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VIDEOTAPED INTERVIEW

SCOTT SISTEK

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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. GARDNER: My name's Scott Gardner.
2 I'm a detective/sergeant with the City of East
3 Cleveland attached to the Major Crimes Unit over
4 there.

5 Again, this is sort of a canned speech
6 we're giving everybody. All right? We're
7 conducting a criminal investigation here. This
8 is not internal. All right?

9 There's going to be some questions that
10 we're going to ask you you may think they're
11 inflammatory. They're not really meant to be
12 inflammatory. We're just trying to elicit
13 certain information from you. All right?

14 THE WITNESS: (Affirmative nodding of
15 head.)

16 MR. GARDNER: It's okay to be offended
17 if you so choose to.

18 MR. SARAYA: I'm John Saraya. I'm with
19 BCI. We've been pretty much given the lead on
20 this case. As Scott started saying, this is the
21 criminal side. This is not internal. All right?
22 As such you're entitled to all rights and
23 privileges the same as everybody else. So you'll
24 be given Miranda warnings. Not because we think

1 you did anything wrong, but because of rights and
2 privileges. Okay? That's usually our standard
3 procedure.

4 I've been doing officer-involved
5 shootings about 15 years here at BCI. All right?

6 If at any time you have any questions or
7 concerns, feel free to ask. If you want to talk
8 with your people, feel free to say something.
9 You can step out in the hallway here, all right,
10 come back.

11 Like Scott said, don't be offended by
12 some of the questions. We're going to elicit as
13 much detail as possible. Okay?

14 There are a couple of questions we're
15 going to ask -- we've got a canned list here.
16 We're asking everybody the same basic 50
17 questions. Yet there are a couple you kind of
18 go, "You're really asking me this?" Yeah. We're
19 asking everybody. All right?

20 Any problems with that?

21 THE WITNESS: No.

22 MR. GARDNER: The only thing I can
23 caution you on -- obviously we've interviewed
24 other people -- so if you don't know something,

1 just say, "I don't know." It's better that you
2 say that than there to be inconsistencies.

3 Obviously you're going to have a
4 different viewpoint than anybody else. But you
5 understand what I'm saying?

6 THE WITNESS: Yes.

7 MR. GARDNER: Try to be as honest as you
8 can. All right?

9 Miranda warning. You have the right to
10 remain silent. Anything you say can and will be
11 used against you in a court. You have the right
12 to consult with an attorney and have an attorney
13 present during questioning. If you cannot afford
14 an attorney, one can be provided to you before
15 questioning at no cost.

16 Do you understand the rights?

17 THE WITNESS: Yes, I understand.

18 MR. GARDNER: With these rights in mind,
19 you wish to speak to me now?

20 THE WITNESS: Yes.

21 EXAMINATION

22 BY MR. GARDNER:

23 Q. Let's start with your first name.

24 A. Scott.

1 Q. Your last name?

2 A. SisteK.

3 Q. Spell that for me.

4 A. S-I-S-T-E-K. Call me Scott.

5 Q. Okay. Where do you live at?

6 A. [REDACTED] [REDACTED].

7 Q. [REDACTED]

8 A. [REDACTED] [REDACTED]. [REDACTED].

9 Q. Zip code?

10 A. [REDACTED].

11 Q. Just so you're understanding, this is
12 for the record. It would be redacted if the
13 public requested it. Just so you understand.

14 What's your cell phone number?

15 A. [REDACTED].

16 Q. And your date of birth?

17 A. [REDACTED].

18 Q. Mind if I call you Scott?

19 A. That's fine.

20 Q. My name's Scott also.

21 How are you holding up?

22 A. I'm all right.

23 Q. What's your current assignment?

24 A. Basic patrol, Second District.

1 Q. How long have you been on the job with
2 CPD?

3 A. In February it would be five years.

4 Q. Have you worked anywhere else?

5 A. Third District.

6 Q. No. I mean are there any other
7 agencies?

8 A. Just basic patrol. No.

9 Q. What shift are you -- well, what shift
10 were you on?

11 A. Third shift.

12 Q. What's the hours?

13 A. Usually 23 hours to 0630.

14 Q. Is that -- is that the shift you were
15 working on Thursday?

16 A. I think it was 2130 to 0730 that day.

17 Q. Who was your shift boss, your shift
18 supervisor?

19 A. I forget that day, honestly. It was --
20 I know Sergeant Martinez was there. I think he
21 was the late boss. Sam 34.

22 MR. KINAS: 2 Sam 34 his call sign.

23 THE WITNESS: What was that?

24 MR. KINAS: Their call signs -- they're

1 not familiar with our radio, so use the whole
2 number.

3 THE WITNESS: Oh, 2 B 34.

4 MR. GARDNER: You're not certain, right?

5 THE WITNESS: Sergeant Martinez was the
6 late boss, 234. I forget who the early boss was.

7 BY MR. GARDNER:

8 Q. What -- what are your days off? What
9 were your days off that -- that week?

10 A. It would have been Saturday, Sunday,
11 Monday, Tuesday.

12 Q. Within 48 hours of this happening were
13 you working any off-duty, part-time --

14 A. No.

15 Q. -- extra -- no?

16 That day how were you feeling? Rested?
17 Sick? Flu? Sneezy?

18 A. I was fine, normal.

19 Q. Are you taking any medication, whether
20 it be over-the-counter or prescribed medication?

21 A. No.

22 Q. Wear glasses or contacts?

23 A. No.

24 Q. Tell me how you were dressed.

1 A. Wearing the uniform. I had shoulder --
2 a flap jacket on, a vest, and the taser.

3 Q. Like an exterior vest?

4 A. Yes, exterior vest. Taser, baton,
5 flashlight, two sets of handcuffs.

6 Q. Anything else? ASP? Pepper spray?

7 A. ASP and pepper spray, yes.

8 Q. Let's talk about, did you have any
9 backup firearms?

10 A. No.

11 Q. Your magazines -- what kind of firearm
12 do you have?

13 A. I have a Glock 17, so I had two
14 additional magazines.

15 Q. How were they loaded?

16 A. Full. 17 rounds each.

17 Q. Seventeen rounds each?

18 A. I believe so.

19 Q. So it would be 17, 17, 18?

20 A. Yes.

21 Q. Did you have any personal recording
22 devices, audio, video?

23 A. No.

24 Q. Little spy pen?

1 A. No.

2 Q. Let's talk about your car. What kind of
3 car were you in?

4 A. Crown Vic.

5 Q. Marked?

6 A. Yes.

7 Q. Was it black and white? Solid black?

8 A. Solid black.

9 Q. Who was in the car with you?

10 A. I think his first name is Robert, last
11 name Radosovic. R-A-D-O-S-O-V-I-C, I believe.

12 Q. Was he driving or passenger?

13 A. He was driving.

14 Q. Did you have an in-car dash cam, any
15 personal dash cams in the car?

16 A. No.

17 Q. Lights and sirens working?

18 A. Yes.

19 Q. What channel were you using?

20 A. Channel 2.

21 Q. Channel 2. You were on it the whole
22 time? Did you change channels at any point?

23 A. No. All channel 2.

24 Q. Did you have an MDT in the car?

1 A. Fleet 2 it wasn't -- I don't think. I
2 don't think we had one in there.

3 Q. As far as you remember, everything on
4 your car was working okay?

5 A. Yes.

6 Q. Do you know what car number it was?

7 A. It was 2 B 38.

8 Q. Two -- I'm sorry.

9 A. 2 B 38.

10 Q. That was your call sign?

11 A. Call -- yeah. Call sign and the car
12 sign. Car 238, sorry.

13 Q. Do you have any specialized training,
14 SWAT training, instructor training?

15 A. No.

16 Q. Prior military?

17 A. Yes.

18 Q. What service?

19 A. Army.

20 Q. Your MLS?

21 A. 92 Gulf Cook.

22 Q. 19 -- I'm sorry.

23 A. 92 Gulf, service specialist.

24 Q. Weapon qualifications, sir?

1 A. In the department?

2 Q. Yeah.

3 A. Glock and shotgun.

4 Q. Anything else?

5 A. That's it.

6 Q. Did you take use of force training in
7 that Glock?

8 A. Yeah, in the Academy, yes.

9 Q. I mean, when you did your recert, did
10 you guys cert for like a use of force in-service
11 training?

12 A. (Affirmative nodding of head.)

13 Q. Your military time, when to when?

14 A. '02 to '06.

15 Q. Your OPOTA up-to-date?

16 A. Yes.

17 Q. Ever had any prior shooting incidents?

18 A. No.

19 Q. Tell me, you get off -- you get on
20 around -- or you got on at 9:30 that evening.
21 What -- what are you doing when you get on?

22 A. Basic patrol. Just answering radio.

23 Q. What's the shift like?

24 A. For the most part it's pretty much been

1 kind of quiet. A couple of assignments here and
2 there.

3 Q. Okay. Keep going. How did the rest of
4 the night go?

5 A. It basically just started. We got on
6 the road, did a couple of traffic stops. And we
7 heard the call coming over of the chase.

8 Q. You heard it over the radio?

9 A. Yes.

10 Q. What did you hear?

11 A. I believe it was Nan. Some connection
12 with he was -- we didn't know where it was. He
13 was chasing a vehicle of someone with shots fired
14 and this is a suspect vehicle where they were
15 shooting from.

16 Q. And do you recall where you guys were at
17 that point?

18 A. I think we were around Broadview and
19 Pearl area.

20 Q. So what -- what happens?

21 A. Nan was chasing them. He lost them.
22 And then we heard 2 M 31 Siefer and Hummel pick
23 them up going across the Detroit Superior Bridge
24 westbound in the Second District. So we then

1 started heading northbound on Pearl, or 25th.

2 Q. All right.

3 A. They kept going, calling out with the
4 chase. So my driver, he was fairly new, just got
5 off probation, so I was trying to direct him
6 where to drive.

7 So we were just trying to catch up with
8 the chase if it came across us, because it kept
9 going westbound on whatever it was, Detroit or
10 Lorain, and it got to like West 73rd. So we were
11 just trying to stay one -- stay ahead of them.
12 Not ahead of them, but cut them off if they came
13 towards us.

14 And by the time the chase kept going, we
15 were on I think 44th and Lorain, and the chase
16 was coming eastbound on Clark from like 73rd or
17 something. So they had the bad guy going
18 southbound on 44th, so the chase would come right
19 into us when it would cross Clark.

20 So we got to 44th and Clark and we saw
21 the chase coming right at us. The suspect
22 vehicle went down -- we got behind it initially.
23 I told the driver -- told my driver, I was like,
24 "Let the lead car go ahead of us again."

1 Siefer and Hummel went ahead and they
2 started calling out the chase. I think we were
3 like the second or third car from the actual
4 suspect car.

5 From there we just followed throughout
6 the chase, and he was blowing through red lights.
7 I was trying to keep my driver somewhat calm,
8 watch out so we didn't get hit by other traffic
9 or whatnot.

10 I remember before we actually get into
11 the pursuit when Nan lost them and Siefer and
12 Hummel originally picked them up. As soon as
13 they said they picked them up and they were
14 following the car, I think it was Nan that came
15 over the radio and said, "Be careful. Armed and
16 dangerous. And they will shoot." I remember
17 hearing that.

18 And during the course of the chase, once
19 they got on the freeway, we were like the third
20 or fourth car still behind for a while, and came
21 over the radio that the passenger's pointing a
22 gun out the window. I believe a couple of times
23 he said that. And then it came over he was
24 pointing a gun leaning over inside the car

1 pointing it out the back window.

2 And I was telling my guy, the driver, I
3 said, "Be careful where you drive, because this
4 dude's probably going to shoot at us." I was --
5 I was thinking he was going to shoot at us
6 because the cars were stacked. So I kept telling
7 him repeatedly to watch out where we drive so
8 this guy doesn't shoot us.

9 Then we started to get off the freeway
10 eventually. He was going off road a little bit.
11 By the time he got to the point where -- while we
12 were on the freeway, actually, I believe it was
13 Sergeant Coleman -- that was later on.

14 Once we got off the freeway, we were
15 still following him, there was a bunch of zone
16 cars, so we're not in like the fourth position
17 anymore. There was other zone cars there.

18 By the time -- I didn't know where we
19 were. I just knew we were in East Cleveland.
20 They turned into what they thought it was a water
21 plant. That's how it came over the radio.

22 And we went in the driveway -- the drive
23 into a -- it was basically probably just enough
24 for like two cars to fit in the drive. So once

1 we went in, there were a whole bunch of zone cars
2 ahead of us.

3 Somewhere during this it was Sergeant
4 Coleman or someone said that the driver's loading
5 a gun or unloading a gun, doing something with a
6 gun. I heard that a couple times throughout the
7 chase.

8 When we pulled in, we're behind -- I
9 don't know how many cars were in front of us, but
10 there was like a roundabout or the parking lot of
11 the school; and I know the suspect car was there,
12 all the zone cars are there, we lost them in the
13 lights. I couldn't see the suspect car anymore.

14 Over the radio that's when we heard the
15 shots fired. So I told my driver, I was like,
16 "Pull over," because I immediately thought that
17 the suspects were shooting at the police, maybe
18 they were cornered, because I couldn't see the
19 car.

20 So I was like -- my theory of telling
21 the driver, they're going to shoot it out, I'm
22 going to get some cover and not stay in my car,
23 or maybe they're bailing to shoot us (inaudible)
24 get some cover, get out of the car, get around

1 the opposite way.

2 Like I said, I didn't see the car at
3 all. I just saw the zone car lights. I was a
4 passenger.

5 As soon as I opened up my passenger door
6 -- excuse my language -- it was like the oh-shit
7 factor. The car was right there in front of me
8 probably within 15 to 20 feet coming -- I mean,
9 it wasn't at an angle. It was right in front of
10 me.

11 So the only thing I could do to react is
12 I drew -- I drew my weapon. I was running
13 backwards at the same time towards the back of my
14 zone car. I pointed at the windshield where the
15 driver was and fired.

16 It happened so fast I didn't really -- I
17 couldn't aim. I was just pointing in the
18 direction of the windshield.

19 Got to the back of my zone car.
20 Immediately just went down, ducked, because I
21 heard the gunfire. I didn't know -- I thought it
22 was the suspect shooting at us and the police
23 returning the fire.

24 So I stayed down behind my zone car,

1 because I didn't want to get hit by -- by them
2 firing at us or crossfire. I popped my head back
3 up, and there was still gunfire. So I went to
4 the driver's side of my car, ducked down, popped
5 my head up again; and I heard a loud boom on the
6 left side, like a pop, gunfire. So I went down
7 again and just sat there until everyone stopped
8 firing.

9 Q. Did you --

10 A. I thought.

11 Q. I'm sorry.

12 A. I thought the guy was going to run me
13 over. I mean, he was right there. I mean, I --
14 I don't know if there would have been time to
15 even swerve to avoid me.

16 Q. How many times did you fire initially?

17 A. It ended up being 12 rounds. I thought
18 it was just a couple.

19 Q. How do you know that it was 12 rounds?

20 A. At the end our homicide team made us --
21 they checked our rounds. They had us empty the
22 magazine and all that.

23 Q. Do you remember who it was?

24 A. I don't even think I know them.

1 Q. A detective? A sergeant? A lieutenant?

2 A. All I can tell you is they were from
3 homicide.

4 Q. You fall down after that, the car is
5 coming at you, you're sort of hunkered, my words,
6 by your -- your zone car?

7 A. I was behind the back of the zone car.

8 Q. Did you make any other movement from
9 that point or --

10 A. Well, I popped my head up to see what
11 was going on and see who's firing; and I went to
12 the driver's side of my car to get better cover.
13 I thought it would be better cover. Like I said,
14 I popped my head up to see what was going on, I
15 heard a pop on the left side of me, so I dropped
16 down again to avoid fire from anyone.

17 Q. The 12 rounds that you did shoot, that
18 was from the initial oncoming --

19 A. Yeah, that was it.

20 MR. SARAYA: You didn't fire any more
21 after that?

22 THE WITNESS: No. It was just as I'm
23 running, retreating so I don't get run over.

24 That was the last time I fired.

1 BY MR. GARDNER:

2 Q. We're going to sort of go back a little
3 bit and come forward again.

4 During the initial pursuit did you --
5 you were a passenger, so did you call anything
6 out on the radio?

7 A. I called like twice. I believe it was
8 Siefer. He wasn't familiar with the area. And I
9 know when we got to I think it was like Wade Park
10 area, I don't know if it was like East 115th,
11 they were going south, and I just called out a
12 couple of times the direction of travel -- I
13 think just like two times -- "We're going
14 southbound coming up on Detroit." And that was
15 it. I didn't want to break in.

16 Q. You said initially you were how many
17 cars from the suspect?

18 A. From 44th and Clark we were probably the
19 third or fourth one out.

20 Q. Did you see the occupants inside?

21 A. Not at that point. They were still --
22 you could see just like an outline. Not really
23 -- because we were going --

24 MR. SARAYA: Go ahead.

1 A. They were too far up and we were like
2 weaving in and out of traffic, you know. Because
3 I was telling him not to stay directly behind
4 him. You couldn't really see. You could tell
5 there was possibly two people.

6 Q. What do you think your speeds were?

7 A. On the roadway maybe -- I couldn't tell
8 you the exact.

9 Q. Your interpretation.

10 A. Forty. A little faster. Maybe fifty at
11 some points.

12 Q. You're --

13 A. We were --

14 Q. I'm sorry.

15 A. Forty to sixty maybe on the road,
16 streets, residential areas, yes.

17 Q. Okay. Once you were on the highway how
18 fast?

19 A. I know one time I looked over to see the
20 speed and it was like at least 100 on the
21 freeway.

22 Q. You already said that the suspect
23 vehicle was crashing traffic lights. Do you
24 remember anything else specific that the suspect

1 vehicle was doing as far as driving?

2 A. Once we got to East 79th and Addison, I
3 think it was like Addison/Star Hill area, they
4 called -- called out that he rammed a police car.

5 Q. Do you know what police car?

6 A. I want to say it was maybe Sergeant
7 Coleman, wherever she was that night. At least I
8 believe I heard her voice. I don't know if it
9 was her car or she was shouting out there that he
10 did ram a police vehicle.

11 Q. When you got on Euclid in East
12 Cleveland, about how far were you from the car?

13 A. That's when it started to get jumbled
14 up. Because traffic, you know, the zone cars, we
15 were back a little bit.

16 Q. Did you see the suspect vehicle do
17 anything during that time?

18 A. I was just trying to keep my eyes -- I
19 really -- I mean, he went into like the parking
20 lot to cut through around traffic, because with
21 all the zone cars and there was some traffic
22 there.

23 My partner kept a better eye, to tell
24 you the truth. We kind of -- I kind of lost

1 visual of the car once it hit Euclid a little
2 bit.

3 MR. SARAYA: Okay. You're on the
4 freeway. You said there's a bunch of zone cars.
5 You're not in -- on the fourth position anymore.

6 About how many cars do you think were
7 ahead of you at that point? How many others --

8 THE WITNESS: Well, most of the time
9 until we got off, we were like the third, fourth;
10 and then it just kept changing position. I mean,
11 when we got off is like when we lost when we were
12 third or fourth. There's a handful of cars in
13 front of us, I think.

14 MR. SARAYA: Okay.

15 BY MR. GARDNER:

16 Q. Did you know who was in the vehicle,
17 whether it be by your own observation or radio
18 traffic?

19 A. When it first came out it said two black
20 males.

21 Q. This is one of those questions I'm going
22 to ask you curiously.

23 Have you heard the names of the two
24 people up to this point?

1 A. No.

2 MR. SARAYA: Have you heard anything
3 news-wise about the passengers -- the suspects?

4 THE WITNESS: In the news?

5 MR. SARAYA: Yeah.

6 THE WITNESS: Yes.

7 MR. SARAYA: Okay. Were you surprised
8 to find out that it was a male and a female?

9 THE WITNESS: Yes.

10 BY MR. GARDNER:

11 Q. I'm just going to show you two pictures,
12 and you can read the names and look at the
13 pictures and tell me if you've ever had any prior
14 dealings.

15 A. Timothy Russell, not to my knowledge I
16 dealt with any of them. And Malissa Williams --

17 Q. Don't look familiar to you?

18 A. No.

19 Q. Just your -- your opinion, what was the
20 lighting in the parking lot?

21 A. A couple streetlights up.

22 MR. SARAYA: What do you think? Kind of
23 bright? Kind of dark? You made a comment about
24 (inaudible) with all of the overheads going out.

1 THE WITNESS: Well, the zone cars, the
2 lights of the zone cars.

3 MR. SARAYA: Right.

4 THE WITNESS: It was lighted. The
5 actual parking lot was lighted.

6 BY MR. GARDNER:

7 Q. Could you see inside the vehicle?

8 A. No, not when it was coming at me.

9 Q. Did you hear anybody issue any verbal
10 commands? Did you hear, I mean, any officers
11 yell out anything?

12 A. No.

13 Q. Nothing like "Cease fire" or anything
14 like that?

15 A. No.

16 Q. I'm going to assume I know the answer to
17 this question.

18 But did you see any of the movements
19 from the suspects inside the vehicle?

20 A. No.

21 Q. I want to show you a map here, give you
22 a little orientation here. This is the drive
23 coming up into the school. This is the drive
24 coming up. You can see the numbers. These are

1 going to be the car numbers, I believe, or the
2 plate numbers on the cars.

3 You were in 238?

4 A. Yes.

5 Q. Which is right here. Just run through
6 on the picture here, just tell me sort of where
7 you went and what you did.

8 A. As soon as we pulled the zone car over,
9 I exited the zone car, the car was coming at me;
10 and I thought he was going to hit me, so I
11 retreated to the rear of the zone car. Got
12 behind my zone car. Not on the bumper but a
13 couple feet away.

14 Should I do -- use the pen?

15 Q. Absolutely, please. Thanks.

16 A. I mean, I just immediately exited the
17 zone car, went to the back of the car, and then I
18 moved again to the driver's side. That's as far
19 as I went during the whole tadoo.

20 Q. Did you see the suspect vehicle come
21 into contact with the zone car?

22 A. No.

23 Q. No?

24 A. I was just -- I was just trying to get

1 to the rear of my zone car without getting hit.

2 Q. Did you hear anything? I mean, like --

3 A. There was a lot going on. I didn't
4 hear.

5 Q. You started backpedaling to the back of
6 the car, did you fall down?

7 A. No. I just went down to avoid the fire.

8 Q. Okay.

9 A. I didn't -- I assumed they were shooting
10 at us and I heard the gunshots behind me. So I
11 didn't want to get caught and get shot. So I
12 just immediately -- as soon as I got to the back
13 of my zone car I went down so I wouldn't get
14 shot.

15 Q. Do you believe that your rounds hit?

16 A. I couldn't tell you. I didn't have --
17 it happened so fast, he was right there. I
18 didn't have a chance to even aim. I just -- it
19 was right-handed. I pointed it at the windshield
20 towards the direction of the driver and shot.

21 Q. Do you feel that there was any other
22 availability or practicality of any other options
23 that could have been used?

24 A. Not that I -- no.

1 Q. Did you see any of the other officers,
2 what they were doing or --

3 A. I just know they were behind me. I
4 ducked down when I got to the back of my car.
5 And when I went to the driver's side, there was a
6 couple officers to my left kind of behind the
7 (inaudible) and ducked down again.

8 Q. Do you know who they were?

9 A. I want to say the driver's side I think
10 there was a vice.

11 Q. Male? Female?

12 A. I want to say it might have been -- his
13 name is Demchak. And the female, his partner, I
14 believe it was.... --

15 Q. Did you call for medical attention?

16 A. No.

17 Q. Did you hear anyone call for medical
18 attention?

19 A. I believe I heard someone call EMS.

20 Q. Do you remember who it was?

21 A. I couldn't tell you.

22 Q. How -- did you hear it on the radio?

23 A. I think I heard something on the radio
24 about EMS.

1 Q. So after everything calms down, shots
2 dissipate, what do you do at this point? Did you
3 reload?

4 A. No. I felt the threat was over. Didn't
5 see a movement in the car. I felt the threat was
6 over. I just holstered and that was it.

7 Q. Did you go up to the vehicle at any
8 point, move anything?

9 A. No.

10 Q. Did you check yourself for injuries?

11 A. No. I just -- I felt I wasn't shot. I
12 was just still in like awe.

13 Q. You weren't injured?

14 A. No.

15 MR. SARAYA: Did you check your vest
16 afterwards to see if you took any hits?

17 THE WITNESS: I checked it. I didn't
18 feel anything.

19 BY MR. GARDNER:

20 Q. Do you remember anybody making any type
21 of statements afterwards, officers saying
22 anything?

23 A. No.

24 MR. SARAYA: What was the tone, the

1 atmosphere?

2 THE WITNESS: It was like -- for me it
3 was like shock, like this really just happened.
4 It's kind of like I didn't believe the whole
5 ordeal just went down the way it did.

6 I was just -- the only thing I was
7 thinking is if I -- if I was a second late it's
8 either I would have been run over exiting my
9 vehicle I would have been crushed exiting between
10 my car and the suspect car.

11 So I was just -- I was reflecting on
12 that. I had just had a close-call and I didn't
13 know who was shooting, so I was like, you know,
14 -- besides almost getting run over, if I would
15 have been late would have been crushed or shot.

16 So I was just kind of like in shock for
17 a little bit, just grateful.

18 Q. This is one of those questions people
19 get sort of defensive about. It's nothing. If
20 you did, it's not bad. We just need to know.

21 Who have you spoken to regarding this
22 incident besides your union officials and your
23 attorney?

24 A. I just had to explain to my wife, my mom

1 and my dad, two close friends. Alls I told them
2 was I was involved in a shooting.

3 Q. Have you spoken to anyone from the
4 department?

5 A. No, other than these guys.

6 MR. SARAYA: No other officers involved
7 in the shooting? Have you talked to anybody else
8 who's been there?

9 THE WITNESS: No.

10 MR. SARAYA: You haven't had any contact
11 with any of the officers at the district or
12 something calling to see what you're doing, how
13 you're doing, anything like that?

14 THE WITNESS: I've had a lot of people
15 text me to see if I'm all right. I said I'm all
16 right, and that was basically the generic.

17 BY MR. GARDNER:

18 Q. Do you believe your actions were
19 consistent with your training?

20 A. Yes.

21 Q. Do you believe that others acted
22 consistent with their training?

23 A. Yes.

24 Q. Did you use your cell phone while you

1 were on scene?

2 A. I texted my wife to let her know I was
3 in a shooting and that I was all right and
4 everything was good.

5 Q. About how long ago -- or how long after?

6 A. Probably within probably over a half
7 hour.

8 Q. This is an important question that I
9 can't express the importance of asking.

10 A. All right.

11 Q. Did you take any photographs while you
12 were on scene with your camera or your phone?

13 A. No.

14 MR. SARAYA: Did you see anybody else
15 taking pictures with their phones?

16 THE WITNESS: No.

17 BY MR. GARDNER:

18 Q. Did anyone ask you to lie or otherwise
19 influence your statement to us?

20 A. No, not at all.

21 Q. To pick up on one of the counselor's
22 question that the media seems to have brought out
23 -- forward in this incident. There -- did you
24 ever -- did you hear any type of racial epithets

1 afterwards, any racial remarks from the officers?

2 A. No.

3 Q. Is there doubt in your mind that this
4 may have been a racially motivated issue?

5 A. Not at all.

6 MR. SARAYA: During the pursuit did you
7 see any other units from any other agencies in
8 the pursuit?

9 THE WITNESS: No. I don't even think --
10 I think it was just CPD. I can't recall seeing
11 anyone else besides CPD.

12 MR. SARAYA: Okay. Your partner, did
13 you see where he went when he got out?

14 THE WITNESS: He was just on the
15 driver's side next to the car, the driver's side.

16 MR. SARAYA: Just hunkered down?

17 THE WITNESS: I believe -- he -- he
18 actually told me after the fact that I came --
19 once I got to the driver's side I pulled his ass
20 down to get him down.

21 MR. SARAYA: Okay.

22 MR. GARDNER: You don't remember doing
23 that?

24 THE WITNESS: No.

1 MR. SARAYA: Okay. How long -- and,
2 again, this is a subjective question. How long
3 did it feel like the shots were being exchanged?

4 THE WITNESS: I would say ten seconds.

5 MR. SARAYA: That's what it felt like or
6 that's what you think it was?

7 THE WITNESS: That's what it felt like.

8 MR. SARAYA: Lights and sirens were on
9 the whole time, right, during the pursuit?

10 THE WITNESS: Yes.

11 MR. GARDNER: Anything from you guys?

12 MR. KINAS: One question.

13 How many zone cars still had their
14 lights and sirens on during the shoot?

15 THE WITNESS: During the shoot? I know
16 -- I know mine was on. Our lights and sirens
17 were on definitely. I -- every car on scene had
18 their lights on. I couldn't tell you about
19 sirens, no.

20 MR. KINAS: The sirens got turned off
21 afterwards, though?

22 THE WITNESS: I know ours did. I think
23 they were still going during the initial
24 shooting.

1 MR. KINAS: Did you see how fast the car
2 was coming at you, the suspect vehicle?

3 THE WITNESS: I -- I couldn't tell. I
4 mean, I just had enough time to react. I mean,
5 by the time I got out -- before I got out of the
6 car, I didn't see the car, because there was no
7 way I would have exited my vehicle if I knew the
8 car was coming there.

9 As soon as I got out of the car, the car
10 was right there within 20 feet coming at me; and
11 I just had enough time to react and get to the
12 back of my zone car.

13 MR. D'ANGELO: Did you perceive the
14 driver of the suspect vehicle intentionally
15 coming at you, or is that just -- just kind of
16 happened by, one, accident or inadvertently?

17 THE WITNESS: Well, the thing was, in
18 the chase he was not stopping at nothing; and I
19 knew we were on that road and there was only one
20 way out. I thought he was just going to come at
21 me. But, I mean, he was so reckless during the
22 pursuit and just trying to get away. I thought I
23 was in the way or, you know, I thought just
24 because I was there he wouldn't stop.

1 MR. D'ANGELO: So the path he was taking
2 or attempted to take was to --

3 THE WITNESS: It was right in front of
4 me. It was right through me.

5 MR. D'ANGELO: And that would be the way
6 to get out of there for him.

7 THE WITNESS: Yes.

8 MR. FOLLMER: When you're running back
9 from the car, you said you got low. How low did
10 you get? Did you get lower than the hood so you
11 couldn't be fired at? Or how low --

12 THE WITNESS: Yes, I got below -- I
13 believe I got below the hood. I didn't drop
14 totally to the ground. I just got below so if
15 there were shots it would go over.

16 MR. FOLLMER: Was it a crawl or was --

17 THE WITNESS: I would say at least one
18 knee down.

19 MR. KINAS: You fired all 12 of your
20 rounds between the side of your car and the back
21 of your trunk as you were going backwards away
22 from your car?

23 THE WITNESS: I know what I initially
24 did, I pulled it out with my right hand,

1 retrieving, and I pulled it in. And I still
2 wasn't aiming. I was just pointing at the
3 direction of the windshield of the driver's side.

4 MR. KINAS: And you didn't fire your
5 weapon after that point?

6 THE WITNESS: No. Just while I was
7 retreating backwards.

8 MR. D'ANGELO: Can you get up and
9 demonstrate to them how you were retreating, like
10 going backwards?

11 MR. SARAYA: Was it a backpedal where
12 you were kind of turned sideways?

13 THE WITNESS: I just exited the car and
14 I unholstered and I was going backwards. I just
15 went like this.

16 MR. SARAYA: Okay.

17 THE WITNESS: Just got down.

18 MR. SARAYA: Got as small as you could
19 for a guy that's, what, a little over six foot
20 tall here?

21 THE WITNESS: Yes.

22 MR. SARAYA: Okay.

23 MR. KINAS: You didn't get out of your
24 vehicle and intentionally try to stop the car

1 with your body?

2 THE WITNESS: No, I didn't -- I didn't
3 know it was there. Like I said, I thought it was
4 cornered by the zone cars. And they were
5 shooting it out with the police -- they were
6 shooting at the police. So by me being on the
7 passenger side facing them, I wanted to get out
8 and get some cover, because the rounds are going
9 to come through the door and window and get me.

10 So my whole ideology was to try to get
11 to the driver's side and cover and get as low as
12 I had to, try to get behind like the trunk or the
13 engine block or the tires.

14 MR. SARAYA: Do you think the driver in
15 the suspect vehicle saw you get out?

16 THE WITNESS: He had to.

17 MR. SARAYA: Subjective.

18 THE WITNESS: He had to. I mean, I was
19 right there.

20 MR. GARDNER: So you stopped your car
21 not to block the suspect car in.

22 THE WITNESS: No. I told him, "Pull it
23 over and exit the vehicle. We can get some
24 better cover." I had no intention on blocking

1 him in. I didn't know where he was. I thought
2 he was somewhere in the roundabout surrounded by
3 the other zone cars. So we just pulled it over
4 (inaudible).

5 MR. KINAS: You heard these rounds down
6 here or you heard them over the radio?

7 THE WITNESS: I just heard the radio
8 broadcast, "Shots fired."

9 MR. GARDNER: Did you see this other
10 zone car beside you?

11 THE WITNESS: I didn't know it was
12 behind me. I didn't know it pulled up. I don't
13 recall.

14 When I got out I was just going
15 backwards, because I couldn't see behind me. I
16 was just -- I saw the headlights on the car
17 coming at me. I didn't look to my right. I was
18 just going backwards looking forward.

19 MR. GARDNER: I can't remember if he
20 already asked it or not.

21 Is there any question that we have not
22 asked you that you feel is very important or
23 important?

24 THE WITNESS: Not that I can think of at

1 this moment.

2 MR. D'ANGELO: Anything you want to say?

3 THE WITNESS: When I exited the car, I
4 just want to reiterate, I didn't know he was
5 there. I just reacted because I thought I was
6 going to die. I thought it was -- the only way I
7 could react was shooting, you know.

8 Hindsight is like -- you know, it's kind
9 of iffy to shoot behind because I know there's
10 police officers if I miss my mark. But it's the
11 only thing I had to do. It's the only resource I
12 had -- I was limited to.

13 MR. SARAYA: Anything else?

14 (No audible response.)

15 MR. SARAYA: Thank you.

16 MR. GARDNER: Do me a favor, initial and
17 your badge number.

18 THE WITNESS: (Complies with request.)

19 MR. GARDNER: All right.

20 (End of videotaped interview.)

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