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4
5
6
7 **INTERVIEW WITH**

8 **Q=Deputy Galaviz**

9 **A=**

10
11
12 Q: This is Deputy Galaviz, Badge 2151. I will be interviewing witness
13 , witness number two, in regards to event 133200004B
14 Bravo. The time is approximately 0214 hours. Okay, , we are just
15 going to discuss what led up to today's occurrences, what you heard, what you
16 saw. And I want to hear like what you heard as well. I know you may have
17 talked to your neighbors - who was in it.

18
19 A: No. Just in here. All right.

20
21 Q: And I see you here, you have your son, what's your son's name?

22
23 A:

24
25 Q: And how old is he?

26
27 A: Eight months.

28
29 Q: Eight months. Okay, and he'll be on your lap. I just want to give that heads up
30 for recording...

31
32 A: Yes.

33
34 Q: So, so when they hear your son...

35
36 A: Right, my son's name...

37
38 Q: ...son, son's - they know what the noise is. So you have him on your lap. Like
39 I said I just want to hear what you heard or saw today.

40
41 A: Right.

42
43 Q: So where were you at this evening?

44
45 A: I was in my bedroom...

46
47 Q: And you live in Apartment B?
48
49 A: Right, B.
50
51 Q: And what's the address?
52
53 A: 95 Cleveland.
54
55 Q: Okay.
56
57 A: And I had put him to sleep and I was about to go to sleep and I could hear
58 arguing next door.
59
60 Q: What time would you say?
61
62 A: Probably around between 11:30 and midnight.
63
64 Q: Okay.
65
66 A: And so, I was just laying in bed and I could tell that there was arguing going
67 on and...
68
69 Q: Arguing between who?
70
71 A: It's between (Andie) and I'm guessing her husband, I'm not sure. And then at
72 a certain point it seemed like it shifted and she was on the phone. And I could
73 hear her talking - at first she was talking about, um, renting to own and then it
74 switched to, um, somebody buying Sudafed in her name.
75
76 Q: Okay. And so, why would you say you thought it was on the telephone?
77
78 A: Because I couldn't hear a response.
79
80 Q: Okay.
81
82 A: That's how I knew it was online but it seemed like she was like on the phone
83 with someone or she was maybe talking to herself I guess, that's also possible.
84
85 Q: Okay. So she was either on the phone or talking to somebody else because no
86 one was responding.
87
88 A: No one was responding that I could hear.
89
90 Q: Okay. And does your bedroom back up to (Andie)'s...

91
92 A: I don't know what room it is. I haven't been inside the house.
93
94 Q: But it backs up to their apartment...
95
96 A: Yeah.
97
98 Q: You guys share a wall?
99
100 A: Share a wall. So it was first talking about the renting to own and not caring
101 about the landlord. And then it was being upset about the purchase of Sudafed
102 in her name. And then there just started to be lots of things, like noise, like it
103 sounded like she was hitting like either the walls or the floor. And then the
104 door flung, like I could hear the doors open, the front door.
105
106 Q: So you heard which is a random bang. You weren't able to...
107
108 A: No.
109
110 Q: Distinct floor and...?
111
112 A: No. It was just...
113
114 Q: Anything breaking or just banging?
115
116 A: Just banging.
117
118 Q: And it was coming from her apartment?
119
120 A: Yes. And then I got up because I could feel like the floor shaking because
121 something was being hit against the floor, and I tried to look outside to see
122 what was going on, and then it seemed like she had a guitar from what I could
123 tell.
124
125 Q: So you opened the door and looked out, what?
126
127 A: I was looking through the window.
128
129 Q: Okay.
130
131 A: I couldn't see the guitar. I could hear the guitar, like the guitar strings. And
132 then I got the phone and I called 911 to question...
133
134 Q: Were you able to see her?
135

136 A: No.
137
138 Q: No? Was she - do you know if she was outside or anything?
139
140 A: Based on the sound, like where the sounds were coming from and the way that
141 the deck was vibrating, I got the feeling that she was outside. Like right in the
142 front part of the house there by the stairs.
143
144 Q: Okay. And you - and at that point you dialed 911?
145
146 A: Yeah. I called 911 and they said that they were - well, and so, when I called
147 911 of course it's a cellphone so they, it took a while to transfer me through
148 and I had opened the door by that time, and...
149
150 Q: So you were on the phone on 911 when you opened the door?
151
152 A: Yeah.
153
154 Q: Or, yeah...
155
156 A: And I could hear her yelling outside and then male voices yelling back at her.
157
158 Q: Could you see her at...
159
160 A: No. And then I heard then yell at her to put the knife down.
161
162 Q: Oh, yeah.
163
164 A: And...
165
166 Q: Any idea what you heard - then you heard - then you heard yelling, then you
167 heard male voices.
168
169 A: Yeah, male voices yelling.
170
171 Q: Do you know who those male voices were?
172
173 A: No. At that time I didn't. And then when they said to put the knife down, that
174 man whoever it was who said...
175
176 Q: Was it one voice or multiple voices?
177
178 A: I just heard one voice say put the knife down but it seems like there was
179 multiple people out there.
180

181 Q: Was it yelling?
182
183 A: Yes. But like controlled yelling, like I would guess a police officer.
184
185 Q: You are assuming it's a police officer...
186
187 A: Yes.
188
189 Q: And you heard him say put the knife down.
190
191 A: Yes.
192
193 Q: And then...
194
195 A: And then there was...
196
197 Q: And you said you were, had your door open, right. Were you were on your
198 balcony or no?
199
200 A: No. I was just like standing...
201
202 Q: You were speaking of...
203
204 A: ...in my doorway. And then they were transferring the call, so I was waiting.
205 And then there is a few seconds and then I hear the gunshots.
206
207 Q: How many?
208
209 A: I would guess five.
210
211 Q: Heard five?
212
213 A: I'm guessing.
214
215 Q: Oh...
216
217 A: I don't count guns...
218
219 Q: Asking, it's really fine, we're going off the - what you knew you heard, I'm
220 not going to coach through to say, hey, this was...
221
222 A: Yes.
223
224 Q: If you heard five then you heard five, heard five gunshots.
225

- 226 A: Yes, four or five. And so, then I backed away from the door, and by then they
227 had transferred me to San Jose police and they told me in the house and that
228 they were already on the scene.
229
- 230 Q: Okay. So at that point you heard the gunshots and backed away from the
231 door? And did you stay in your apartment?
232
- 233 A: Mm-hm. Yeah. And then maybe after about five minutes I opened the door.
234
- 235 Q: Mm-hm.
236
- 237 A: And my neighbors were out there and they were just asking if the baby was
238 okay. And then the police came and talked to them and I closed the door.
239
- 240 Q: Okay. So you talked to your neighbors. We arrived. You came in and then you
241 didn't have any more contact with Deputy Dwyer our friend given - anything
242 else.
243
- 244 A: No, that's really it.
245
- 246 Q: Okay. So now I'm going to have questions to what you just described to me.
247
- 248 A: Mm-hm.
249
- 250 Q: When you were hearing the loud bang - let me see, okay, when you heard
251 (Andie)...?
252
- 253 A: Mm-hm.
254
- 255 Q: And I know you said you figured it was she was arguing with, so
256 just where were the male voices you heard her arguing with. Could you tell
257 what they were arguing about or what was really said?
258
- 259 A: No.
260
- 261 Q: Well, did it sound angry or was it just loud talking?
262
- 263 A: She was angry. I didn't really hear a lot from the male voice, that would have
264 just been like a muffled response.
265
- 266 Q: Okay. And just describe it. Your bedroom is at the back of...
267
- 268 A: Yeah.
269
- 270 Q: ...your apartment away from your front door, so the noise has to travel through

271 some walls to get to you. I just want to...

272

273 A: Well, it seems like they were, well, I mean, if they were in the living room,

274 then, yes, it would have to travel through some walls. If they were in the back

275 of their house then it would just be one wall.

276

277 Q: Okay. So you weren't able to tell, or...?

278

279 A: No. It seems like the later conversation was closer to my bedroom wall.

280

281 Q: Okay.

282

283 A: Sure, because I could literally hear every word.

284

285 Q: How long would you say that argument with the male and (Andie) was going

286 on?

287

288 A: It seems like probably only like 15 minutes, it didn't seem very long.

289

290 Q: Do you know the approximate time?

291

292 A: Like around 11:30?

293

294 Q: Okay. So did you hear anything - did it just stop abruptly or did somebody say

295 get out of here, or?

296

297 A: I didn't hear any like to get out of here, it just kind of stopped abruptly and I

298 assumed that he had left or whoever was there had left. And then it seemed

299 like the conversation changed either for talking on the phone or her talking to

300 herself.

301

302 Q: And was it continuing of loud talking or angry yelling...?

303

304 A: Angry yelling. It seemed to escalate more once I thought she was alone.

305

306 Q: So you thought she was alone.

307

308 A: Yeah.

309

310 Q: And you felt the situation escalated?

311

312 A: Mm-hm.

313

314 Q: So you said she - when you believed she was by herself and no one

315 responding she was arguing about rent-to-own and then about the landlord...

316
317 A: Mm-hm.
318
319 Q: No names, you know?
320
321 A: Mm-mm.
322
323 Q: No. Do you know if she was talking about this landlord or renting to own her
324 house, or you have no clue?
325
326 A: I have no idea.
327
328 Q: Okay. And about the Sudafed you mentioned somebody purchased Sudafed in
329 her name?
330
331 A: Right.
332
333 Q: And you don't hear...
334
335 A: That's right.
336
337 Q: All right.
338
339 A: Yeah.
340
341 Q: I just wanted to verify. Yes. With the breaking of things or pounding of things
342 how long would you say that lasted?
343
344 A: Probably 20 minutes.
345
346 Q: At any point from the time she was arguing with the male voice to the point
347 where you felt that she was alone and yelling and pounding and breaking were
348 you scared that at moment?
349
350 A: Of course I was.
351
352 Q: Okay. Explain to me that feeling why.
353
354 A: Well, I mean, as a child I witnessed domestic violence, so I know what it's
355 like when people are arguing and they're, you know, it's more than just an
356 argument.
357
358 Q: Mm-hm.
359
360 A: Plus I live alone. She'd apologized to me in the pass for being too loud and it

361 was never this loud, so...

362

363 Q: Isn't loud as...

364

365 A: Yeah, definitely the loudest and I was thinking, you know, in the morning I
366 would have to talk to her about being too loud because the dog was going
367 crazy barking and it was waking up the baby.

368

369 Q: So her arguing woke your son up?

370

371 A: Oh, for sure.

372

373 Q: Okay. And it was causing your dog to bark?

374

375 A: Right.

376

377 Q: All right. What feeling were you getting hearing this. I know you said, you
378 know, that you ended up dialing 911 forthwith. Can you describe the feeling
379 of how long- would you describe as being scared, as some words to describe
380 your feeling of what was going on out there?

381

382 A: I felt like whatever was happening was definitely out of control and there
383 needed to be some sort of intervention, even though like I couldn't see what
384 was happening. And I felt scared for her.

385

386 Q: And why would you say scared for her?

387

388 A: Well, just knowing how out of control she seems.

389

390 Q: Oh, yeah. At any point where you scared for your safety or your child's
391 safety?

392

393 A: I would say yes.

394

395 Q: Okay.

396

397 A: Because I didn't know what was happening. I didn't know if someone was
398 going to come to my door, or what the banging was outside. Like if that was
399 someone trying to pound out the door or what, which is why I called 911.

400

401 Q: At any point did you know if anyone pounded on your door?

402

403 A: No, no one did. Sorry, he's like delirious.

404

405 Q: That's fine with me. He's a baby. You can't yell at him for being himself. So

406 at no point did anyone knock on your door?
407
408 A: No.
409
410 Q: Other than myself?
411
412 A: Right. Is this normal behavior for (Andie)?
413
414 Q: I don't know, so I moved October 19th.
415
416 A: Mm-hm.
417
418 Q: Do you have, ah, much interaction with her?
419
420 A: Just, well, she's always home, so anytime I'm coming and going, like usually I
421 see three or four times a day. I know that over the weekend my mom was here
422 and she got up early and went outside to smoke a cigarette and (Andie) like
423 caught her, like stopped her and it was like 6 o'clock in the morning her that
424 she thought that she was a homeless person and that I guess she used to work -
425 she said she used to work with the homeless shelter and that they come up
426 here sometimes, but that's like really all that I know about her.
427
428 Q: Okay. So this interaction is very little.
429
430 A: It's just like, yeah, hi, she likes to say hi to my dog and my baby. She has
431 weird stuff outside. That's all I know. I know that she smoked a lot of pot
432 which she said was for her MS.
433
434 Q: And is, what does MS stand for?
435
436 A: Multiple sclerosis.
437
438 Q: Do you know if she was into any other drugs or took any medication? I know
439 you don't know...
440
441 A: She told me last week that, when she apologized for being too loud last
442 weekend that she had seen a friend and she done has some drugs, and then she
443 decided to drink which she hadn't done like a year.
444
445 Q: Do you know what that would...
446
447 A: She didn't say what.
448
449 Q: Do you know the date or the day...
450

451 A: That would have been I think Friday or Saturday of last week.
452
453 Q: Okay. So did some unknown drugs and then because that she just started
454 drinking...
455
456 A: She drank and she hadn't done it for like a year.
457
458 Q: And by drink, drink what?
459
460 A: Alcohol.
461
462 Q: Alcohol, oh, yeah. You know, you have to paint a picture...
463
464 A: Yes.
465
466 Q: For whoever is reading this report...
467
468 A: Right.
469
470 Q: ...or listen to this.
471
472 A: Right.
473
474 Q: Hadn't done it in over a year?
475
476 A: That's what she said.
477
478 Q: And you said last Friday or Saturday?
479
480 A: Mm-hm.
481
482 Q: Let me just check for approximate date. So last Friday and Saturday would
483 have been the 8th or 9th?
484
485 A: Yes.
486
487 Q: And can you describe that why she came over and apologized for that?
488
489 A: I was just walking into the house and she would be at her door a lot, so when I
490 walked by she just told me not...
491
492 Q: No, I would - explain why did she apologize, like what did she do that she
493 felt...?
494
495 A: She said that she was loud.

496
497 Q: Okay.
498
499 A: I didn't really hear anything, so...
500
501 Q: Okay.
502
503 A: I told her not to worry about it.
504
505 Q: So you didn't really know what she was talking about? Any other details or
506 things that I may not have asked though you remembered?
507
508 A: No.
509
510 Q: No? Do you know anything about her husband?
511
512 A: No.
513
514 Q: You don't interact with him?
515
516 A: I've only seen him once. I know that he leaves really early in the morning and
517 drives a big van.
518
519 Q: This is a long shot, do you know the plate...?
520
521 A: No, I don't.
522
523 Q: I guess not.
524
525 A: You can't miss it though it's really big and ugly.
526
527 Q: Nothing else leaving out that you remember - okay. I will just - I'm going to
528 do a summary of what I got from you.
529
530 A: Okay.
531
532 Q: If at any time what I am saying is wrong...
533
534 A: Mm-hm.
535
536 Q: Let me know...
537
538 A: Okay.
539
540 Q: So I don't put words in your mouth that shouldn't be...

541
542 A: Okay.
543
544 Q: This evening around 11:00, 11:30 you were in your bedroom which is at the
545 back of your - what you - this - an apartment?
546
547 A: I guess so.
548
549 Q: So you have a kitchen...
550
551 A: Mm-hm.
552
553 Q: Which also shares a wall with (Andie)'s apartment.
554
555 A: Mm-hm.
556
557 Q: You have your living room which is directly when you enter. Is this a closet
558 right here?
559
560 A: Yeah, laundry room.
561
562 Q: Okay, laundry room. You have a closet right there connecting to your living
563 room. You have a bathroom at the south end of your little hallway.
564
565 A: Yes.
566
567 Q: I apologize.
568
569 A: It's okay it's little.
570
571 Q: And at the southeast of your apartment is your bedroom which connects to
572 the...
573
574 A: Shared wall.
575
576 Q: East wall of the shared wall of (Andie)'s house. So you are in there. You hear
577 yelling between (Andie) and who you thought was her husband because of the
578 male voice.
579
580 A: Mm-hm.
581
582 Q: They were arguing for, I believe you said 10, 15 minutes or...
583
584 A: Yeah.
585

586 Q: The arguing stopped, then you continued to hear the yelling getting more
587 angry. You weren't sure if she was alone or on the phone because no one was
588 responding. She was talking about renting to own, angry about the landlord,
589 somebody bought Sudafed in her name. But you weren't able to make out
590 distinct what was going on or what was actually being talked about.
591

592 A: Other than what she said, yes.
593

594 Q: Okay. You began hearing pounding and did you see glass breaking or, no?
595

596 A: I don't know if I heard glass breaking.
597

598 Q: Okay.
599

600 A: It just was more smashing.
601

602 Q: Okay. So you heard smashing and banging.
603

604 A: Right.
605

606 Q: You looked through your window. You were not able to see her and you
607 thought she was playing a guitar?
608

609 A: Not playing, like smashing the guitar.
610

611 Q: Oh, (unintelligible). Oh, and this - so it's the sound of smashing the guitar?
612

613 A: Yeah.
614

615 Q: And you - why would you say it was a guitar?
616

617 A: Because I could hear the guitar strings breaking.
618

619 Q: You weren't able to see her, you heard smashing noises and you believe it was
620 a guitar because you heard the strings of the guitar.
621

622 A: Mm-hm.
623

624 Q: At that point I believe you dialed 911?
625

626 A: Mm-hm.
627

628 Q: You opened your door to take a look out, you heard, um, you heard (Andie)
629 yelling. You said you didn't know what she was yelling, you just heard her
630 yelling.

631
632 A: Yeah.
633
634 Q: And you heard male voices yelling saying put the knife down.
635
636 A: Mm-hm.
637
638 Q: You heard approximately four to five gunshots?
639
640 A: Mm-hm.
641
642 Q: You backed back into your apartment. You were still on the phone with 911
643 being transferred. You stayed in your apartment approximately five minutes
644 past, you open your door, you were talking with your neighbors, they asked
645 you if you and your son were safe which you were.
646
647 A: Mm-hm.
648
649 Q: You came back inside and you waited in your apartment until you had contact
650 with me.
651
652 A: Yes.
653
654 Q: And then you said you have minimal contact with either of them either
655 passing by, more than hello. So at no point tonight did you see her at all, or
656 during the day?
657
658 A: No.
659
660 Q: No?
661
662 A: It was one of the - in which that's all and I didn't see her this morning when I
663 left. I didn't see her, I came home at lunch. I didn't see her. Her door was
664 closed.
665
666 Q: Okay. Today is Saturday morning.
667
668 A: Yeah, it was exactly yesterday, got it.
669
670 Q: Okay. Anything else you could think of?
671
672 A: No.
673
674 Q: No? I'm going to give you that card.
675

676 A: Okay.

677

678 Q: At any point do you feel you forgot something or something just randomly
679 came up that you remember feel free to give us a call. We will come back out
680 and talk to you. And I will have you listed in the report as a witness.

681

682 A: Mm-hm.

683

684 Q: We're just going to have your statement, you know, and you don't have much
685 but it is, it helps us out of trying to paint a picture because none of us were
686 here.

687

688 A: Right.

689

690 Q: All right, so this will conclude my interview.

691

692 A: Okay.

693

694

695 The transcript has been reviewed with the audio recording submitted and it is an accurate
696 transcription.

697 Signed _____