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VIDEOTAPED INTERVIEW

MICHAEL RINKUS

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APPEARANCES:

Scott Gardner
John Saraya
Patrick D'Angelo
Jeffrey Follmer
Steve Kinas

ARMSTRONG & OKEY, INC.

222 East Town Street, Second Floor

Columbus, Ohio 43215-4620

(614) 224-9481

1 MR. SARAYA: While everybody's getting
2 their tablets put together, we've already
3 introduced ourselves. I'm with BCI. I'm about
4 15 years here. I've been involved in
5 officer-involved shootings for quite a while.
6 We've been appointed as the head of this
7 investigation.

8 This is a criminal investigation, not an
9 internal. All right? And our rule is as a
10 criminal investigation you're entitled to all
11 rights and privileges just like everybody else,
12 so we're going to give you your Miranda warnings.

13 It doesn't mean we think you did
14 anything wrong, it's just what we do here. All
15 right?

16 MR. GARDNER: I'm Scott Gardner,
17 detective/sergeant out of East Cleveland assigned
18 to Major Crimes.

19 MR. SARAYA: In the course of this
20 investigation we have a list of questions.
21 Everybody's being asked the same thing. So you
22 might consider it an eye-roll, "I don't believe
23 you're asking me that." It's nothing personal.
24 It's just what we're asking everybody.

1 We will ask at some point -- we're going
2 to let you ramble and tell us everything that
3 happened from your perspective and from the
4 perspective of what happened that night.

5 At some point we'll ask you what you've
6 learned since then. But that's okay, if you
7 don't know an answer, obviously say, "I don't
8 know." This is all about honesty.

9 What else, what else, what else.

10 As we go along if it comes to a point
11 that you want to check with something before you
12 answer, by all means say something. You can step
13 out of the room and talk and come back in. If
14 you want to ask us a question at any time about
15 what we're asking or to clarify something, please
16 do that.

17 Please don't feel that the questions
18 we're asking you are to belittle you or we think
19 less of you. We're trying to get you to elicit
20 more details in some circumstances.

21 Fair enough?

22 THE WITNESS: Fair enough.

23 MR. SARAYA: Okay.

24 MR. SARAYA: So we're going to start off

1 here with the Miranda warnings.

2 You have the right to remain silent.
3 Anything you say can and will be used against you
4 in court. You have the right to consult with an
5 attorney and have an attorney present during
6 questioning. If you cannot afford an attorney,
7 one will be provided to you before questioning at
8 no cost.

9 Do you understand these rights?

10 THE WITNESS: Yes, I do.

11 EXAMINATION

12 BY MR. SARAYA:

13 Q. Your first name is Scott, correct?

14 A. Mike.

15 Q. Mike.

16 A. Michael.

17 Q. Okay. My bad.

18 Rinkus, can you spell that for me?

19 A. R-I-N-K-U-S.

20 Q. Okay. Your home address?

21 A. [REDACTED] [REDACTED] [REDACTED].

22 Q. Number I can reach you at, cell phone?

23 A. [REDACTED].

24 Q. Okay. Date of birth?

1 A. ██████████. Damn, I didn't want anybody to
2 know.

3 Q. Okay. First question on the situation,
4 how are you holding up with all of this?

5 A. So far so good. A lot of support.

6 Q. Good. All right. What is your current
7 assignment at Cleveland?

8 A. The Second District Vice.

9 Q. Okay. How many years have you been at
10 Cleveland?

11 A. '92. I came out in '91. 1-6-92. 21
12 years this January.

13 Q. Thereabouts, yeah.

14 Any experience prior to Cleveland as a
15 police officer?

16 A. As a police officer, no, sir.

17 Q. Okay. What shift are you on time-wise?

18 A. It's a 6 to 2 a.m., 6 p.m. to 2 a.m.,
19 what we call a (inaudible) hours.

20 Q. Okay. What were your days off last
21 week?

22 A. Saturday, Sunday.

23 Q. Saturday and Sunday off.

24 Okay. Who was your supervisor on

1 Thursday night?

2 A. Sergeant Coleman.

3 Q. Okay. Did you work any side jobs or
4 overtime shifts last week?

5 A. Yeah, I worked a part-time job.

6 Q. Okay. What day? Where?

7 A. I think the 28th and the 29th; and it
8 was four hours each day, 7 in the morning to 11
9 in the morning.

10 Q. Where at?

11 A. It's called DCA, Downtown Cleveland
12 Alliance.

13 Q. It's a foot patrol gig?

14 A. It's a cop patrolling, patrol the area,
15 downtown area.

16 MR. GARDNER: Is that secondary
17 employment or is that through the City?

18 THE WITNESS: Secondary.

19 BY MR. SARAYA:

20 Q. Thursday how were you feeling for your
21 shift? Tired? Sleepy? Sick? Sneazy?

22 A. Felt fine.

23 Q. Fine?

24 Any type of medications,

1 over-the-counter or prescribed?

2 A. [REDACTED]

3 [REDACTED]

4 Q. Okay. Wear your glasses or you wear
5 contacts when you're on duty?

6 A. No. Wear my glasses.

7 Q. Glasses?

8 Wearing them Thursday night?

9 A. Yes.

10 Q. Okay. All right. What are you wearing
11 while you're working? What are you wearing
12 Thursday night?

13 A. I had a black Under Armor shirt on,
14 khaki pants, my vest, and my badge clipped on my
15 vest.

16 Q. Okay. Regular vest or a tac vest?

17 A. Regular vest.

18 Q. A jacket or anything with police logos
19 or --

20 A. Left it in the office when I ran out.

21 Q. Okay. What gear are you carrying with
22 you?

23 A. Just my service weapon.

24 Q. Just the pistol, no extra magazines?

1 A. No extra magazines.

2 Q. Okay. No handcuffs, no nothing?

3 A. Just flashlight and service weapon. No
4 handcuffs, nothing.

5 Q. Okay. Which pistol are you carrying?

6 A. The Glock 26.

7 Q. And how many rounds does that carry?

8 A. Thirteen. Twelve in the magazine, one
9 in the chamber.

10 Q. Okay. Are you carrying any type of
11 personal recorder, digital recorder, videocamera
12 thing, anything like that?

13 A. No, sir.

14 Q. What kind of car are you in?

15 A. The Dodge Charger, black Dodge Charger.
16 I'm not sure of the year. Maybe their '09s or
17 '10s or something.

18 Q. Unmarked? Marked?

19 A. It's unmarked, but it's equipped with
20 lights and sirens. Strobes.

21 Q. Who are you riding with?

22 A. Bill Salupo.

23 Q. Who was driving?

24 A. Me.

1 Q. Okay. Lights and sirens were working?

2 A. Yes.

3 Q. Okay. Got a camera in the car?

4 A. No, sir.

5 Q. What channel are you operating on?

6 A. Channel 2.

7 Q. What was your call sign?

8 A. 2 Victor 82.

9 Q. What kind of training -- any
10 specialities, instructors, certificates, SWAT
11 certificates, anything like that?

12 A. No, sir.

13 Q. Any military background?

14 A. Yes, sir.

15 Q. Which -- what branch?

16 A. Army.

17 MR. GARDNER: Your MOS?

18 THE WITNESS: 76 something. Victor 1P.

19 MR. GARDNER: What did you do?

20 THE WITNESS: Paratrooper.

21 MR. GARDNER: 82nd you say?

22 THE WITNESS: Yes, sir.

23 MR. GARDNER: Thanks for your service.

24 MR. GARDNER: From when to when?

1 Trick question.

2 THE WITNESS: '86 to '89.

3 BY MR. SARAYA:

4 Q. All right. Qualified with your weapons
5 in the past year?

6 A. Yes, sir.

7 Q. Which weapons?

8 A. My Glock.

9 Q. Any long gun?

10 A. No, sir. Shotgun.

11 Q. Shotgun?

12 A. Shotgun.

13 Q. Okay. During any of your trainings did
14 you have use of force training, review policies,
15 all that stuff?

16 A. Yes.

17 Q. Okay. Your OPOTA certificate is good,
18 up-to-date?

19 A. Yes, sir.

20 Q. Okay. Have you ever been involved in
21 any prior shootings?

22 A. Yes, sir.

23 Q. How many?

24 A. September of 2000 I was shot.

1 Q. September of 2000?

2 A. Correct. January of 2003 I was involved
3 in a shooting. I was one of the shooters. And
4 then September 2011 I was also involved in a
5 domestic where I was a shooter.

6 Q. Your very first one in 2000, you said
7 you got shot?

8 A. Yes, sir.

9 Q. Did you return fire?

10 A. No, sir.

11 Q. Okay. How was your shift going that
12 night? Tell me about the shift. You started the
13 shift. What were you doing?

14 A. Started the shift off in contact with
15 some informants. One informant came through. We
16 made a controlled buy, and we had just got done
17 following the suspect; and I was back at the
18 district filing paperwork, began typing the
19 search warrant.

20 Q. Okay. What happened?

21 A. Someone was yelling, "They're chasing."
22 I think it was Sergeant Coleman. I walked out in
23 the hallway and I said, "Who's chasing?" And
24 then I could hear that they're chasing.

1 Billy, my partner, said, "We're not --
2 not ready to go." I mean, they're just car
3 (inaudible). And then they came over that
4 they're shooting at a policeman. I said, "Well,
5 we're going now."

6 So we -- I grabbed my vest, flashlight,
7 and ran out to my car -- or a car.

8 Q. Is that the car you normally used, that
9 Charger?

10 A. Well, we have three. So we have --
11 primary is a silver and black Charger. Yeah,
12 either the black one or the silver one. I
13 believe Sergeant Coleman likes the silver one, so
14 we kind of just said, "We'll go with the other
15 one." That's hers.

16 Q. Okay.

17 A. So as I was running down the hall in the
18 district I yelled, "Get keys. Get keys." And
19 Billy said, "The keys are in the visor." So we
20 were set.

21 Q. Okay. What happened then?

22 A. We left the district parking lot,
23 crossed over Fulton and north on 41st. We got to
24 Clark and -- westbound on Clark. That's when we

1 heard, "He's on Clark." The chase is coming
2 towards us.

3 We were getting to about before the
4 bridge, so it would be 60, 61st, and I could see
5 them coming. I'm center lane, so I move over.
6 Well, he moves over. I move back, he moves back.
7 So then I really move over and just let him go
8 by.

9 So then the trail of cars went by, and I
10 did a U-turn and just fell in behind everybody.

11 Q. Okay. Keep going.

12 A. There's a lot of broadcasting going on.

13 Q. What's going on? What are they
14 broadcasting?

15 A. I was only paying attention to some of
16 it, because there's a lot of cars there. I
17 wanted to focus on driving. I didn't want to ram
18 another police car, because there's a lot of
19 stopping and going. Not stopping, but a lot of
20 slowing down, a lot of braking.

21 When we get to the bottom of Quigley --
22 or the bottom of Clark, somebody is saying about
23 a gun. That's coming over the radio. At the
24 time I thought they were talking about they threw

1 the gun out of the window.

2 So I'm telling Billy, "If somebody stops
3 (inaudible)." He goes, "No. Just keep going."
4 I said, "All right."

5 So we -- you know, we just stayed
6 behind, you know. I was just telling Billy that,
7 "We're just going to stay in line. We're not
8 going to -- you know, I'm not trying to jockey
9 for position or anything. I'll just stay behind
10 the car in front of me."

11 And a couple zone cars were coming out,
12 so we let them have the right-of-way, let them go
13 by. We just stayed behind them in line and went
14 up the hill to the turn-around, north on 14th,
15 and then up onto the freeway.

16 Q. Okay.

17 A. Again, we were -- now that we're on the
18 freeway, I kind of backed off a little bit, just
19 staying behind everybody; and we just followed
20 the trail of cars to 72nd.

21 When we got off at 72nd, I got lost.
22 I'm not an eastsider, so I had -- I know we got
23 up to St. Clair, but after that I didn't know
24 where I was at. I just stayed with the cars

1 until somehow we turned around and we're coming
2 back west on St. Clair. And somebody says,
3 "We're passing Eddy Road." I said, "All right.
4 I know where I'm at." So I knew Eddy Road.

5 And then we went south on Addison and we
6 got -- you know, side streets back there. And,
7 again, I have no idea where we were at as far as
8 directions or streets. But the whole time
9 there's people talking on the radio. We didn't
10 say anything. At least I don't think Billy did.
11 Because I told him, "We'll just let them talk.
12 You know, we're not close enough to be calling
13 this out. Just listen and follow."

14 There's chatter, you know, people -- you
15 know, officers seeing guns. You know, he's
16 hanging a gun out the window.

17 Towards the end of it there was talk
18 about it looks like they're loading or somebody's
19 loading a weapon. Weapons out the window.

20 Somewhere in there -- again, I can't
21 remember exactly where we were at when these
22 things were said because I'm paying attention as
23 I'm driving. I don't want to ram a police car.
24 I mean, there were so many police cars.

1 So I don't recall where we were at when
2 they were saying these things, but I recall some
3 of the stuff being said. And it was, you know,
4 "Gun out the window." "He's pointing a gun at
5 me." Just went on from there.

6 And then we went up into this --
7 somebody said it was a water treatment plant. I
8 had no idea where it was at. I didn't even know
9 it was in East Cleveland.

10 But we really fell behind -- well, we
11 fell way behind or a little bit more behind at
12 that point, because there was some driving on
13 sidewalks. And we went up this hill; and there
14 was dust, dirt. I thought it was a dirt hill or
15 dirt road. And then he went down this other road
16 that was a hill; and that's where somebody said,
17 "It's a deadened. It's a deadened."

18 And as we were coming down the hill, you
19 could see that they were like -- it looked like
20 they were chasing him in circles or he was going
21 in circles or half circles. But somebody yelled,
22 "Shots fired." And he starts coming up the hill
23 at us again.

24 So I went to the left up by this little

1 island median, came back around up on the like
2 the playground median or a little bit of grass
3 and back into those streets; and that's when I
4 stopped. The cars were stopped up there. They
5 had, you know, a blockade or whatever they had.

6 Q. Okay. What happened next?

7 A. That's when I got out of my car; and the
8 second I got out there was just bullets
9 everywhere, just bullets flying by me. I mean,
10 literally just -- I still can't believe it.
11 And I -- I returned just fire as a suppression
12 fire. I ran for cover.

13 During this time I see a police
14 officer -- I don't know any of these guys.
15 They're all young kids. I see a police officer
16 fall. And by the time I got to the sidewalk, I
17 was out of rounds. And the volume of gunfire
18 stopped, so I ran back to my car.

19 When I got back to my car, all the
20 rounds went off; and I just laid on the ground.
21 And I was grabbing a patrolman by the belt, "Give
22 me your magazine. Give me your magazine." He
23 gave me one. I locked and loaded. And then
24 (inaudible) I just stood up and tried to approach

1 the car.

2 Uniforms were approaching a lot quicker
3 than I was, so I just stayed at the ready behind
4 them.

5 Q. Did you fire anything from the second
6 round -- or the second magazine?

7 A. No, sir.

8 Q. Okay. This is the driveway they came
9 in. Come up here. Black Charger is right here.
10 That's the license plate that's on the car.
11 Silver Charger. Suspect vehicle.

12 Got your orientation there?

13 A. Yes.

14 Q. Okay. You pull in. As you're coming
15 up, you're watching what's going on up here by
16 the aisle as you said, right?

17 A. About somewhere in this area. When
18 they're doing this --

19 Q. Just draw on it.

20 A. On our way down we're, I don't know,
21 between here and here, right where the car is,
22 almost in this area. I'm not sure if we were
23 this far or this far, but right in here.

24 Q. Okay.

1 A. They were doing some -- you know, just
2 madness. You know, I didn't see where -- I
3 couldn't tell who was who. It was smoke and dust
4 and everything.

5 It was when we were in this area
6 somebody here was yelling, "Shots fired." So
7 when I come down this way, the bad guys' car is
8 coming this way, or the suspect's car, the
9 Malibu, was coming up this way; and we just miss
10 it. All right. Just misses us. I go this way.
11 I go up onto this. And I wouldn't have done
12 this, but there were cars everywhere. We come up
13 this way just like that, just cut across probably
14 a little more into that.

15 Q. Okay.

16 A. Basically that's where I came to rest.
17 I get out and I go this way.

18 MR. D'ANGELO: Over to that sidewalk?

19 A. Yes.

20 MR. D'ANGELO: Okay.

21 A. The second I get out, I see an officer
22 go down here; and I -- they were -- it was just
23 ridiculous. The rounds were just flying. I
24 didn't want to stop. I just kept running. I

1 just had my weapon like suppression fire.

2 Q. Okay. What are you aiming at?

3 A. The back window here.

4 Q. The back. Okay.

5 A. The window blew out. Rounds were just
6 coming right at me. I -- I could literally hear
7 them just pinging by my head. I didn't -- I
8 didn't know what to do. I just kept running
9 straight.

10 I was out by the time I got to the
11 sidewalk, and the (inaudible) stopped; and I ran
12 back to my car, this time on the passenger side.

13 Q. Okay.

14 A. And there's an officer here, and I laid
15 on the ground or sat on the ground. I was
16 tugging at him, "Give me a magazine."

17 (Inaudible) didn't even give me one out of his
18 extra magazines. He drops the magazine out of
19 his gun and gives it to me and then he reloads
20 with a fresh one.

21 But then we -- we never left the car
22 again. The (inaudible), and then we just stayed
23 there. We didn't fire from there. Nobody fired
24 from there.

1 Q. Do you know who the officer was that
2 gave you the mag?

3 A. No, I don't.

4 Q. Okay.

5 A. I found him later on that night and gave
6 it back to him. I have no idea who these guys
7 are. I don't -- (inaudible) I don't know their
8 names.

9 MR. GARDNER: John, do you have those
10 pictures?

11 MR. SARAYA: No, I don't have those
12 here.

13 BY MR. SARAYA:

14 Q. Back up a little bit here.

15 You cross Fulton, northbound on 41st,
16 you hit Clark westbound, and the pursuit's coming
17 at you. You were taking him head-on, right?
18 You're watching --

19 A. We were in our -- I was in my lane.

20 Q. Right.

21 A. I was in my center westbound lane. He
22 came over towards me, so I moved to the right a
23 little bit; and he moved to the right. I moved
24 left, he moved left. I moved back right, and he

1 just went right by me.

2 Q. So you moved two more times, and he's --

3 A. I went right, left, right. So yeah.

4 Q. And he stayed with you each time?

5 A. Until the final right.

6 Q. Okay.

7 A. Then he just blew by me.

8 Q. How many cruisers -- how many marked
9 units were behind him when they went past you, do
10 you know?

11 A. I'm only guessing. I'd say four or
12 five. Five, six. There was a handful of them.
13 Because we couldn't -- I turned, I got up on the
14 curb, and I tried to get back in; but I couldn't.
15 I had to wait until they all passed.

16 Q. Okay. That's fine.

17 You're (inaudible) you're driving,
18 you're seeing a lot of braking. About how fast
19 do you think you're going at this point?

20 A. Down Clark, you know, I wasn't even
21 watching.

22 Q. What's it feel like?

23 A. I would only be guessing. 60, 70.

24 Q. Okay. Okay. Lights and siren the whole

1 time?

2 A. Yes, sir.

3 Q. Shooting stops, things start calming
4 down a little bit. Let me back up. Back up.

5 Did you know what your suspects looked
6 like, who they were, or anything?

7 A. No, sir.

8 Q. Did you hear the original broadcast of
9 the description?

10 A. No, sir.

11 Q. Since Thursday have you heard names
12 mentioned on the news at all?

13 A. Yes, sir.

14 Q. Okay. Are you familiar with the names
15 at all?

16 A. Yes.

17 Q. You are familiar with them?

18 A. One of them.

19 Q. Okay. Which one are you familiar with?

20 A. I just read it this morning. The
21 Malissa Williams.

22 Q. How are you familiar with her?

23 A. I apparently arrested her in '09. I
24 don't remember.

1 MR. GARDNER: Is that -- you're making
2 it sound like -- how do you know the person?

3 THE WITNESS: On the paper, the
4 paper.com or whatever, says I arrested her in
5 '09. I don't remember. But....

6 MR. GARDNER: (Shows photographs.) Do
7 they look familiar at all?

8 THE WITNESS: No.

9 MR. SARAYA: Take a deep breath. It's
10 okay.

11 THE WITNESS: All right.

12 MR. SARAYA: All right?

13 BY MR. SARAYA:

14 Q. About how far do you think -- when you
15 bail out of your car here, here, okay, about how
16 far do you think you're running?

17 A. It seems like there was 3 feet
18 (inaudible). From my door to the sidewalk?

19 Q. Yeah.

20 A. Twenty or thirty feet.

21 Q. Okay.

22 A. Maybe.

23 Q. And how far do you think you were away
24 to the subject vehicle? Again, these are

1 estimates, your best guess.

2 A. I'd say a little bit further. Maybe 30,
3 35 feet.

4 Q. Okay. That's fair. Whatever your
5 interpretation is, that's what I want.

6 A. Okay.

7 Q. I'm not asking you to sit there like an
8 NFL judge and be able to say that's 3 yards or --

9 A. Oh, no, no, no.

10 Q. Okay. Okay. From where you're at, are
11 you hearing anybody giving verbal commands to the
12 subjects? Did you hear anybody yelling?

13 A. No. The sirens were so loud. As a
14 matter of fact, after -- after it was settled --
15 like I said, settled down, I was yelling, "Shut
16 the sirens off." It was so loud.

17 Q. Okay. Again, your interpretation.

18 What was the lighting like there?
19 Parking lot, cruiser lights. What's it looking
20 like to you?

21 A. For being at nighttime hours, it was lit
22 up I thought pretty good.

23 MR. GARDNER: Could you see in the
24 vehicle with the lighting?

1 THE WITNESS: Could I -- I'm sorry?

2 MR. GARDNER: Could you see into the
3 vehicle with the lighting?

4 THE WITNESS: No. Because my angle --
5 the glass blew out at me, and it was just glass.
6 There was like, you know, a big hole in the
7 glass. That's all I had. I couldn't see
8 anything in the vehicle.

9 BY MR. SARAYA:

10 Q. Do you know where your partner was while
11 this was going on?

12 A. No, sir.

13 Q. Do you have any idea where any of the
14 other officers are at?

15 A. No, sir. I mean, there were some in
16 front of me up on the sidewalk, like grassy area.
17 I don't know who they were. There was uniformed
18 guys there. Because I was kind of running
19 towards them.

20 But, no, I have no idea where anybody
21 was at.

22 Q. I'll use this one. There's no cars on
23 this.

24 So were you on this side of the sidewalk

1 here?

2 A. Yes, sir.

3 Q. Okay. There's other officers over here?

4 A. There's some officers up here. There's
5 like a little wall there. I didn't realize it
6 until after, but there's like a --

7 Q. Like a retaining wall-type thing?

8 A. Yeah, like a foot-high wall for
9 (inaudible) or something. What do you call
10 those, landscaping wall or whatever. It's the
11 sidewalk, the little wall. And that's where I
12 was running to try to get -- try to use this guy
13 -- this zone car is covered. By the time I get
14 to the sidewalk, I just dove and I ran back to my
15 car.

16 Q. Okay. This is a question and, again,
17 your reason.

18 Why did you fire?

19 A. I thought I was getting fired on.

20 Q. Okay.

21 A. I can't believe I didn't get hit.

22 Q. What did you think when you saw the
23 other officer go down?

24 A. I thought he was shot. I -- I mean, the

1 volume of rounds, you know, shots fired at the
2 bottom of the hill, officers were seeing weapons,
3 they're not giving up. I'm like, this is -- this
4 is crazy. Who in their right -- I don't know.

5 There's -- I thought he was going out in
6 a blaze of glory. I didn't know what he was
7 doing. I thought he was -- the back window blows
8 out. Rounds are flying by me. I didn't know to
9 run, walk, stop. I -- I just stayed the same
10 pace and kept going.

11 Q. Okay. You said that as you're pulling
12 in --

13 A. (Inaudible.)

14 Q. That's fine. That's fine.

15 You said the guys up here are
16 broadcasting, "Shots fired."

17 A. Up here. When I came down the hill --

18 Q. You're coming in.

19 A. When I see cars making turns, somebody
20 was saying, "Shots fired. Shots fired." And he
21 -- he came around and came right past us as we
22 went this way. Whew. I went -- maybe not that
23 far.

24 Q. That's fine.

1 A. I know I went over a median. I don't
2 know, it could have been that one. I don't know
3 how far I went down.

4 Q. Okay.

5 A. I went over a median there; and then I
6 know I went over here, because I found
7 afterwards -- I went back and looked and there
8 were some tire tracks.

9 Q. Okay. All right. So the suspect's
10 vehicle is there. That's got to be where the
11 shots are being fired at.

12 A. Correct.

13 Q. Okay. That's what I want to know.

14 When you're driving up, are you hearing
15 the shots being fired up there?

16 A. No, sir.

17 Q. No? Okay. Bear with me a second.

18 You said something else. Oh, okay.

19 They come down, they're coming at you.
20 They come down on your side of the car or your
21 partner's side of the car whenever you're down in
22 the parking lot?

23 A. Billy's side, I believe. The passenger
24 side.

1 Q. Okay. Did they hit your car at all?
2 Were they close enough to hit you at any time up
3 there?

4 A. They were close; but they did not hit
5 me, no, sir.

6 Q. Okay. All right. Under the
7 circumstances are there any other options you
8 felt were available that you could have done?

9 A. No, sir.

10 Q. Okay. What are the officers doing?
11 Things are calming down there. What's happening?

12 A. The patrolmen, the uniformed guys, were
13 taping off the scene up there. And I'm like,
14 wait a minute, there were shots fired down there,
15 we've got to find these rounds.

16 So I'm trying to get guys to come down
17 and help me. And everybody was busy up there, so
18 I went down to this area --

19 Q. So they're taping off down here around
20 the suspect car and everything, and you come up
21 here --

22 A. I come up here. I locate a casing here.
23 I direct Billy -- and there was a zone car down
24 here. I told -- well, they were actually up

1 here. I said, "Can you move down over here? We
2 need to block this off down here further." So
3 they moved -- drove over here. I had Billy find
4 something to place by the shell for us.

5 Q. Did you pick it up?

6 A. No.

7 Q. Pick up any shells?

8 A. No. I would not touch them.

9 Q. How many did you find? Just the one?

10 A. Just the one.

11 Q. Did the zone car come up there to put
12 the headlights in the area or just to kind of
13 like guard the area?

14 A. Just -- they were parked right here with
15 their lights on. I just asked them to come down
16 here so we would have, you know, a further point.

17 Q. Okay.

18 A. I advised them there was a shell there,
19 nobody kick it or anything. Then I went to -- I
20 walked -- I didn't want to go by the car. I
21 walked all the way up here through the park,
22 through the (indicating) and found a car over
23 here with some -- looking for tape. And a zone
24 car guy gave me some tape. I went back down here

1 and I --

2 Q. Okay.

3 A. -- and I taped it off.

4 Q. Okay. Did you hear anybody call for
5 EMS?

6 A. No. I -- I just taped it off and then
7 went and sat in my car.

8 Q. What are the other officers doing?
9 What's the conversation? What's the tone?
10 What's the attitude of anybody?

11 A. I just sat in my car. Sergeant Coleman
12 found me. She went and collected up her guys,
13 asked, you know, is everybody all right, who was
14 shot, hit. I just sat in the car.

15 Q. Okay. Did you get hit anywhere?

16 A. No, sir.

17 Q. Nothing hit you in the vest?

18 A. (Inaudible.) I went out and unpacked my
19 vest yesterday and checked it five times. I went
20 yesterday. I went Sunday. And I just can't
21 believe I didn't get hit. It's ridiculous.
22 (Inaudible) God was on my side.

23 Q. Since Thursday night have you talked to
24 any of the other officers involved about this?

1 A. Just a brief conversation. Nothing -- I
2 didn't ask them any questions. I didn't say
3 anything to them.

4 Q. Who was it?

5 A. Well, Cindy Moore yesterday. We were
6 downtown together. She said she was coming out
7 here. I said, "All right. How are you feeling?"
8 I know I told the younger guys, you know, to talk
9 to these other guys, make sure they're all right.
10 I called Jeff. And I haven't even told my wife
11 what happened.

12 Q. Okay. Were you in fear for your safety
13 or the safety of anyone else when you were up
14 there?

15 A. Yes, sir.

16 Q. Not only here, but at any point during
17 the pursuit were you fearful of anything?

18 A. Yes.

19 Q. What point?

20 A. Realizing he's not stopping, he's trying
21 to ram police cars. When they're saying that
22 there's a gun out of the window and he's not
23 stopping, and then shots fired, there's just --
24 he's at a deadened. (Inaudible.) You're at a

1 deadened and you're shooting your way out.

2 Yes, I was in fear for my life.

3 Q. Do you feel that your actions were
4 consistent with your training?

5 A. Yes, sir.

6 Q. Were the other officers involved, were
7 they acting within what you think how they were
8 trained as well?

9 A. I didn't see what they were doing. I --
10 you know what, you go into a tunnel vision mode.
11 All I was worried about was getting to cover.
12 I've been fired at once and walked away, but I've
13 never been fired at multiple times in just a few
14 feet. I just wanted to get to cover.

15 I wasn't watching nobody. I wasn't
16 looking -- I kept my eyes on the target car, the
17 suspect vehicle. When it finally stopped, I went
18 back to my car for cover.

19 Q. Okay. How long did -- here again,
20 subjective. How long did it feel like that first
21 volley lasted?

22 A. Hours. But it was only a few seconds.

23 Q. It felt like hours?

24 A. Yes, sir.

1 Q. There's this lull, there's this first
2 volley and then there's this break. How long did
3 that feel to you that it took, that it gave you
4 the time to move back to cover?

5 A. Not very fast. But when you're scared
6 out of your mind, you run pretty quick. So I was
7 kind of left out in the open there, so I turned
8 around and ran as fast as I could. So just
9 seconds, a second.

10 Q. Okay. All right. Bear with me on these
11 questions here. All right?

12 A. Yes, sir.

13 Q. Did you use your cell phone at the
14 scene?

15 A. No, sir.

16 Q. Did you use your cell phone to take any
17 pictures at the scene?

18 A. No, sir.

19 Q. Did you see anybody using their phones
20 to take any pictures at the scene?

21 A. No, sir. Can I add to that?

22 Q. Absolutely.

23 A. I left my phone on my desk when I ran
24 out.

1 Q. That makes it easy.

2 A. Not to my wife. I was trying to borrow
3 a phone so I could call.

4 Q. Did you?

5 A. Yes, sir.

6 Q. Did you borrow one?

7 A. Yes, sir.

8 Q. From who?

9 A. My partner.

10 Q. Okay. Has anyone asked you to lie or
11 otherwise try to influence your statement to us?

12 A. No, sir.

13 Q. Is there anything we haven't asked that
14 you think we need to know about in regards to
15 this whole thing?

16 A. No, sir.

17 MR. GARDNER: I mean, I know we can do
18 simple math how many rounds you have. Do you
19 know how many rounds you fired?

20 THE WITNESS: Thirteen.

21 MR. GARDNER: Did you know that night?

22 THE WITNESS: I assumed my magazine was
23 fully loaded, so yes.

24 MR. GARDNER: How do you know

1 definitively now?

2 THE WITNESS: I'm still believing that
3 my magazine was completely loaded.

4 MR. GARDNER: Did anybody inspect your
5 magazine or --

6 THE WITNESS: The homicide unit on the
7 scene did that night.

8 MR. GARDNER: Do you know who that was?

9 THE WITNESS: Detective Nate Sowa.

10 MR. KINAS: S-O-W-A.

11 BY MR. SARAYA:

12 Q. You were on the sidewalk, you start
13 engaging the targets. The slide lock is back on
14 your pistol?

15 A. It locked back before I even got to the
16 sidewalk.

17 MR. SARAYA: Okay. Counsel, do you have
18 anything?

19 MR. D'ANGELO: Any evidence of any
20 racial animus from any officers or racial
21 epithets you heard?

22 THE WITNESS: No, sir.

23 MR. KINAS: Do you guys normally operate
24 on one channel?

1 THE WITNESS: Well, at vice we use both
2 Channel 2 -- Tac 2 and Channel 2.

3 MR. KINAS: The first you heard this was
4 over Channel 2?

5 THE WITNESS: Correct.

6 MR. KINAS: Just had Channel 2 for the
7 rest of it?

8 THE WITNESS: Yes.

9 MR. KINAS: Your portable is on
10 Channel 2?

11 THE WITNESS: I didn't have a portable.

12 MR. KINAS: (Inaudible)?

13 THE WITNESS: No. I ran -- I just put
14 my vest on as I was driving. I ran out that
15 fast. Again, as fast as my legs can carry me.

16 MR. D'ANGELO: This reminded me. In
17 your background at the Second District Vice, in
18 your career have you had occasion to be involved
19 in any actions that resulted in the arrest of
20 other police officers?

21 THE WITNESS: Did I --

22 MR. D'ANGELO: Yeah, were you involved
23 in any investigations or prosecutions of -- for
24 fellow police officers involved in misconduct?

1 THE WITNESS: No, sir.

2 MR. D'ANGELO: Didn't you have one of
3 your informants was -- had some kind of sex
4 offense committed by a police officer?

5 THE WITNESS: Yes, sir.

6 MR. D'ANGELO: You were involved in the
7 prosecution of another officer, correct?

8 THE WITNESS: Yes. I forgot about that.
9 It never -- I never had to go to court on it or
10 anything. It was settled.

11 MR. D'ANGELO: And you did your job in
12 that case without regard to another officer being
13 prosecuted, correct?

14 THE WITNESS: Yes, sir.

15 MR. D'ANGELO: In the Second District
16 Vice, the nature of your duties in that unit,
17 have you been involved in some major high-risk
18 undercover drug operations?

19 THE WITNESS: Yes, sir.

20 MR. D'ANGELO: Can you just give the
21 investigator a brief understanding as to the
22 intensity and nature of some of those
23 investigations and the bad guys you've been
24 involved in investigating?

1 THE WITNESS: You know, in a vice unit
2 we -- you know, we do everything from drugs,
3 liquor, prostitution. Mostly drugs, though. We
4 will accompany NCI and portray ourselves as a bad
5 person, bad guy --

6 MR. SARAYA: Right.

7 THE WITNESS: -- and go undercover, buy
8 large quantities of drugs and put ourselves
9 there.

10 MR. D'ANGELO: Can you give us some
11 example of the quantities that you've -- what
12 your partners or your unit have taken off the
13 street?

14 THE WITNESS: Kilo -- you know, anywhere
15 from one rock to multiple kilos.

16 Just recently in the last few years I
17 was involved in an OxyContin investigation that
18 my target ended up working for the mob. So he
19 thought it would be wise for him to take pictures
20 of my family and my house and my car and put
21 death threats on me.

22 MR. D'ANGELO: So how does that incident
23 compare with some of the undercover operations
24 you've been involved in in terms of danger and

1 risk?

2 THE WITNESS: High risk.

3 MR. D'ANGELO: Have you ever had
4 anything like this happen in your career before?

5 THE WITNESS: Shootings?

6 MR. D'ANGELO: Yeah, like this.

7 THE WITNESS: Not like this one.

8 MR. SARAYA: Okay. I want to back up a
9 minute here.

10 BY MR. SARAYA:

11 Q. You were involved in an investigation
12 that led to another officer being charged with a
13 sex offense?

14 A. Yes, sir.

15 Q. Okay. Now, you just made the comment
16 you didn't have to testify in that. The
17 information was brought to you and you forwarded
18 it to your supervisor or --

19 A. Yes, sir.

20 Q. Okay.

21 A. I don't want -- yeah.

22 Q. You were the guy that found out about
23 it?

24 A. A partner and I. A CI that worked for

1 us called us and told us what happened.

2 MR. D'ANGELO: Another officer had sex
3 with --

4 THE WITNESS: Right.

5 MR. D'ANGELO: In the patrol car?

6 THE WITNESS: There was another
7 policeman involved. I was sent to notify our
8 supervisor right away. We picked up the
9 informant, kind of walked through the crime scene
10 a little bit. You know, the supervisor had
11 contacted everybody involved.

12 I was never -- I never had to speak or
13 nothing.

14 MR. SARAYA: Okay. I want to make sure
15 (inaudible) right for doing the right thing.
16 Okay? Whether you had to testify or not, it's
17 taking the big first step. And I understand
18 where counsel is going with that. I appreciate
19 that.

20 Anything else, gentlemen?

21 (No audible response.)

22 MR. D'ANGELO: (Points to document.)

23 MR. KINAS: This one?

24 MR. D'ANGELO: This story is in regards

1 to -- (showing paper to Mr. Saraya)?

2 MR. SARAYA: Oh, okay. When did that
3 story appear in the paper that they decided
4 you --

5 MR. D'ANGELO: That's today on
6 Cleveland.com.

7 MR. SARAYA: Oh, the arrest?

8 THE WITNESS: The (inaudible).

9 MR. SARAYA: What --

10 THE WITNESS: Cleveland.com.

11 MR. SARAYA: This --

12 MR. D'ANGELO: Maybe I'll just ask. Did
13 there come a time since this incident where you
14 were trying to determine whether you've had any
15 professional contact with any of the two subjects
16 in this case?

17 THE WITNESS: Yes.

18 MR. D'ANGELO: What did you do?

19 THE WITNESS: I did run checks on both
20 victims.

21 MR. D'ANGELO: And when did you do that,
22 do you remember?

23 THE WITNESS: Monday the 3rd.

24 BY MR. SARAYA:

1 Q. Was that Monday?

2 A. Okay. Monday.

3 Q. For the sake of argument here, why did
4 you run them?

5 A. Because two people were dead and I
6 wanted to know what was going on. I wanted to
7 know if I had any affiliation with these two
8 individuals in the past. I've had a million
9 questions I want answered. I want to know why.
10 I want to get in their head and figure this out.

11 Q. Okay. Former affiliations. When you
12 ran them, did they sound familiar? Did anything
13 sound familiar, look familiar?

14 A. No, sir.

15 Q. Didn't ring any bells at all?

16 A. It still doesn't. Even though that was
17 in .com today, I still don't recall it.

18 MR. SARAYA: Okay. Okay. I'm glad you
19 brought that up. I had a note there, but I was
20 trying to shuffle through all these papers.
21 Yeah, I did see that you had (inaudible) on the
22 3rd. Very good. I appreciate that.

23 Just a favor, just initial that and
24 badge number, please.

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THE WITNESS: (Complies with request.)

MR. SARAYA: I'll turn these off.

(End of videotaped interview.)

* * *

