicle was parked, uh, just east of (unintelligible)
493 and I went to the (unintelligible) first who was, uh, Deputy (Brian Wick) and I
494 said, "Hey, this is a CP, (unintelligible) assignments?" He said, "No, go find
495 (unintelligible) attorney. (Unintelligible) attorney."

496
497 Q: And you went from there?
498
499 A: Yeah.
500
501 Q: Um, but after dropping off the deputy, coming back, completing your work,
502 were you able to finish all your paperwork that night of the incident?
503
504 A: No, I, uh, uploaded, uh, my sub-test flight, um, with just my witness
505 information and, uh, (unintelligible) for Sergeant (Tom) and left on time.
506
507 Q: Mm-hm. And then you picked up the other deputy from her medical
508 appointment?
509
510 A: Correct.
511
512 Q: Took her, I guess, home?
513
514 A: Yeah.
515
516 Q: Then you went home?
517
518 A: Correct.
519
520 Q: How - what time did you finally get to bed that day?
521
522 A: Um, it's just after 10:15.
523
524 Q: Which is a little bit late for you, right?
525
526 A: Yeah.
527
528 Q: Being a little later, did you sleep there?
529
530 A: Uh, no, I slept until about, um, 4:30, so six and a half hours.
531
532 Q: 10:15 to 4:30? Um, after 4:30 when you woke up, how's the - how did your
533 evening, afternoon/evening go?
534
535 A: Uh, well, um, my, uh, fiancé was home, so we just chilled on the couch, go
536 and got dinner around 6:30 and just came back, looked, kind of going through
537 some shows and stuff, (unintelligible) watched together.
538
539 Q: What did you have to eat?
540

541 A: Um, chicken teriyaki, a bowl of rice and then (unintelligible).
542
543 Q:
544
545 A:
546
547 Q:
548
549 A:
550
551
552 Q:
553
554 A:
555
556 Q: Okay. Um, you eat and catch up on your shows. You start to get ready for
557 work?
558
559 A: Correct.
560
561 Q: Um, what time is it that you normally get ready for work, or what time was it
562 yesterday (unintelligible)?
563
564 A: I have an alarm set on my phone for 9:15.
565
566 Q: Oh.
567
568 A: And start getting ready for work.
569
570 Q: So you live close?
571
572 A: Yeah.
573
574 Q: Start getting ready at 9:15, and what time did you arrive at work last time?
575
576 A: Um, 9:55.
577
578 Q: I'm sorry. 9:55?
579
580 A: Yeah.
581
582 Q: Um, so do you load up your car after the beginning of shift or prior to shift?
583
584 A: After.
585

586 Q: After. When you arrived last night, you got ready for work, no - no problems
587 coming to work, no - no problems at home?
588

589 A: No.

590
591 Q: Uh, any family arguments or anything like that?
592

593 A: No.
594

595 Q: Um, any other issues at home that maybe you brought to work with you last
596 night?
597

598 A: No.
599

600 Q: All right. Uh, got ready, you guys had briefing last night?
601

602 A: Yes.
603

604 Q: All right. How did the briefing go?
605

606 A: Uh, it's just fine. Um, Sergeant Davis joined us in the briefing. Uh, it was a
607 little longer than usual because we kind of went over the - the um,
608 (unintelligible) assignment, um, got out of there at 10:40-ish.
609

610 Q: When you say out of there, you mean out of the briefing room?
611

612 A: Correct.
613

614 Q: So after leaving the briefing room, you were assigned to what beat last night?
615

616 A: Uh, 61 Bravo 1 last night.
617

618 Q: 61 Bravo 1. So you go out to load up your car then after briefing?
619

620 A: Correct.
621

622 Q: Um, what time was - would you say that you pulled out of?
623

624 A: It just was, um, before 10:50, I would say 10:40 or something like that.
625

626 Q: Oh, so you don't take very long to - to get in though. Um, we know what
627 we're talking, you know, why we're here talking. Any calls for service?
628

629 A: Yes.
630

631 Q: How did this go?
632
633 A: Um, at approximately, uh, 2340 hours...
634
635 Q: I'm sorry, say it again.
636
637 A: At approximately 2340 hours...
638
639 Q: 2340, okay.
640
641 A: ...we received the, uh, um, 45-9 auto in progress. Um, it was off at Stevens
642 Creek. I don't remember the address, uh, or across street, it was - the Safelite
643 Autoglass, it was right behind it.
644
645 Q: Okay.
646
647 A: There were two subjects, uh, attempting to break into, um, the vehicles. That
648 was the call.
649
650 Q: Where did you respond from?
651
652 A: Uh, BMC (unintelligible).
653
654 Q: Oh, okay. When you arrived, did - okay, I'll just read this. Was it - are units
655 dispatched with you?
656
657 A: Uh, yes. Um, I was the primary answer because my beat, um, 61 Bravo 6
658 Deputy (Espinosa) arrived first on the scene.
659
660 Q: Mm-hm.
661
662 A: Um, and then we swing shift. After that, I arrived, uh, after swing shift and
663 then Deputy Brown arrived after me.
664
665 Q: What happened when you got there?
666
667 A: Um, when I got there, uh, Deputy (Sibbett) and Deputy, uh, what's her name -
668 Ridgeway (unintelligible).
669
670 Q: Oh.
671
672 A: She - we were, uh, 10-96 on, uh, the female. The male was being walked back
673 in handcuffs by Deputy (Espinosa) to his vehicle. Um, and, uh, I took the
674 female when she was secured. I don't (unintelligible) when I took the female
675 when she was secured, searched her, and put her in the back of my car.

676
677 Q: You never drew your weapon?
678
679 A: (Unintelligible).
680
681 Q: And we asked because you mentioned 10-96. What is that?
682
683 A: Uh, 10-96 is the (unintelligible) on - on people.
684
685 Q: Um, and they're - what are they doing there at that time?
686
687 A: I was (unintelligible).
688
689 Q: Are there any issues, any problems with this high risk stop, taking these
690 people and detaining them or cuffing them that you know of?
691
692 A: No, not that I saw of.
693
694 Q: And when you arrived, the male subject was already being walked in
695 handcuffs you said to some location?
696
697 A: Yes.
698
699 Q: And they were manipulating the female? Uh.
700
701 A: Yeah, yes.
702
703 Q: Trying to...
704
705 A: I mean, they had a - they get her walk towards them, (unintelligible), turned
706 around, put her hands behind her back.
707
708 Q: No resistance by those folks?
709
710 A: No.
711
712 Q: Um, pretty intense?
713
714 A: Uh, no.
715
716 Q: No really? And you were kind of at the point where it was - and was kind of
717 getting there and helping out anyway, yeah?
718
719 A: Yeah.
720

721 Q: Um, what was the resolution there?
722
723 A: Um, they ended up being (unintelligible) on their cousin's car, um, and there -
724 yeah, there was (unintelligible) so there was no report.
725
726 Q: Dusted them off and sent them on their way, huh?
727
728 A: Yup.
729
730 Q: Cool.
731
732 A: Explained it to them, they understood, and (unintelligible).
733
734 Q: Well, that was fun.
735
736 A: Yeah.
737
738 Q: Uh, what happened after that?
739
740 A: Um, after that, I was heading back to BMC when Deputy (Espinosa) made a
741 pedestrian stop on, uh, two subjects behind North Bascom, uh, that's
742 where he was going to write his supplemental report. So he went back there,
743 two subjects there, a white male and a Hispanic female. He made a ped stop
744 on them. And usually he goes Code 4 anyway, and he didn't go Code 4
745 anyway. So I started heading that way. Um, I got there and, uh, he was talking
746 to the male and female is kind of more a little chirpy. Um, she wasn't like -
747 she wasn't yelling or anything like that. She just had an attitude. She's 51.9
748 and a half. So I - I just secured her away, took her to my vehicle. I attempted
749 to...
750
751 Q: Did she respond better to you?
752
753 A: No, I kind of - I - I tried to talk to her. She just - she - she's talking about
754 random stuff. I - I remember thinking, what are you saying? Um, I do not
755 recall what she was - what she said or what she was talking about now. Um, I
756 just remember her at that time just kind of going o- okay. So, um, I was there.
757 Our reserved showed up. I don't know his name. Um, I know I've met him
758 and I could point him out if I saw him again. I don't - I don't remember his
759 name though. He showed up and then, uh...
760
761 Q: You had called him?
762
763 A: No.
764
765 Q: Oh.

766
767 A: No. Uh, and then (unintelligible) and shut up.
768
769 Q: Um, you - you mentioned that, uh, (Espinosa) makes ped top and it's
770 customary, you know, for him to - yeah, be pretty - it could work pretty
771 quickly. I know from experience when somebody is like that, and then they
772 break from that norm, you notice that. You mentioned you noticed that.
773
774 A: Mm-hm.
775
776 Q: What does that tell you? What does that do to you in your mind?
777
778 A: Kind of heightens your level of awareness, or my level of awareness.
779
780 Q: To make you want to, I mean, respond?
781
782 A: Yeah.
783
784 Q: I - something potentially wrong maybe?
785
786 A: Yes.
787
788 Q: Um, maybe he's having a difficult time? I mean, I - I don't know.
789
790 A: Yup.
791
792 Q: But potential?
793
794 A: (Unintelligible) under that lingering questions, what's - what's going on?
795
796 Q: And sure enough to get there and he has these two subjects, and this female is
797 offering lip service for a little bit, right?
798
799 A: Yes.
800
801 Q: And so you - you pull her away and you start talking to her. Maybe it's not
802 any better, but she's not really directing anything towards you, it's more just
803 kind of like rambling? Am I kind of getting that right?
804
805 A: Um, a little bit rambling, she more of stopped and I pulled her away.
806
807 Q: Okay.
808
809 A: And she laughed, was like say things under her breath and like turned away
810 from me, talking. I couldn't understand what she's saying that time.

811
812 Q: So when you got there and started assisting Deputy (Espinosa), did that level
813 that you responded with go down at all as far as, you know, ease to how you
814 were feeling about what, you know, he's not going Code 4?
815
816 A: Yes. And just saw it more as he was just busy handling his (unintelligible).
817
818 Q: Eventually was it Code 4?
819
820 A: Yes.
821
822 Q: Where they just hanging around?
823
824 A: Yeah. They just went back there and found a place. They know that, uh,
825 there's no outlet that day.
826
827 Q: Mm-hm, gotcha. So then what happened?
828
829 A: Um.
830
831 Q: Well, about what time that happened?
832
833 A: It happened right after our call, and so approximately, uh, 12:10 am.
834
835 Q: Okay. Then what happened?
836
837 A: Um, approximately 12:15 am, uh, something around that, we - we got a call, a
838 45-9 in progress at 95 Cleveland across of Olive, uh, people on a front yard.
839
840 Q: People on a front yard 45-9 in progress 95 Cleveland, any other information?
841
842 A: No, not that I remember.
843
844 Q: Um, did they happen to say what she was on?
845
846 A: No.
847
848 Q: Did they happen to say who the RP was, or any information about the RP?
849
850 A: Not that I recall.
851
852 Q: And you guys are where when that call came out?
853
854 A: North Bascom.
855

856 Q: It's not very far from Cleveland, right?
857
858 A: It's approximately a mile, it wasn't probably half a mile.
859
860 Q: There's four of you now, uh, at North Bascom, correct?
861
862 A: Correct.
863
864 Q: Call comes out, what happens?
865
866 A: Me and Deputy Brown take off right away.
867
868 Q: Okay.
869
870 A: Um.
871
872 Q: How did you get there?
873
874 A: Um, though, uh, the parking lot. So he's gone out of the parking lot, through
875 south on Bascom and turned, uh, east on Olive and turned south on Cleveland.
876
877 Q: Okay. Um.
878
879 A: I...
880
881 Q: Deputy Brown I guess was in front of you or behind you, how does that...
882
883 A: He's behind me.
884
885 Q: He's behind you. Okay. Then what?
886
887 A: When I turned south on Cleveland, um, the first address I saw was across the
888 street and I - I want to say or something like that and I thought
889 that I was on the wrong side. So I pulled left into that first driveway and
890 pulled straight, and then I walked over and I saw the chick and the mess
891 outside and I realize, oh, it's right there.
892
893 Q: When you say wrong side, wrong side of the road, or wrong side of Olive?
894
895 A: Wrong side of Olive.
896
897 Q: Olive.
898
899 A: So I'm on the north side of Olive and not the south side.
900

901 Q: Gotcha.
902
903 A: (Unintelligible) that.
904
905 Q: Gotcha. Um, so you had to turn around?
906
907 A: I - I did turn around thinking that I need to go to the north side of Olive.
908
909 Q: Do you remember where it was roughly that you turned around?
910
911 A: Yes, that first driveway on the east side of Cleveland.
912
913 Q: First driveway on the east side of Cleveland, so pretty near to 95 then.
914
915 A: So when I turned around, that's when I saw the...
916
917 Q: So you saw her?
918
919 A: Yes.
920
921 Q: Did you use your Spotlight at all to illuminate any of the addresses when you
922 turned down Cleveland?
923
924 A: Um, that first one that I saw was 65 or 68, the first one on my left.
925
926 Q: The first one on the left...
927
928 A: Yup.
929
930 Q: ...as you've turned, so the east side? Were you able to use Spotlight to
931 illuminate the address, saw that was in the 60s, which I'll agree kind of
932 doesn't match up with 95.
933
934 A: Correct.
935
936 Q: Um, okay. And so you turned around nearly, when - after you turned around,
937 did you use your Spotlight anymore?
938
939 A: No.
940
941 Q: Um, and Deputy Brown is there with you?
942
943 A: Correct.
944
945 Q: Um.

946
947 A: Deputy (Espinosa) was right behind him.
948
949 Q: And Deputy (Espinosa) was right behind Deputy Brown?
950
951 A: Correct.
952
953 Q: And so all three of you are there now?
954
955 A: Correct.
956
957 Q: What about the reserved?
958
959 A: I thought he followed us, I'm pretty sure. I know that he was there afterwards
960 because I saw him after.
961
962 Q: Uh-huh.
963
964 A: But I did not see him during this incident. Um, so I - I don't know if he, uh,
965 just stays down the street or what?
966
967 Q: Okay, gotcha. Um, so you didn't use your Spotlight again, but after - during
968 your response, I mean, it's 45-9 in progress.
969
970 A: Mm-hm.
971
972 Q: During your response, upon arrival after turning around, did you have any of
973 your - well, I know - I understand it's dark, right? So you had your headlights
974 on?
975
976 A: Correct.
977
978 Q: Did you have any of your emergency lights on, whether it'd be just the embers
979 in the back or any of the lights on at all?
980
981 A: I know I didn't have any emergency lighting on. Um, I don't - I don't believe
982 I've put my rear embers on.
983
984 Q: Okay.
985
986 A: And I just stopped in the middle of the street (unintelligible), I was like, oh.
987
988 Q: All right. Did you know or happen to notice if Deputy Brown or Deputy
989 (Espinosa) used any of their lighting equipment other than headlights?
990

991 A: Uh, no, I didn't - I didn't see if they have their emergency lights on.
992
993 Q: Okay. It brings me to this, which I forgot for the third straight time, were you
994 dressed for work every night? What do you wear?
995
996 A: Um, just my Department uniform (unintelligible).
997
998 Q: Yeah.
999
1000 A: Uh, I wear black (unintelligible) boots, uh, wearing Sheriff's Office-issued,
1001 uh, uniform pants, black under belt leather, um, my leather duty belt and I
1002 have, uh, tan long sleeve, uh, Sheriff's Office-issued uniform shirt with the
1003 patches on shoulder, my badge, and then I was wearing my green
1004 (unintelligible) jacket because it's cold.
1005
1006 Q: Your green - you mentioned green jacket kind of like a - like a cold weather
1007 jacket?
1008
1009 A: Yeah.
1010
1011 Q: Not as opposed to like a - like a suit or I-jacket type thing, it's sort of cold
1012 weather jacket?
1013
1014 A: Correct.
1015
1016 Q: Um, what do you normally carry on your - your duty belt? Oh, is that what
1017 you wore last night?
1018
1019 A: Correct.
1020
1021 Q: Um, I'm gonna back to the jacket. On your jacket, what are the markings or
1022 symbols on your jacket?
1023
1024 A: Um, I had Sheriff's Office badges on each shoulder and a - a star, um,
1025 Sheriff's Office star badge star and then my (unintelligible).
1026
1027 Q: The - the - the badge on your jacket, is it the - your badge or is it the sewn-
1028 on...
1029
1030 A: The sewn-on cloth.
1031
1032 Q: Sewn-on cloth badge? And your name, is it a - a name tag or is it the sewn-
1033 on?
1034
1035 A: Sewn-on.

1036
1037 Q: Sewn-on. And the patches are the normal Sheriff's Office colors?
1038
1039 A: Correct.
1040
1041 Q: What are you wearing in duty belt?
1042
1043 A: Um, my duty belt, I have, uh, two - a Glock 22, 40 caliber magazines. I have,
1044 uh, OC spray. I have a (unintelligible). I have (unintelligible), my radio, um,
1045 my flashlight. I have a pouch of, uh, latex gloves. I have, um, keys in a
1046 keyholder, uh, my, uh, duty weapon, the, uh, Glock 22 40 caliber duty weapon
1047 and (unintelligible).
1048
1049 Q: Do you carry a backup weapon?
1050
1051 A: Uh, no.
1052
1053 Q: Um, and that's all what you were wearing last night?
1054
1055 A: Yes, sir.
1056
1057 Q: Or I guess this evening and last night. Um, and your patrol car was marked
1058 with lights on top, or was it unmarked?
1059
1060 A: It was marked with lights on top.
1061
1062 Q: Do you think that, uh, um, showing up on a call, uh, in that patrol car, wearing
1063 that uniform, there'd be any doubt if somebody would see you that were a
1064 sheriff's deputy?
1065
1066 A: No.
1067
1068 Q: Okay. Um, so you pulled up, you've turned around. We've talked about
1069 lighting. We've talked about, uh, Deputy (Espinosa) and Deputy Brown. Did
1070 they also have to turn around or no?
1071
1072 A: No. They stopped facing, uh, southbound on Cleveland. I was facing
1073 northbound of Cleveland.
1074
1075 Q: So you're facing northbound Cleveland, they're facing southbound. Are they
1076 tandem, or are they side by side?
1077
1078 A: They are in tandem and Deputy (Espinosa) is right behind Deputy Brown's
1079 vehicle.
1080

1081 Q: You mentioned you were in - in the roadway.
1082
1083 A: Correct.
1084
1085 Q: Were they also in the roadway or were they parked?
1086
1087 A: I believe they pulled over to the side. They were pulled over to the west side
1088 of the street. Um, there were cars parked on the east side of the street and I
1089 was parked - I stopped right next to those cars in the middle of the roadway.
1090
1091 Q: Your car is on the east side?
1092
1093 A: Correct.
1094
1095 Q: And - okay. And you looked over and you see a female subject, where is she?
1096
1097 A: She's on the porch. Um, so there's a - there's a small porch to those first little
1098 apartments. The first door is wide open. It's fully illuminated. There are porch
1099 lights on it so very illuminated. She's - she's on the porch at the door, um,
1100 kind of like crouching down,
1101
1102 Q: Crouching like a catcher? Crouching like sitting down?
1103
1104 A: Like going through things.
1105
1106 Q: Oh, okay.
1107
1108 A: (Unintelligible) doing what.
1109
1110 Q: Um, did you see what she was doing?
1111
1112 A: Um, she appeared to be like going through things.
1113
1114 Q: What does she look like?
1115
1116 A: Uh, blonde hair, uh, white, blonde, heavier set, not - not fat but heavier set,
1117 um, she's wearing pajama bottoms and with a black (unintelligible) jacket.
1118
1119 Q: Her blonde hair, long, short?
1120
1121 A: Um, yeah, uh, longer, yeah.
1122
1123 Q: Shoulder length or longer?
1124
1125 A: Yeah.

1126
1127 Q: Uh, how old did she look?
1128
1129 A: Um.
1130
1131 Q: Or could you tell?
1132
1133 A: To me, she looks like late 40s.
1134
1135 Q: Black zip-up sweater you said?
1136
1137 A: Uh, yeah, it was...
1138
1139 Q: Um, when you mentioned the pajama bottom, what color were they?
1140
1141 A: A little brighter color like pink or red, or something like that.
1142
1143 Q: Could you tell if she had shoes or slippers on, or anything?
1144
1145 A: I don't recall.
1146
1147 Q: When she's crouched down and going through the items, if you guys are
1148 parked in the street and she crouched out facing towards you guys or facing
1149 towards a different direction like the residents or facing...
1150
1151 A: She's facing south.
1152
1153 Q: Which would be...
1154
1155 A: Towards the wall of the residence.
1156
1157 Q: Towards the wall of the residence, like the front door area?
1158
1159 A: Yeah.
1160
1161 Q: Did - did she notice you?
1162
1163 A: Um, when I got out, yes, she did.
1164
1165 Q: Did she notice your car going in, or is it hard to say?
1166
1167 A: It's hard to say.
1168
1169 Q: Okay. When you looked at her, did she look at you?
1170

1171 A: (Unintelligible) vehicle, yes.
1172
1173 Q: How do you think she knew you were there?
1174
1175 A: She confronted us.
1176
1177 Q: I think she knew that you guys had shown up. Did you speak to her? Did she
1178 hear the cars, hear the doors?
1179
1180 A: Um, we - we called out to her and she - she yelled at us (unintelligible). I
1181 don't remember what she said.
1182
1183 Q: Okay. I'm gonna show you something, okay? You're good?
1184
1185 A: Yup.
1186
1187 Q: I got a picture here. Are you familiar with Google Earth?
1188
1189 A: Yes.
1190
1191 Q: I got a picture here. I much know that this road that's running across the top,
1192 we'll say is Olive.
1193
1194 A: Yeah.
1195
1196 Q: The road that's running top to bottom, bottom to top, let's say is Cleveland.
1197
1198 A: Okay.
1199
1200 Q: We have a marking here 95 Cleveland Avenue in San Jose.
1201
1202 A: Okay.
1203
1204 Q: Other than the vehicles, do the residence and streets appear similar as they did
1205 last night?
1206
1207 A: Yes.
1208
1209 Q: Other than it's daytime and it just happened in nighttime, correct?
1210
1211 A: Yeah.
1212
1213 Q: Now, concerning the vehicles, the vehicles in front of the residence, does that
1214 appear as it did last night? This picture, does it appear as they did last night, or
1215 is it different?

1216
1217 A: It's different.
1218
1219 Q: The vehicles on the roadway, do you remember if those are similar or
1220 different, or do you know?
1221
1222 A: I remember a lot more vehicles on the - on the road - on the side of east.
1223
1224 Q: On the east side?
1225
1226 A: Yeah.
1227
1228 Q: And what about the west side? If you don't remember, it's fine.
1229
1230 A: I don't remember.
1231
1232 Q: Okay. So - but we can say that this is an overhead shot of - of the area,
1233 correct?
1234
1235 A: Yeah.
1236
1237 Q: All right. To give us a little breadth here, we're gonna have you, um, take my
1238 writing stick and I want you - I'm gonna kind of let you know what to do,
1239 okay?
1240
1241 A: Okay.
1242
1243 Q: Using the letter A, I'd like you to write on my piece of paper where you
1244 parked your vehicle if you can remember. If you can also, maybe a little arrow
1245 next to it as to which direction it was facing. Very cool. Um, you mentioned
1246 Deputy Brown arrived with you right after you. Using the letter - oh, before
1247 we do that, if you can just put A my vehicle. We'll make a legend down there
1248 so that I know what they are, okay? Similar with the letter B in Deputy
1249 Brown's vehicle please.
1250
1251 Q1: I'll give you a better pen.
1252
1253 Q: Yeah, okay, huh. And the letter C with Deputy (Espinosa)'s vehicle. And so
1254 that I don't forget, do you know the VIN numbers? Can you write the VIN
1255 number off the top? I'll tell you if you don't know. Yours is 130N320 VIN
1256 00044B. There you go. All right. So that I don't mistake it, some other page,
1257 right? So, you've turned around. You said it was the first driveway you saw
1258 after seeing the address. Would you say it was this one here, or this one here,
1259 or would you be able to...
1260

1261 A: I would say it was right here.
1262
1263 Q: You want to say it was the first?
1264
1265 A: Because as soon as I - as soon as I went like this, I was like - I stopped
1266 immediately and I was like, oh, there she is.
1267
1268 Q: And so you pointed over in the direction of 95. Where exactly was she when
1269 you saw her?
1270
1271 A: I don't know if this is the porch here. There's porch bench. She was right at
1272 the porch.
1273
1274 Q: She was at the porch?
1275
1276 A: Yeah. This is the porch and this one - it's right at the corner where the porch
1277 is. She's on the eastern west side of the porch, that eastern west corner of the
1278 porch.
1279
1280 Q: We probably should be pointing that.
1281
1282 Q1: Uh, with me, it's (unintelligible) if we told you that it was a covered porch,
1283 would that help?
1284
1285 A: I - I know it was a covered porch.
1286
1287 Q1: Oh.
1288
1289 A: I just don't know if it was - if this is the start of it, or if this is the - the end of
1290 it, or if this is the start of the porch.
1291
1292 Q: Okay.
1293
1294 A: I know it was a covered porch. They had lighting and the first door was
1295 (unintelligible).
1296
1297 Q: Just for the sake of knowing, uh, where it is you're talking about? Because I -
1298 I feel pretty confident that you know where it is. You - you just need us to
1299 show you where that's at, okay? I'm gonna let you know that there are - this is
1300 going to be the front and that this is going to be the little porch area right here,
1301 okay?
1302
1303 A: Okay.
1304
1305 Q: So having that in mind, where was she when you first saw her?

1306
1307 A: Right there.
1308
1309 Q: Right there?
1310
1311 A: Yeah.
1312
1313 Q: Using this symbol, the triangle, the defendant's symbol, uh, could you put that
1314 where you saw her? And then mark that on my legend please. You can just put
1315 woman or...
1316
1317 A: Suspect?
1318
1319 Q: Yeah, woman/suspect. Uh, so you look over and you see her in a crouch
1320 position right there, okay. And she's facing, you mentioned, the direction of
1321 the top of the triangle there or the point of the triangle? Is that the direction
1322 she's facing?
1323
1324 A: Yeah, yes.
1325
1326 Q: And she's going through some stuff, okay?
1327
1328 A: Okay.
1329
1330 Q: Do you - what did you do?
1331
1332 A: I said to Brown, "Oh. there she is."
1333
1334 Q: Did you get out of your car or was this on the radio?
1335
1336 A: No, we're both - we were both getting out of our car and we're walking in that
1337 direction.
1338
1339 Q: So you exited your patrol vehicle, Brown had exited his patrol vehicle, and
1340 what about Espinosa?
1341
1342 A: Yes, he just walked (unintelligible).
1343
1344 Q: So you guys were all walking up in the direction of the residence?
1345
1346 A: Yes.
1347
1348 Q: Um, and at some point, she notices you?
1349
1350 A: Correct.

1351
1352 Q: The three of you, you in particular, or do you know?
1353
1354 A: Um, I don't know. She just noticed us, deputies or people walking towards
1355 them and then she - yeah.
1356
1357 Q: Who establishes some kind of attempt of that verbal contact?
1358
1359 A: I believe that I yelled at her.
1360
1361 Q: Do you remember what you yelled?
1362
1363 A: I usually yell something like "ma'am," or "hey," or something like that. I
1364 don't know what I yelled.
1365
1366 Q: So you attempted...
1367
1368 A: So I usually yell something along those li-lines.
1369
1370 Q: So you attempted to make contact with her while she's up on the porch?
1371
1372 A: Correct.
1373
1374 Q: Or had she already...
1375
1376 A: She's - she already started to come down. Um, I - I know that I addressed
1377 something, um, and she had a guitar in her hand that I saw. I did not see the
1378 knife anyway. Um, as she's coming down the stairs, or meaning, she gets to
1379 the bottom of the stairs, Deputy Brown yells "Knife" and we all draw our
1380 guns and, um, I don't know which one of them put out a 11-96 or 10-96. And
1381 then we start giving verbal commands to drop the knife, um, and when
1382 (unintelligible) drew down, uh, I had my gun and my flashlight. And, uh, um,
1383 I saw the knife then and I (unintelligible) her. Uh, she started coming...
1384
1385 Q: You're all right? Take all the time you need.
1386
1387 A: And she started coming towards us. And she started, uh, coming towards all
1388 three of us, but she was focusing on Deputy Brown and Deputy (Espinosa).
1389 When my vehicle was - was parked and they have been up a little bit further.
1390
1391 Q: Mm-hm.
1392
1393 A: But where my vehicle was parked, and the guy started to back this way and I
1394 was here too, she's coming towards us. So there's - I was worried about
1395 crossfire situation because she, like, came in between us or something like

1396 that. Deputy (Espinosa), like, went right behind me, and so there's two of us
1397 here. Deputy Brown went around the vehicle. I didn't - I don't remember if
1398 she chased him or if she turned on us, but I remember she got in between
1399 myself and Deputy (Espinosa) and Deputy Brown, and that's when I yelled to
1400 Brown, I said, "Brown, get the fuck out of the way." And I told Deputy
1401 (Espinosa), I said, "Fuck, we're gonna have to shoot her," and he said, "I
1402 don't want to." And we - um, she kept - Deputy Brown ran southbound on
1403 Cleveland to get out of the backdrop. (Unintelligible) was clear. She started to
1404 get advancing at us. Um, she had the guitar I believe in her left hand and knife
1405 in her right hand. She got it down by her side the whole time. When we started
1406 to, uh, back up here, there's vehicle in the driveway. Deputy (Espinosa) went
1407 in between the vehicle, um, on the south side and I was on the north side of
1408 the vehicle and she kept advancing on me and then she raised the knife up like
1409 this and that's when I shot her three times. I aimed for the, um, chest cavity.

1410
1411 Q: We're gonna take a minute, okay?

1412
1413 A: Oh God.

1414
1415 Q: So I'm gonna...

1416
1417 A: Go ahead.

1418
1419 Q: I'm gonna have to, uh, go back and break it down.

1420
1421 A: Okay.

1422
1423 Q: Okay. When you first started to walk up, and she stood up, when she stood up,
1424 you mentioned a guitar.

1425
1426 A: Yes.

1427
1428 Q: And she already had the guitar in her hand?

1429
1430 A: Yes, she had the guitar in her hand. Um, I know it's a red guitar.

1431
1432 Q: Off her red guitar?

1433
1434 A: I know it's a red guitar.

1435
1436 Q: Right, so the neck or the body of the guitar, how was she holding - do you
1437 know what I'm talking about?

1438
1439 A: She was holding by the neck.

1440

1441 Q: The neck, the skinny part?
1442
1443 A: Yeah.
1444
1445 Q: And that was in her...
1446
1447 A: I know it was in left hand. She had the guitar in her left hand.
1448
1449 Q: And at that time, you didn't see anything else, correct?
1450
1451 A: I didn't see a knife at all not until Deputy Brown called out knife.
1452
1453 Q: And that was - at that point, when Deputy Brown calls out knife, then you see
1454 it or not until you illuminate - somebody illuminates with a flashlight?
1455
1456 A: Yeah, until I illuminated her with my flashlight, yeah.
1457
1458 Q: When Deputy Brown says, "Knife," and she comes down off the porch and
1459 she's carrying the guitar, later you find out a knife?
1460
1461 A: Yes.
1462
1463 Q: Um, if you could point, just point, where - where are you standing at?
1464
1465 A: I'm still in the street.
1466
1467 Q: So kind of adjacent to your car, closer to the - the curb side-sidewalk though?
1468
1469 A: Correct.
1470
1471 Q: Where were those two standing, Brown and (Espinosa), if you know?
1472
1473 A: Just, uh - just in front of their car, just a little...
1474
1475 Q: So a little north to you?
1476
1477 A: Correct.
1478
1479 Q: More in front of their vehicle?
1480
1481 A: Correct.
1482
1483 Q: Deputy Brown's vehicle?
1484
1485 A: Correct.

1486
1487 Q: So would it be okay to say that when she came down off the porch, now, this
1488 white van that's in this picture here, was that there last night?
1489
1490 A: I don't recall the white van being there.
1491
1492 Q: Okay. Was there any car in that spot where that van is in this picture?
1493
1494 A: No.
1495
1496 Q: So it was open right here?
1497
1498 A: Yes.
1499
1500 Q: When she comes down the porch, and she's carrying the guitar, and Deputy
1501 Brown says, "Knife," because they're standing kind of more together and
1502 maybe you're off to the side, does that sound about right?
1503
1504 A: Yes.
1505
1506 Q: You said that she's kind of going more directly towards them, correct?
1507
1508 A: Correct.
1509
1510 Q: How was she walking?
1511
1512 A: Very fast. It wasn't like a run, but she wasn't walking. She was - she was
1513 walking quickly towards them.
1514
1515 Q: Did she say anything?
1516
1517 A: Yeah, she's yelling the whole time.
1518
1519 Q: What was she yelling?
1520
1521 A: I don't recall exactly, um, what she was yelling, but she was like, "What the
1522 fuck are you gonna do?" um, and, um, I think at one point, she said, "Why are
1523 you here?" I think that was at the beginning. There was a lot of (unintelligible)
1524 and a lot of yelling, "Leave," or (unintelligible).
1525
1526 Q: Do you remember what you were yelling?
1527
1528 A: I don't remember if it's "Drop the weapon" or "Drop the knife." but
1529 (unintelligible) I yelled that and...
1530

1531 Q: So this was after Brown says "Knife."
1532
1533 A: Yeah.
1534
1535 Q: You draw your firearm?
1536
1537 A: Correct.
1538
1539 Q: You have your flashlights?
1540
1541 A: Correct.
1542
1543 Q: This may sound - did you go into that shooting position, or do you have a
1544 side-by-side and now...
1545
1546 A: I'm in shooting position.
1547
1548 Q: Shooting position. And now you have her illuminated, you have your - your
1549 weapon drawn, and you see her with a red guitar on one hand and her with a
1550 knife in the other hand. What does the knife look like?
1551
1552 A: Um, it looked like kitchen knife. I'm pretty sure with black handle. It's like a
1553 key part of it. And the blade is like 6 to 8 inches.
1554
1555 Q: And she is advancing towards Deputy Brown and Deputy (Espinosa)?
1556
1557 A: Yes, and the knife is at her side.
1558
1559 Q: And it's at her side. Do you know how she was carrying it, like if this is the
1560 handle and this is the blade, is she carrying it like such? Is she holding on to
1561 the blade? Is she holding it down? She's got the blade up?
1562
1563 A: Yeah, just a little bit with the handle.
1564
1565 Q: A little bit of the handle, so she's holding...
1566
1567 A: (Unintelligible).
1568
1569 Q: She's holding the handle with the blade pointed up, but she's carrying it down
1570 on her side. Is she waving it around? Is it just down by her side?
1571
1572 A: Just down by her side.
1573
1574 Q: And she's yelling?
1575

1576 A: Yeah.
1577
1578 Q: And you're yelling now?
1579
1580 A: Yeah.
1581
1582 Q: "Drop the knife," "Drop the weapon," whatever it was. What else?
1583
1584 A: (Unintelligible) (Espinosa), I said, "Fuck, we're gonna have to shoot her."
1585 And I remember yelling to Brown to get (unintelligible) because of the
1586 crossfire.
1587
1588 Q: You told her "Sheriff's Department," "Sheriff's Office," anything to identify
1589 yourself?
1590
1591 A: I heard the guys yelling it.
1592
1593 Q: So that you heard the guys yelling "Sheriff's Office."
1594
1595 A: Yeah.
1596
1597 Q: What else did they yell?
1598
1599 A: Um, "Drop the" - I heard Deputy Brown kept saying, "Drop the knife." Um,
1600 one of them, Brown said 10-96 and then we're yelling, "Just drop the knife,"
1601 "Drop the weapon."
1602
1603 Q: Did she say or do anything to acknowledge that she knew you guys were
1604 deputies?
1605
1606 A: Not that I remember.
1607
1608 Q: Did she say or do anything stating the opposite, that she didn't know you were
1609 police?
1610
1611 A: Not that I remember.
1612
1613 Q: Just screaming, "Why are you here? "What are you gonna do?"
1614
1615 A: Yes.
1616
1617 Q: So she's walking towards the other two. You mentioned that Deputy
1618 (Espinosa) comes over and he's in your area now.
1619
1620 A: Yes.

1621
1622 Q: But Deputy Brown is still separated from you two now?
1623
1624 A: Yeah. He goes around the front of the car.
1625
1626 Q: So...
1627
1628 A: He goes - he goes around the front of my car at south.
1629
1630 Q: So Deputy Brown - she's coming towards Deputy Brown. He ends up going
1631 around the front of your vehicle?
1632
1633 A: Mm-hm.
1634
1635 Q: So now he's on the east side of your vehicle?
1636
1637 A: Correct.
1638
1639 Q: And south on Cleveland?
1640
1641 A: Correct.
1642
1643 Q: Where are you and (Espinosa) now?
1644
1645 A: We were - we were like moving together south - southwest.
1646
1647 Q: Closer to the west side of the road, moving south - southwest?
1648
1649 A: Yeah.
1650
1651 Q: What did she do?
1652
1653 A: Um, this is the part I don't remember. She followed Deputy Brown around the
1654 car, but I don't think she did. I think she started to and then she went back
1655 towards me and (Espinosa), and then she started, uh, advancing on us and she
1656 wasn't - wasn't fixated on Deputy Brown anymore, but he was on the east
1657 side pointing west.
1658
1659 Q: Okay.
1660
1661 A: And we were on the west side pointing east, and that's when I told him to get
1662 out of the way.
1663
1664 Q: You see this vehicle right here? Whether it is or isn't the same one, but was
1665 there a vehicle here?

1666
1667 A: Yes, because I remember Deputy Brown running in - once he cleared the
1668 vehicle - once he got to the vehicle is when I was like, okay, like, he - he's out
1669 of the way and that's when he was - when we were in a crossfire is when I
1670 said to Deputy (Espinosa), "Fuck, we're gonna to have shoot her." And then
1671 told him to get out of the way, he ran south, and then that's when we we're
1672 backing up to the sidewalk and that's when we got separated.
1673
1674 Q: Mm-hm. Did you fear for Deputy Brown because she was advancing towards
1675 him, or what - how did you feel about what was going on between her and
1676 Deputy Brown?
1677
1678 A: When they were over here, yes, I feared for his safety. When she was
1679 advancing on us, I feared for my safety and Deputy (Espinosa)'s safety.
1680
1681 Q: How close do you think she got to Deputy Brown?
1682
1683 A: Oh, God, super close, too close.
1684
1685 Q: She still have the knife down by her side?
1686
1687 A: Yes.
1688
1689 Q: Did she raise it up at all towards him?
1690
1691 A: I don't remember.
1692
1693 Q: Did she swing it at him at all?
1694
1695 A: I don't remember.
1696
1697 Q: At any point, did her and Deputy Brown actually go up towards any of these
1698 vehicles up here?
1699
1700 A: Uh.
1701
1702 Q: Or did they just go straight across to your vehicle?
1703
1704 A: They went north and then that's when he cut across in - in south.
1705
1706 Q: It's about in this direction, kind of like this snake here?
1707
1708 A: Yes.
1709
1710 Q: So they did go...

1711
1712 A: In south (unintelligible).
1713
1714 Q: ...in the north direction and then they went south?
1715
1716 A: Yes, in south.
1717
1718 Q: So somehow now, Deputy Brown has run south. You and Deputy (Espinosa)
1719 are over here, closer to the driveway of the residence?
1720
1721 A: Correct.
1722
1723 Q: And her attention becomes focused on the two of you?
1724
1725 A: Correct.
1726
1727 Q: Do you think that was because Deputy Brown turned around, or because you
1728 guys were yelling loud enough? How do you think that happened?
1729
1730 A: I think (unintelligible) we kind of drew her attention to us. And then, uh, when
1731 she was - she's already turned towards us, when I yelled at him to - to - to get
1732 out of there.
1733
1734 Q: To Deputy Brown?
1735
1736 A: Yeah.
1737
1738 Q: Still illuminated with flashlight?
1739
1740 A: I don't remember particularly but - I don't remember (unintelligible).
1741
1742 Q: But you still have your gun out?
1743
1744 A: I still have my gun out and I just still have a good shooting - whether it was
1745 like this or whether it was two hands. I still have a good shooting. I don't
1746 remember if I saw the flashlight on or not.
1747
1748 Q: So now she's coming towards you and Deputy (Espinosa)?
1749
1750 A: Correct.
1751
1752 Q: Still walking in the same manner as before, or how was she walking now?
1753
1754 A: Yes, very aggressive, very - very confrontational.
1755

1756 Q: Very confrontational? Has she started swinging this knife yet, or still holding
1757 it?
1758
1759 A: Still holding it.
1760
1761 Q: Is she saying anything now?
1762
1763 A: She's still yelling.
1764
1765 Q: Still yelling.
1766
1767 A: I don't remember what she was saying.
1768
1769 Q: Did you see her face?
1770
1771 A: Yeah.
1772
1773 Q: Can you describe the look on - maybe how she looked on her face?
1774
1775 A: Crazy, mad. She looked high. She wasn't - nothing we were saying was even
1776 registering with her.
1777
1778 Q: Do you think she heard you?
1779
1780 A: I know she heard us.
1781
1782 Q: Were you guys yelling loud enough for her to hear if she had been on a
1783 normal state?
1784
1785 A: We're yelling really loud. Yeah.
1786
1787 Q: So now she's coming towards you and Deputy (Espinosa), and you guys are in
1788 the driveway type area, but you guys separate now?
1789
1790 A: Yeah.
1791
1792 Q: And you mentioned him going to one side and you're going to another side of
1793 a vehicle?
1794
1795 A: Yes.
1796
1797 Q: Do you know what that vehicle was?
1798
1799 A: It's parked in the driveway right over here.
1800

1801 Q: Right over here?
1802
1803 A: Yeah.
1804
1805 Q: Do you know what kind of vehicle it was?
1806
1807 A: No.
1808
1809 Q: Big, large, small?
1810
1811 A: I could see him over the hood.
1812
1813 Q: See Deputy (Espinosa)? Okay. So it's...
1814
1815 A: It's probably a sedan, I think.
1816
1817 Q: So short enough for you to see him over there - over there?
1818
1819 A: Mm-hm.
1820
1821 Q: Yeah? And he ends up on which side of the vehicle?
1822
1823 A: The south side.
1824
1825 Q: He ends up on the south side of vehicle. And you ended up...
1826
1827 A: On the north side.
1828
1829 Q: On the north of the vehicle. So does that put you in this open space here where
1830 this white van is - is now?
1831
1832 A: Yes.
1833
1834 Q: And then what happened?
1835
1836 A: I kept backing up and all I remember there was a step by me. There's stairs
1837 behind me and she just got really close. She was like 4 feet from me. She was
1838 super close.
1839
1840 Q: What is she doing?
1841
1842 A: When she raised the knife up - to like her - to her waist-chest area, that's when
1843 I fired.
1844
1845 Q: Is she swinging? Did she poke?

1846
1847 A: No.
1848
1849 Q: But she raised it up?
1850
1851 A: Yeah.
1852
1853 Q: How did you feel about that?
1854
1855 A: I fear for my safety, for my life, and my partner's life.
1856
1857 Q: What did you think she was gonna do with that knife?
1858
1859 A: I thought she's gonna launch it in me.
1860
1861 Q: You think she would try to hurt you?
1862
1863 A: Without a doubt in my mind.
1864
1865 Q: When you fired your shots, was her arm still up?
1866
1867 A: Yes.
1868
1869 Q: Was she still screaming?
1870
1871 A: Yeah, yes.
1872
1873 Q: Was she still advancing?
1874
1875 A: Yes.
1876
1877 Q: And said you fired three shots.
1878
1879 A: Three shots.
1880
1881 Q: After you fired the shots, what happened?
1882
1883 A: Then she fell forward, face down. And she - I moved to the side of her and
1884 kept down on her like (unintelligible) also see the apartment. We thought that
1885 now we'll - she got someone else with her that's living in there
1886 (unintelligible).
1887
1888 Q: She kept going on her (unintelligible) peripheral, uh, department?
1889
1890 A: Correct.

1891
1892 Q: Where was Deputy (Espinosa) now?
1893
1894 A: Um, he was - he was running north from the - the south side of vehicle. He put
1895 his, uh, something a coat up and he put out, "shot fired." And then Deputy
1896 Espino- or Deputy Brown was running up and, uh, he got there. And
1897 (Espinosa) said, "We got to cover Galan up" and Brown gloved up and
1898 (unintelligible). (Espinosa) came up to my right side and he said, "You're
1899 okay? Let's go," and I said, "No, we got to clear the - the apartment." And he
1900 said, "Okay," and he said, "Are you okay?" and I said, "I'm fine. Let's go,"
1901 And so we cleared the apartment. And after we cleared it (unintelligible) and,
1902 uh, Deputy Brown s-stayed with the woman, and Deputy (Espinosa) walking
1903 north to the backside of his vehicle, and then Deputy (Ledesma) is parked here
1904 and he passed off to Deputy (Ledesma).
1905
1906 Q: When you came out of the house, did you stop here or you just keep going?
1907
1908 A: We just kept going.
1909
1910 Q: With Deputy (Espinosa)?
1911
1912 A: Correct.
1913
1914 Q: What is Deputy Brown doing?
1915
1916 A: Uh, he was just standing there?
1917
1918 Q: Did he handcuffed her before you guys went into the house?
1919
1920 A: Yeah, yeah, and she was secure before going into the house?
1921
1922 Q: She was secured?
1923
1924 A: Yeah.
1925
1926 Q: Um, when you guys went into the house, did you find anybody?
1927
1928 A: No.
1929
1930 Q: What did you see?
1931
1932 A: Um, when you first walked into the house, the - the door isn't open all the
1933 way. There's just rap behind it. Um, there's, uh, a red couch I think - there's -
1934 near on the south wall. Um, to the right is a kitchen and Deputy (Espinosa)
1935 cleared the kitchen while I helped along because there's a - a hallway and

1936 another door. That other door led to the garage area and that was cleared. And,
1937 um, right in - we walked into that little hallway, there's a closet door,
1938 bathroom door, bedroom door. I checked the closet. Deputy (Espinosa)
1939 checked the room and I checked the bathroom. There's a - there's a little
1940 closet over here I checked too, that was off of the - the bedroom.
1941
1942 Q: How would you, uh, describe the condition of the house, clean?
1943
1944 A: No.
1945
1946 Q: Not so clean?
1947
1948 A: No, not clean and smelled. There's crap everywhere. Uh, I wasn't able even
1949 open some of the doors because there's stuff behind the doors and...
1950
1951 Q: Did it appear potentially maybe there was some kind of argument or struggle
1952 inside the house?
1953
1954 A: Yeah, I think (unintelligible) just everywhere.
1955
1956 Q: Um, were there things on the porch outside?
1957
1958 A: Yes.
1959
1960 Q: What did you notice out there?
1961
1962 A: Um, I didn't notice the belong- like what the belongings were, but there's
1963 stuff like we just stepped over it to get off the stairs.
1964
1965 Q: Did you see anybody else at all?
1966
1967 A: Um, no. We were walking back this way, um, I looked - that like we stopped
1968 ere first before move into the back of the car, there were people coming out of
1969 this back.
1970
1971 Q: Now - gotcha.
1972
1973 A: (Unintelligible) and that's when he moved to the back of his car.
1974
1975 Q: When she fell down, after you fired your round, she fell facedown?
1976
1977 A: Yes.
1978
1979 Q: Did she move?
1980

1981 A: No.
1982
1983 Q: What happened to the guitar?
1984
1985 A: I think it was underneath her.
1986
1987 Q: What happened to the knife?
1988
1989 A: It was just out of her hand.
1990
1991 Q: Pretending this white vehicle isn't here, can you take my pen again and using
1992 an X, can you estimate or draw on there where it was that she landed when
1993 she fell?
1994
1995 A: I...
1996
1997 Q: Using a circle, can you put on there where you were when you fired?
1998
1999 A: I think she was down further.
2000
2001 Q1: (Unintelligible) remember (unintelligible) the best you can, yeah.
2002
2003 A: I think she was (unintelligible) down a little further than that.
2004
2005 Q: It's estimated, we understand that. You know, if you want to draw the - a big
2006 rectangle there to represent that car, because you'd kind of see on there where
2007 a car would normally go, correct?
2008
2009 A: Yeah.
2010
2011 Q: All right. Uh, which - using a little directional signal, which car was it parked
2012 right in, which direction? Okay. Okay? All right? Does that help?
2013
2014 A: And then she's down here.
2015
2016 Q: Here? Here? All right, perfect.
2017
2018 A: (Unintelligible).
2019
2020 Q: Okay. The last one parked here - there's two more, a square for (Espinosa). At
2021 the time that you - you fired your three shots, do you know where Brown was?
2022
2023 A: Damn, somewhere over here. I saw him get out of the way, I don't know if he
2024 stayed over there.
2025

2026 Q: So not real sure? But he was over in this general area somewhere?
2027
2028 A: Yeah, correct.
2029
2030 Q: Um, since you're not sure, um, it will be tough to, uh, to put him on there. But
2031 we do know that he was somewhere...
2032
2033 A: Somewhere...
2034
2035 Q: ...in the area of the vehicle on the east side of the roadway. Okay. The guitar
2036 you mentioned that being underneath her. Did you notice anything else on her
2037 body?
2038
2039 A: The knife was on her.
2040
2041 Q: Do you know where the knife was?
2042
2043 A: This part that I'm like...
2044
2045 Q: What?
2046
2047 A: ...why did she - she had the knife on right hand. She just raised it up like that.
2048 But then, like, when I - and I remember (unintelligible) her, I remember the
2049 knife being on the left side. I don't know.
2050
2051 Q: Well...
2052
2053 A: I just...
2054
2055 Q: Strange things happen, you know? Uh, I wouldn't - I mean, you go from what
2056 you remember, and just because - I mean, you know, now might not be the
2057 best, you know, time to try, and you know, analyze why things ended up the
2058 way that they did, if you remember them a different way. You know, I just - I
2059 just want, you know, what you saw.
2060
2061 A: The knife was on the ground, just out of her hand, um, because that was
2062 (unintelligible)...
2063
2064 Q: Draw a line on there, if you can, where you remember it. Did you remember
2065 anything else then?
2066
2067 A: No.
2068
2069 Q: Um, did you see any blood?
2070

2071 A: Yeah?
2072
2073 Q: And where was that?
2074
2075 A: She's laying down and she's handcuffed. There's a big pool of blood on the
2076 right side coming out.
2077
2078 Q: Did at some point somebody call for first aid or paramedics or anything?
2079
2080 A: Yeah, and it was - it was - I mean, that they were - ambulance was parked up
2081 on scene when I was walking to the back of the car.
2082
2083 Q: Because I know somebody that said "Shots fired" on the air, right? Did you
2084 know who that was?
2085
2086 A: Uh, Deputy (Espinosa).
2087
2088 Q: Did - did you hear anybody call for paramedics or first aid?
2089
2090 A: Uh-uh.
2091
2092 Q: But they eventually showed up?
2093
2094 A: Yeah. And when we were walking - when we cleared this, we were walking
2095 out, he said "Code 4" and he's saying "Check pulse," like, deputy is hit or
2096 something like that. And he was like, "No, suspect down, secured," and then
2097 "We're Code 4 (unintelligible)," and he confirmed it. And right away, the
2098 ambulance pulled up right here.
2099
2100 Q: But were you injured at all?
2101
2102 A: No.
2103
2104 Q: When you were backing up, you said you're backing up and she was coming
2105 towards you, and you mentioned the - you coming to the stairs and other
2106 things behind you. Um, did you bump into anything as you were backing up?
2107
2108 A: No.
2109
2110 Q: Did you happen to notice how close you were to whatever was behind you?
2111
2112 A: No.
2113
2114 Q: If you were to continue backing up, would you eventually have run into
2115 something?

2116
2117 A: Yes.
2118
2119 Q: Were you close to those items?
2120
2121 A: Um.
2122
2123 Q: Did you have much further to go before you had run out of room?
2124
2125 A: No, (unintelligible) 6 feet or so, 6, 7 feet, something like that (unintelligible).
2126
2127 Q: And at that point, did - there would be nowhere for you to go?
2128
2129 A: No.
2130
2131 Q: When - when the paramedics got there, did you - and the point when you
2132 walked out or prior to going to the house, did you ever see Deputy Brown or
2133 Deputy (Espinosa), yourself ever admin- administrating type of first aid?
2134
2135 A: I did not and Deputy (Espinosa) did not. I do not know if Deputy Brown did
2136 and while we were inside clearing and after, I mean, I - I don't know about
2137 him. I could say I did not and Deputy (Espinosa) did not.
2138
2139 Q: Did Deputy Brown do any that you saw?
2140
2141 A: That I saw, no.
2142
2143 Q: Okay. Um, when you came back out, the paramedics hadn't started treating
2144 her yet.
2145
2146 A: No. They were, uh - they're calling out to us if - if there was a deputy injured,
2147 where was the deputy. And we told them none - none of us were hurt, that
2148 there's suspect in the driveway.
2149
2150 Q: Okay. Did you ever see her turned over, or was she on her - her face down?
2151
2152 A: She's on face down. I never saw her turned over.
2153
2154 Q: Other than the guitar and the knife, did you see her with any other weapons?
2155
2156 A: No.
2157
2158 Q: Did you see her carrying anything else?
2159
2160 A: No.

2161
2162 Q: You just saw and cleared. You said you've been with the Sheriff's Office for
2163 three years?
2164
2165 A: Correct.
2166
2167 Q: Once you graduated the academy, you went directly to patrol?
2168
2169 A: No. I was at a - I did court (unintelligible), and when I was in courts from
2170 April 2011 to October of 2011.
2171
2172 Q: So...
2173
2174 A: And then I went out to FTO October 31 of 2011.
2175
2176 Q: And so that's six - out of the total of that roughly three years, six - the first six
2177 months was courts, then the rest has been all patrol, whether it was parks or
2178 headquarters.
2179
2180 A: Correct.
2181
2182 Q1: Okay. Okay. Now, I know you said you were in a marked Sheriff's Office
2183 patrol car?
2184
2185 A: Correct.
2186
2187 Q1: What color is the patrol car?
2188
2189 A: White.
2190
2191 Q1: Does it have any markings?
2192
2193 A: It says Sheriff and has a badge.
2194
2195 Q1: Where?
2196
2197 A: On - on both the side of the door, both.
2198
2199 Q1: On both sides?
2200
2201 A: Correct.
2202
2203 Q1: Of the car?
2204
2205 A: Both sides.

2206
2207 Q1: And if I - if I understand you correctly, you said you were parked basically in
2208 the middle of Cleveland.
2209
2210 A: Correct.
2211
2212 Q1: Uh, facing northbound?
2213
2214 A: Correct.
2215
2216 Q1: And pretty much directly right in front of 95 Cleveland?
2217
2218 A: Correct.
2219
2220 Q1: Okay. And at some point, you called out to the female on the porch?
2221
2222 A: Correct.
2223
2224 Q1: And she turned and looked at you, or caught up and turned and looked at your
2225 direction?
2226
2227 A: Correct.
2228
2229 Q1: Were you near your car when you did that?
2230
2231 A: Correct.
2232
2233 Q1: So if she was looking at your direction with the car- with your patrol car has
2234 been in front of you or behind you?
2235
2236 A: Uh, just behind me.
2237
2238 Q1: And then - and that - from that perspective that she had, what would she see, if
2239 anything of the patrol car?
2240
2241 A: Me in uniform, patrol car directly behind me and the word Sheriff with a big
2242 star right there.
2243
2244 Q1: Okay. And I know you used your flashlight to illuminate her...
2245
2246 A: Correct.
2247
2248 Q1: ...just like the other deputies did. Do you remember what the street lighting
2249 was like, if any?
2250

2251 A: Street lighting was, uh, low, but there's ambient lighting from. And then the
2252 porch was completely illuminated so as the - the - the apartment because the
2253 door was open to the apartment, it was all lit up.
2254
2255 Q1: So is it fair to say that, um, you were not necessarily walking towards her out
2256 of pitch blackness or anything?
2257
2258 A: Correct.
2259
2260 Q1: There was some light where you could see details?
2261
2262 A: Yes.
2263
2264 Q1: Okay. And I know you said you called out to her and usually you either call
2265 out "Ma'am," or - or "Hey." Is - is that it, or do you include some advisement
2266 that you're with the Sheriff's Office or you're a deputy or police or law
2267 enforcement?
2268
2269 A: Usually I say, um - well, I guess it just kind of depends on the situation.
2270
2271 Q1: Okay.
2272
2273 A: But I don't remember what I said this time exactly.
2274
2275 Q1: Okay.
2276
2277 A: But Deputy Brown saw the knife, like, almost immediately.
2278
2279 Q1: Okay.
2280
2281 A: Called it out.
2282
2283 Q1: Do you know if she would have been able to see their cars with-without any
2284 obstruction or - or if you know?
2285
2286 A: I don't know.
2287
2288 Q1: Okay. And at one point, especially when you said that she came very close to
2289 you, within about 4 feet, you made a motion with your arm where you kind of
2290 bent your arm almost like a - at - at a 90-degree angle?
2291
2292 A: Yes.
2293
2294 Q1: But because you're sitting, I don't know if it was a true - somewhat 90-degree
2295 angle where her forearm would be parallel to the ground, or was it raised a

2296 little higher than 90 degrees, if you even know?
2297
2298 A: The knife was - was - she bent her - her arm so that the knife was around her,
2299 like, chest area.
2300
2301 Q1: Okay.
2302
2303 A: I don't know for her what that would be that the knife was up around her chest
2304 area.
2305
2306 Q1: Okay. So with - with that, with her holding on like that, which way was the...
2307
2308 A: The blade was facing at me...
2309
2310 Q1: That's...
2311
2312 A: ...pointing towards me.
2313
2314 Q1: The pointed blade?
2315
2316 A: Yes.
2317
2318 Q1: Okay. And do you know if she made any thrusting motion or any type of
2319 motion at all, other than the raising? Did she say anything when she did that?
2320
2321 A: I don't remember.
2322
2323 Q1: Do you remember where you - I don't know what you're looking at, uh, but
2324 do you remember seeing any particular look on her face and type of
2325 expression?
2326
2327 A: I just remembered her face being so angry and - when I looked into her face, I
2328 was like, "She's crazy."
2329
2330 Q1: Okay. Did it seem like the anger was directed at you at that moment?
2331
2332 A: Yes.
2333
2334 Q1: Okay. And I know you said she was carrying the guitar by the neck, for lack
2335 of a better term, the body of - of, uh, the guitar, was it down, or was it...
2336
2337 A: It was close to the ground.
2338
2339 Q1: Okay. And I know you said, uh, there were items of close proximity to you at
2340 the time you shot from behind you. Do you remember what those are?

2341
2342 A: (Unintelligible).
2343
2344 Q1: Do you know if there's any type of, um, barrier, fences, boulders, trees, rocks,
2345 shrubs, anything that would have...
2346
2347 A: (Unintelligible) steps, those were behind me, so it would be (unintelligible). I
2348 remember thinking, I was like, these steps she's coming out and then there's
2349 stuff on the ground.
2350
2351 Q1: So you were, uh - you remember yourself kind of backing up towards the
2352 steps?
2353
2354 A: Yes.
2355
2356 Q1: As you face the steps, do you remember if there's anything to the left or to the
2357 right of those?
2358
2359 A: No, on the steps, most of the stuff was on the left side. There's some stuff that
2360 comes breakaway, I stepped over it. And when I - when I come to steps and
2361 when I got - and when I got off the steps, it was from the right side, or if
2362 you're looking at it, the right side.
2363
2364 Q1: Okay.
2365
2366 A: So the north side of the steps was - there was less debris. There's more debris
2367 on that - the south side of the steps.
2368
2369 Q1: So if this picture depicts it accurately enough, the south side of the steps
2370 would be somewhere around here where...
2371
2372 A: Correct.
2373
2374 Q1: ...these garages are.
2375
2376 A: Mm-hm.
2377
2378 Q1: And then the north side, you said there's more items? Mm-hm.
2379
2380 A: And then the - the south side, there was more items and there was less items
2381 on the north sides. On the - on the other side of the steps, there was less items.
2382
2383 Q1: That's on the porch - on the actual porch. What about down in this, uh...
2384
2385 A: In the open area.

2386
2387 Q1: ...concrete open area, do you remember any items there? Not sure? Okay.
2388 And, uh, I can't - I don't know if I said - I just remember if it was asked. Um,
2389 have you ever been involved in any other officer-involved shooting incidents?
2390
2391 A: No. I was like the - the third string at the query. I was on - I was - I was taken
2392 out of court for the, um - to - to secure the scene. I was - I was on the core
2393 (unintelligible) unit going up from the deputy at the top or the (unintelligible)
2394 and the deputy at the bottom, closing off the street. I was there - go between
2395 each other (unintelligible) that. So I was - I was there - like a way there.
2396
2397 Q1: Okay. But that was right after the fact?
2398
2399 A: Yeah.
2400
2401 Q1: Never in the incident...
2402
2403 A: No, never.
2404
2405 Q1: ...as it was occurring?
2406
2407 A: No.
2408
2409 Q1: Okay. And I know you said you saw blood, uh, after the shooting, correct?
2410
2411 A: Correct.
2412
2413 Q1: Did you see any blood before the shooting?
2414
2415 A: Uh, no, I did not.
2416
2417 Q1: Would you have been able to see if she had been bleeding from any part of the
2418 front of her body?
2419
2420 A: Uh, no. She, uh, was - I believe all the way down, she - she was covered, but I
2421 didn't see anything. I didn't see any blood.
2422
2423 Q1: Did she behave as if she might have had some sort of a wound or injury?
2424
2425 A: No.
2426
2427 Q1: Okay.
2428
2429 A: (Unintelligible) crazy.
2430

2431 Q1: Crazy?
2432
2433 A: (Unintelligible), just coming to us.
2434
2435 Q1: Okay. And, um, do you know about how tall she was?
2436
2437 A: She's around...
2438
2439 Q1: Can you describe her size?
2440
2441 A: She's around my height, um, heavier set. Um, she was (unintelligible), the
2442 middle.
2443
2444 Q1: How tall are you?
2445
2446 A: I'm 5'8.
2447
2448 Q1: So she's about 5'8.
2449
2450 A: Plus or minus.
2451
2452 Q: (Unintelligible)?
2453
2454 A: Yeah.
2455
2456 Q1: Okay. And then - and you said she was heavier than you?
2457
2458 A: Yeah.
2459
2460 Q1: Can you estimate the size, you know, how much?
2461
2462 A: All the way to 170 (unintelligible).
2463
2464 Q1: Okay.
2465
2466 A: 170, yeah, ish.
2467
2468 Q: Okay. Any, um, illnesses - I asked you if you're injured, but you - you said
2469 you had no - no injuries or illnesses.
2470
2471 A: I'm just getting a cold right now.
2472
2473 Q: When did cold start?
2474
2475 A: (Unintelligible). I don't know. I actually have a cough that comes when it's

2476 like bad weather or something like that, um.

2477

2478 Q:

2479

2480 A:

2481

2482 Q:

2483

2484 A:

2485

2486 Q:

2487

2488 A:

2489

2490 Q:

2491

2492 A:

2493

2494 Q:

2495

2496 A:

2497

2498 Q:

2499

2500 A:

2501

2502 Q:

2503

2504 A:

2505

2506 Q: Do you think she, uh, intended to - to harm anybody?

2507

2508 A: Yeah.

2509

2510 Q: Who?

2511

2512 A: Us.

2513

2514 Q: You and your partner?

2515

2516 A: (Unintelligible).

2517

2518 Q: What if somebody else would have come to the scene, maybe some of the

2519

2520 people in - you know, Unit B or C?

2521 A: Yeah, definitely (unintelligible) she - I don't think she - I don't believe that
2522 she was in sound mind. I don't think that she heard anything or
2523 (unintelligible). She's - nothing appeared to register.
2524

2525 Q: I might have asked this, but I don't remember. Um, did anybody else fire?
2526

2527 A: No.
2528

2529 Q: Do you know if - other than Espinosa and possibly Brown, if anybody else
2530 witnessed anything?
2531

2532 A: No, I did not, like, seen anyone on the street. I didn't not see any head poke
2533 out in the house or anything like that.
2534

2535 Q: As part of our duties here, uh, with the Sheriff's Office, we are required to
2536 maintain range qualifications, correct?
2537

2538 A: Yes.
2539

2540 Q: Do you know how often we are required to do that?
2541

2542 A: Uh, biannual.
2543

2544 Q: Biannual? By - by year?
2545

2546 A: Mm-hm, (unintelligible).
2547

2548 Q: Um, do you recall your last range qualification date?
2549

2550 A: Not the exact date, it was - it was August or September of 2013 and it was in
2551 parks.
2552

2553 Q You did it while you're on parks in either August or September of 2013?
2554

2555 A: Yes, sir. It was on a Thursday morning at 9 o'clock.
2556

2557 Q: So within the last five, six months?
2558

2559 A: It was actually September, yeah.
2560

2561 Q: It was September?
2562

2563 A: Yeah.
2564

2565 Q: Um, any other training that we're required to do? I specifically, you know,

2566 kind of in my head, thinking about - are you familiar with the Force Options
2567 course?

2568
2569 A: Uh, yes.

2570
2571 Q: Um, do you recall taking that course?

2572
2573 A: Uh, I do and I know that I'm due (unintelligible). I think I am.

2574
2575 Q: Do you know how often it's required?

2576
2577 A: Around two years.

2578
2579 Q: Around two years? Do you remember when the last time you might have
2580 taken one?

2581
2582 A: Uh, one or two years. I mean, I know that I'm due at the end of this year, so I
2583 know that I'm still technically current.

2584
2585 Q: Okay.

2586
2587 A: I'm due by the end of the year.

2588
2589 Q: Okay. So you, uh, have been working, with the exception of the one week in
2590 South County, for the last month, you've been working with Bravo, correct?

2591
2592 A: Correct.

2593
2594 Q: Prior to going to Park Patrol, you were Bravo (unintelligible)?

2595
2596 A: South County.

2597
2598 Q: South County? But, uh, prior to this past month, have you ever been assigned
2599 to Bravo unit before, other than training?

2600
2601 A: Yes.

2602
2603 Q: Have you ever been to that house before?

2604
2605 A: No, not once.

2606
2607 Q: And no history of that house at all?

2608
2609 A: Not (unintelligible), I've never been to that address before.

2610

2611 Q: Do you know that they were - do you know if you've seen this lady before?
2612
2613 A: No, I've never seen her before.
2614
2615 Q: Do you know of anybody that does - has been in the house on calls pre-
2616 previously?
2617
2618 A: No, I did not.
2619
2620 Q: Nobody has mentioned been to the house? No-nothing - that house just isn't -
2621 it's not popping up on your radar?
2622
2623 A: No.
2624
2625 Q: Okay.
2626
2627 Q1: Do you know if - if anyone ever checked her vitals after she was shot?
2628
2629 A: No, I don't know.
2630
2631 Q1: Okay. Do you know - well, I'll just ask about your car. Our patrol cars are
2632 equipped with in-dash cameras, correct?
2633
2634 A: Correct.
2635
2636 Q1: Is your in-dash camera functioning?
2637
2638 A: Yes, it is.
2639
2640 Q1: Do you know if you had a chance to activate it, or if it was activated?
2641
2642 A: No, I did not activate it.
2643
2644 Q1: Okay. Do you know if any of the other two, uh, deputies, if they activated
2645 theirs?
2646
2647 A: I do not know if they activated theirs.
2648
2649 Q1: Okay. Any, counsel?
2650
2651 A1: Um, just one question, when did you last inspect your firearm?
2652
2653 A: Uh, we had inspection on Tuesday night. Uh, Lieutenant (Vasquez), um,
2654 inspected our firearm.
2655

2656 Q1: What did that consist of?
2657
2658 A: Um, we went to the gun barrel. We unloaded it and he checked to make sure
2659 that we had full magazine on the chamber and that the gun was clean.
2660
2661 Q1: Okay. Have you - have you or anyone else made any unauthorized
2662 modifications to your firearm?
2663
2664 A: No.
2665
2666 Q: Um, your last qualification was with that weapon, were there any
2667 malfunctions or anything with the weapon during your qualification?
2668
2669 A: Nope.
2670
2671 Q1: Okay.
2672
2673 A1: I have nothing else.
2674
2675 Q1: Okay. And as far as you know, the safety on weapon is functioning properly?
2676
2677 A: Yes.
2678
2679 Q1: Okay. And is that the same weapon that was taken in as evidence earlier
2680 today?
2681
2682 A: Yes.
2683
2684 Q1: Okay. And I know we kind of covered what you were wearing, but prior to
2685 this interview, where you photographed wearing the exact uniform that you
2686 were wearing at the time of incident?
2687
2688 A: Yes.
2689
2690 Q1: Do you know who did that?
2691
2692 A: Um, (unintelligible).
2693
2694 Q1: Okay. Is there any questions you have for us, or anything, um, more that you
2695 want to tell us that perhaps you feel is important for us to know? Any areas
2696 you wish we could go over some more?
2697
2698 A: No.
2699
2700 Q1: Okay.

2701
2702 Q: Just give us a second, all right.
2703
2704 A1: If you needed to take a walk or...
2705
2706 Q: You're good? (Unintelligible)?
2707
2708 A: Yeah, I'm good.
2709
2710 Q: All right.
2711
2712 A1: You can answer. You're gonna answer that?
2713
2714 A: Yeah.
2715
2716 A1: Okay. (Unintelligible). They will ask that we (unintelligible).
2717
2718 Q: Yeah. Thank you for your patience. And it's a powerhouse and it's so warm in
2719 here. How are you doing?
2720
2721 A: I'm okay.
2722
2723 Q: Okay?
2724
2725 Q1: Do you want anything? You want a drink? There's some sodas actually.
2726
2727 A: I'm good.
2728
2729 Q1: Okay.
2730
2731 Q: Well, just a - a couple more, uh, questions. Uh, first off, I know we asked
2732 about, um, the other officer-involved shootings, uh, on duty. Have you ever
2733 been involved in any other type of shooting off-duty, or any hunting accidents
2734 or anything like that?
2735
2736 A: No.
2737
2738 Q: Um, she's advancing towards you. You have your firearm now. You fire your
2739 firearm three times. Do you know if you hit her?
2740
2741 A: Yes, I shot her.
2742
2743 Q: Every shot? Do you know where?
2744
2745 A: (Unintelligible).

2746
2747 Q: With three...
2748
2749 A: Three.
2750
2751 Q: And she fell?
2752
2753 A: And she fell.
2754
2755 Q: Did you fire any more rounds after that?
2756
2757 A: No.
2758
2759 Q: Did you hear any other rounds after that?
2760
2761 A: No.
2762
2763 Q: But you hit her with your rounds?
2764
2765 A: Yes.
2766
2767 Q: At the time that you fired, so again how - how far away was she?
2768
2769 A: Possibly 4 feet.
2770
2771 Q: Very close?
2772
2773 A: Yes.
2774
2775 Q: Maybe a little bit beyond arm's - arm's length?
2776
2777 A: Yeah.
2778
2779 Q: Um, I - I think we - we talked about this, but I'm gonna ask just in case we
2780 didn't. Deputy (Espinosa) walked you back, Deputy (Ledesma) was there, he
2781 passed you off to Deputy (Ledesma). Did you guys stop and talk, you and
2782 Deputy (Espinosa) at your cars?
2783
2784 A: No, he just asked me if I was okay.
2785
2786 Q: And he passed you on to Deputy (Ledesma)? You stayed with Deputy
2787 (Ledesma)...
2788
2789 A: Yes.
2790

2791 Q: ...after that, the entire time?
2792
2793 A: Yes.
2794
2795 Q: Did you stay at his car?
2796
2797 A: Yes.
2798
2799 Q: For how long?
2800
2801 A: It was probably a few minutes. Um, so we're talking, where he asked me how
2802 many shots were fired and - and then I think he asked where I shot from. And
2803 I was confused about that question and I didn't answer that question. When he
2804 asked me how many shots were fired, I told him three. Um, he asked me if I
2805 was okay. Lieutenant (Kimble) came over and asked me if I was okay. I saw
2806 him last time at the other incident so he stopped by. Um, Deputy
2807 (Summerbuild) and Deputy Piazza stopped by and asked if I was okay. Um, a
2808 few minutes and Deputy (Ledesma) was like, "I'm getting her out of here."
2809 He's trying to get an attorney because she's somewhere. He was calling her
2810 and trying to get her and...
2811
2812 Q: She was playing cops, huh?
2813
2814 A: Yeah.
2815
2816 Q: All right.
2817
2818 A: Because it's her job. So when he finally got her, we took off.
2819
2820 Q: Um, you guys came straight here?
2821
2822 A: Yes. We north of Cleveland to (Forest) to Bascom (unintelligible).
2823
2824 Q: You guys are discussing the incident in the car all the way?
2825
2826 A: No.
2827
2828 Q: Um, and then you met with, uh, uh, eventually, correct?
2829
2830 A: Yes.
2831
2832 Q: Okay. Um, when you left, were Brown and (Espinosa) still there?
2833
2834 A: Yes.
2835

2836 Q: And other units were there, trying to set up - had fire departments already left
2837 when you left, or were they still there?
2838
2839 A: They're still there.
2840
2841 Q: Okay.
2842
2843 Q1: And that what, if anything, was - was, um, retrieved from you as far as
2844 evidence besides your firearm and your magazines?
2845
2846 A: That's it.
2847
2848 Q1: That was it? Okay. And said that Deputy Ledes- (Ledesma) was with you that
2849 entire time, even when they were retrieving that?
2850
2851 A: No, uh, Lieutenant (Lera) took me up, um, when they retrieved and
2852 photographed me, um, and she went with me to change and - yeah, I was even
2853 with her and Deputy (Ledesma).
2854
2855 Q: And you did not have anything, blood or anything on your uniform? Nothing
2856 else was collected for evidence? Just your - your firearm and your uniform,
2857 your magazine?
2858
2859 A: Yes.
2860
2861 Q: Okay.
2862
2863 Q1: Okay. And - and just so we're clear, uh, what's the capacity of your
2864 magazines?
2865
2866 A: They're 15 round mags.
2867
2868 Q1: And how do you load your gun?
2869
2870 A: Uh, we load all 15 in the magazine and one in the chamber, so there's 16
2871 rounds in my gun.
2872
2873 Q1: Okay. So total rounds, you would have 46?
2874
2875 A: Correct.
2876
2877 Q1: Yeah? Did you reload any of your magazines?
2878
2879 A: No, I did not.
2880

2881 Q1: Okay. We're good.
2882
2883 Q: Okay.
2884
2885 Q1: Yup, yes.
2886
2887 A1: Well, I have one question.
2888
2889 Q1: Yes.
2890
2891 A1: Um, why did you stop firing?
2892
2893 A: Because she's no longer a threat.
2894
2895 A1: Okay. That's all I have.
2896
2897 Q1: And maybe going hand in hand, uh, at some point during this encounter, uh,
2898 part of the shooting, you made a statement, something to the effect of - I think
2899 you said, "Fuck, we're gonna have to shoot her."
2900
2901 A: Correct.
2902
2903 Q1: What were you thinking when you said that? How were you feeling?
2904
2905 A: (Unintelligible) told us this is part of job. And when it comes, it's like- it's
2906 like a certain feeling, I'm not gonna describe it. But oh, fuck, why I said that
2907 exactly, like it - it's like shit, like, this is gonna happen. And I said it and I just
2908 (unintelligible) happen. And we're going and we're trying to just kept backing
2909 up and backing up.
2910
2911 Q1: So even at that point in time where you - you're already recognizing that that
2912 may happen, there - some time still went by before it actually did?
2913
2914 A: Yeah.
2915
2916 Q1: And during that time, it sounds - or what you're saying is you were backing
2917 up, trying to - is it fair to say you're trying to avoid it from happening?
2918
2919 A: Yeah.
2920
2921 Q1: Okay. Okay, counselor? Anything? No? Um, we're - we're done with our
2922 interview.
2923
2924 A: Okay.
2925

2926 Q1: But then, uh, I don't know if you've spoken - if there's an administrative
2927 investigation that kind of parallel as this one. And I know those in- uh,
2928 investigators want to speak with you and your counsel.
2929

2930 A: Okay.
2931

2932 Q1: Uh, what we're going to do is, obviously, we're going to shut off all
2933 recordings and (unintelligible) to the room. Um, and then they'll probably
2934 come in and explain what their next step is.
2935

2936 A1: (Unintelligible) here?
2937

2938 Q1: It would probably be here, but I'll - I'll go and confirm.
2939

2940 A1: All right.
2941

2942 Q1: I-it would probably be wherever you - everyone is most comfortable.
2943

2944 A1: Okay.
2945

2946 Q1: Um.
2947

2948 A1: And we'll step out of the room?
2949

2950 Q1: Yes, I don't see why not.
2951

2952 Q: While we are all sitting here real quick, if you can, uh, sign, badge number,
2953 date and time, um, this form for me. Your badge number, we're gonna use
2954 November 16. I'm going to say 1:43, 1343. Okay. Thank you.
2955
2956

2957 The transcript has been reviewed with the audio recording submitted and it is an accurate
2958 transcription.
2959 Signed _____