

FEBRUARY 4, 1991

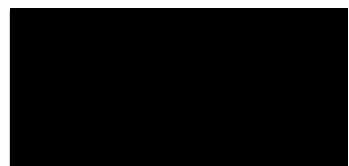
OFFICE OF THE ATTORNEY GENERAL
BUREAU OF FORENSIC SERVICES
NORTH COAST CRIMINALISTICS LABORATORY
[REDACTED] WEST WABASH
EUREKA, CA 95501-2121
[REDACTED]

HUMBOLDT COUNTY SHERIFF
825-5TH STREET
EUREKA, CA 95501

PAGE: 1

SUMMARY OF BLOOD AND URINE ALCOHOL RESULTS FEBRUARY 2, 1991 THROUGH FEBRUARY 2, 1991.
ALL SAMPLES 0.08% AND BELOW WILL BE FORWARDED TO THE TOXICOLOGY LABORATORY FOR
FOR FURTHER ANALYSIS.

CASE NUMBER	[REDACTED]	AGENCY AND COUNTY	OFFENSE				COMMENTS
			AGENCY #	DATE	VIOL	ANA BA % S	
NCB-0104	COBINE, STEVE P	SO EUREKA	HUM 910568	910128		MJK 0.00	C-0019-91
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
NCB-0103	POOL, DOUGLAS W	SO EUREKA	HUM 910568	910128		MJK 0.00	C-0019-91
NCB-0102	SYLVIA, JON W	SO EUREKA	HUM 910568	910128		MJK 0.00	C-0019-91



HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

- 1200 -

ARRESTED
 DOMESTIC VIOLENCE

301 PAGE 1 302 CASE NUMBER 91-568

HEADING	<input type="checkbox"/> MISDEMEANOR	303 DATE / TIME REPORT	304 INCIDENT / CRIME CLASSIFICATION			305 AREA
	<input type="checkbox"/> SUPPLEMENTAL	1-28-91 2:14 PM	245-41(1) 459 PC			
	<input type="checkbox"/> CONTINUATION	306 DATE / TIME OCCURRED	Excelsior			
	<input type="checkbox"/> INCIDENT	1-28-91 2:14 PM				
307	[REDACTED]					311 PHONE
312 SAME AS	313 RACE	314 SEX	315 AGE			
	W	M	21			
320	[REDACTED]					324 ADDRESS
	[REDACTED]					325 PHONE
326 SAME AS	327 RACE	328 SEX	329 AGE			
	W	M	24			
	[REDACTED]					335 OTHER

NARRATIVE

On 1-28-91 at Approx 2:150 Hrs. I was dispatched out of briefing to assist units on Excelsior Road. I responded code 3 and arrived at Approx 2:155 Hrs.

I contacted Sgt. Maki who told me that Pop Silve and Paul were near the back of the house and that there was an armed [REDACTED] in the house.

I went down the driveway on the South side of the house. I was unable to access the backyard from this side. I then went on the North side of the house to the rear. Pop Silve and Paul were back there trying to tell the [REDACTED] to put down his gun. From where I was I had a partial view of the [REDACTED]. He appeared to be sitting in the chair.

I then went back to the South side of the house next to the garage and took up a position covering the front door of the house.

Approx 10 minutes after taking up my position I heard what sounded like a shot being fired. I heard over the radio that the [REDACTED] had fired a round into the floor. I continued to maintain my position.

ADMIN.	336 OFFICER(S) REPORTING	I.D. NUMBER	DATE OF REPORT	337 SUPERVISOR REVIEW	DATE
	338 COPIES TO:	[REDACTED]	0125	1-29-91	
	<input type="checkbox"/> CH	<input checked="" type="checkbox"/> INVEST	<input type="checkbox"/> PATROL	<input type="checkbox"/> DISTRICT ATTORNEY	<input checked="" type="checkbox"/> PROBATION
		<input type="checkbox"/> C.P.S.	<input type="checkbox"/> OTHER		

1/30 at 1/30 at 1/30 at

Suspect's Name

Offense

Approx 10 minute later I heard another series of shots, Approx 3 to 5 in rapid succession.

Approx ten minute later I heard another series of shot Approx 3 in rapid succession.

Approx 10 minute later I heard another series of shots. I also heard the sound of shattering glass. I also heard voices shouting. It sounded like someone was shouting to watch the [redacted] head.

Prior to the final burst of gunfire I continually heard Deps Pool and Silum to put down the gun and come out.

After the last series of shots I maintained my position on the front door. Dep Kirkpatrick who had been near me went to the South side of the house.

A few minutes later Sargent Cobine opened the garage door. He told me that the other Deputies were inside and were having difficulty controlling the [redacted].

I went inside the house via the garage. The [redacted] was handcuffed on the floor near the door between the kitchen and the living room. Dep Pool appeared to be trying to restrain his legs and asked for a peeing string. I went to my vehicle to get one. When I returned Dep Kirkpatrick had found a rope to secure his legs. I then exited the house and went outside. I stayed outside until advised by Sgt. Mader to return to the office.

Reporting Officer

Date and Time

Reviewed

Copies To:

Dr. No.

R. Porton 012

7-29-91

01-91-568

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

- 1200 -

ARRESTED
 DOMESTIC VIOLENCE

301 PAGE 1 302 CASE NUMBER 01-91-0568

HEADING	<input type="checkbox"/> MISDEMEANOR <input checked="" type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION <input type="checkbox"/> INCIDENT		303 DATE/TIME REPORT 1/28/91 2230		304 INCIDENT / CRIME CLASSIFICATION 459-245a P.C.			305 AREA 18	
			306 DATE/TIME OCCURRED 1/28/91 2140		EXCELSIOR EKA, CA.				
					310 ADDRESS #307				
	312 SAME AS		313 RACE W	314 SEX M	315 AGE 55	317 HT.	318 WT.	319 EYES	320 HAIR
				324 ADDRESS		325 PHONE			
326 SAME AS		327 RACE W	328 SEX M	329 AGE 24			335 OTHER		

ON MONDAY, 1-28-91 at ABOUT 2225 hrs., I received a telephone call from Dispatcher [REDACTED] WHO INFORMED ME THAT DEPUTIES HAVE RESPONDED TO [REDACTED] EXCELSIOR ST., EKA, TO A BURGLARY IN PROGRESS CALL. THAT THE [REDACTED] WAS WELL ARMED and SHOTS HAVE BEEN FIRED BY THE [REDACTED] HE TOLD ME THAT SGT. COBINE HAS REQUESTED THE S.E.T. (SPECIAL ENFORCEMENT TEAM) TO RESPOND SINCE THE [REDACTED] WAS ARMED, HAD FIRED SHOTS, AND WAS BARRICATED

I RESPONDED TO AND ARRIVED AT THE SCENE AT ABOUT 2240 hrs. WHILE ENROUTE, I HEARD VIA RADIO, Sgt. Marler requesting an ambulance and CANCELLING THE S.E.T. TEAM.

AT THE SCENE, DEPUTY PARTON CONTACTED ME AT THE DRIVEWAY OF [REDACTED] EXCELSIOR ST. HE TOLD ME THE [REDACTED] WAS SHOT AND WOUNDED AND BEING TREATED BY FIRE AND AMBULANCE PERSONNEL. ALSO THAT NO DEPUTY WAS INJURED.

SGT. MARLER THEN CONTACTED ME OUTSIDE AND INFORMED ME OF THE BURGLARY IN PROGRESS CALL AND WHICH DEPUTIES WERE INVOLVED. HE SAID THEY WERE ALL INSIDE THE HOUSE.

I ENTERED THE FRONT DOORWAY TO SUMMERS SGT. COBINE. AT THIS TIME I OBSERVED MEDICAL PERSONNEL ATTEMPTING TO TREAT [REDACTED] WHO

ADMIN.	336 OFFICER(S) REPORTING F. Vulich 0088	I.D. NUMBER	1/29/91	DATE OF REPORT	337 SUPERVISOR REVIEW F. Vulich Lt. 1/29/91	DATE
	338 COPIES TO <input type="checkbox"/> CH <input checked="" type="checkbox"/> INVEST <input type="checkbox"/> PATROL <input checked="" type="checkbox"/> DISTRICT ATTORNEY <input type="checkbox"/> PROBATION <input type="checkbox"/> C.P.S. <input type="checkbox"/> OTHER					

Offense

459-245a P.C.

WAS LAYING ON THE KITCHEN FLOOR. I SAW A REVOLVER NEARBY [REDACTED] ON THE KITCHEN FLOOR. [REDACTED] WAS BEING VERY UNCOOPERATIVE WITH THE FIRE/AMBULANCE PERSONNEL.

Sgt. Cobine and I talked briefly outside on the driveway. He provided me with the basic information. He told me that Deputies Pool and Sylvia were on the enclosed back deck area when they fired their weapons. He said he only fired his shotgun while Deputy Pool fired a 9mm pistol and Deputy Sylvia fired a .45 cal. pistol.

Sgt. Cobine stated that Deputy Sylvia tried to talk the [REDACTED] into putting the gun down but that the [REDACTED] kept pointing the gun at them. Sgt. Cobine said Deputy Sylvia was using his flash light to illuminate the house and to see the [REDACTED]. He said during this incident the flash light batteries were diminishing. (REFER TO DET'S INTERVIEW OF SGT. COBINE FOR DETAILS)

I then spoke with R/P [REDACTED] who was standing on the sidewalk in front of the house. He told me he was in contact with his father [REDACTED] who was in Oregon. He said his brother, [REDACTED], had no right being in the house. He said as far as they were concerned, [REDACTED] was burglarizing the house. He said he believes a [REDACTED] may have brought [REDACTED] to the house. He said he did not have any further information about [REDACTED]. He told me his father was enroute from Oregon. I told him the detectives will want to talk with him further about this incident.

I then entered the house where [REDACTED] continued to be uncooperative and he was being placed on the

Reporting Officer

F. Vulich

Date and Time

1/29/91

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Copies To:

Dr. No.

01-91-568

Offense

459-245a P.S.

AMBULANCE GERNEY TO BE TRANSPORTED TO THE HOSPITAL.

I DIRECTED DEPUTY KIRKPATRICK TO PROCEED TO THE HOSPITAL WITH [REDACTED] AND COLLECT HIS CLOTHS AS EVIDENCE. I ALSO TOLD HIM TO HAVE HIS BLOOD COLLECTED - SPECIFICALLY FOR ALCOHOL AND DRUG SCREENING.

I THEN CALLED AND REQUESTED DISPATCHER [REDACTED] CALL [REDACTED] AND REQUEST HE GIVE US "CONSENT" TO SEARCH AND PROCESS HIS HOUSE REGARDING THIS INCIDENT.

DISPATCHER [REDACTED] SHORTLY THERE AFTER CALLED ME STATING HE HAD TALKED WITH [REDACTED] WHO HAD VERBALLY GIVEN HCSO PERMISSION TO PROCESS HIS HOUSE. (CONVERSATION COMPLETED ON A TAPED LINE). I TOLD DISPATCHER [REDACTED] TO MARK THE "RADIO TAPE" FOR EVIDENCE.

(NOTE) RADIO TAPE, INCLUDING TELEPHONE CALL, ARE SECURED AS EVIDENCE. SUPERVISING DISPATCHER [REDACTED] COPIED THE RADIO TAPE ONTO A CASSETTE TAPE ON 1/29/91. [REDACTED] GAVE ME THE CASSETTE WHEREIN I GAVE IT TO DET. HILL ON 1/30/91. REFER TO HIS EVIDENCE SHEET FOR DETAILS.

I HAD DISPATCH CALL DOJ CRIMINALIST [REDACTED] AND REQUEST THAT HE ASSIST I.D. DEPUTY BILLINGSLEY WITH THE SCENE. #1

DET.S LAWSON AND HILL ARRIVED AT THE SCENE AND TOOK CONTROL OF THE INVESTIGATION.

I.D. TECHNICIAN, DEPUTY BILLINGSLEY ALSO ARRIVED AT THE SCENE.

REFER TO THEIR REPORTS FOR DETAILS.

I DEPARTED THE SCENE SHORTLY AFTER DOJ [REDACTED] ARRIVED,

Reporting Officer

F. Vukich

Date and Time

1/29/91

Reviewed

Copies To:

Dt. No.

81-91-568

Offense

459-245a P.C.

*1.

WHILE IN [REDACTED] HOUSE I ANSWERED THE Telephone and talked to a Female who IDENTIFIED HERSELF AS [REDACTED] Address OF [REDACTED] KING SALMON Rd., KING SALMON, CA. [REDACTED]

SHE SAID SHE WAS CALLING TO CHECK ON [REDACTED] I TOLD HER I WAS FROM THE SHERIFF'S OFFICE AND THAT [REDACTED] WAS INJURED.

WHEN ASKED, SHE SAID SHE DID NOT LEAVE [REDACTED] AT THE HOUSE. SHE SAID [REDACTED] HAD CALLED HER FROM THE HOUSE BETWEEN 5:30 AND 6:00 P.M. WHERE HE TOLD HER HE WAS IN HIS FATHER'S HOUSE.

I ASKED WHEN SHE LAST SAW [REDACTED] AND SHE STATED BETWEEN 9:00 AND 9:30 P.M. - (1/28/91). SHE SAID SHE ARRIVED AT THE HOUSE TRYING TO GET HIM TO LEAVE. SHE SAID HE WAS DRINKING (ALCOHOL), THE MUSIC WAS ON LOUD, AND THAT HE WAS WAVING GUNS AROUND. SHE SAID HE HAD A "RIFLE AND A 38".

I TOLD HER THAT SHERIFF'S DETECTIVES WILL WANT TO TALK WITH HER LATER AND WILL CONTACT HER.

I PROVIDED THIS INFORMATION TO DETS LAWSON AND HILL AT THE SCENE.

Reporting Officer

E. Valich

Date and Time

1/30/91

Reviewed

Copies To:

Dr. No.

01-91-568

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

- 1200 -

ARRESTED
 DOMESTIC VIOLENCE

301 PAGE 1 302 CASE NUMBER 01-91-0568

HEADING	<input type="checkbox"/> MISDEMEANOR <input checked="" type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION <input type="checkbox"/> INCIDENT		303 DATE/TIME REPORT 01-28-91 2150Hrs		304 INCIDENT / CRIME CLASSIFICATION 459 P.C. 245(d)(1) P.C.			305 AREA 22		
			306 DATE/TIME OCCURRED 01-28-91 2143Hrs		307 LOCATION Excellisor Rd, Eureka			310 ADDRESS		
								311 PHONE		
	312 SAME AS		313 RACE W	314 SEX M	315 AGE 24				321 OTHER	
322 CODE		323 NAME			324 ADDRESS			325 PHONE		
326 SAME AS		327 RACE	328 SEX	329 AGE	330 DATE OF BIRTH	331 HT.	332 WT.	333 EYES	334 HAIR	335 OTHER

NARRATIVE

On 1-28-91 at approx. 2150Hrs I was dispatched Code-3 to a 459 P.C. (burglary) in progress at [redacted] Excellisor Rd, Eureka. While responding to the scene, I was advised Deputies Sylvia and Pool were on the scene and there was a [redacted] inside and he was armed with a firearm. The suspect that was reported to have broken into the residence was [redacted].

At approx. 2154Hrs I arrived on the scene and removed my departmental shotgun out of my marked patrol unit. I met with Sgt. Marler and he said Deputy Sylvia and Pool were around back and could see the [redacted] inside the residence with a firearm. I then took cover behind a dark color pickup in the driveway covering the front door of the residence. Deputy Parton had also arrived and assisted me at the front door. While covering the front door, I could hear Deputies Sylvia and Pool yelling to the [redacted] to come out of the residence and put the gun down. They said this several times. I then heard one gun shot from inside the residence. A few minutes had passed and I heard approx. 5 more gun shots. I was advised by Sgt. Cobine the [redacted] was shooting inside the residence again. Sgt. Cobine advised he wanted the S.E.T. team to respond. I then advised our dispatcher to contact the S.E.T. team to respond and shots had been fired. After approx. 10 minutes I heard approx. 5 more shots. Approx. 10 minutes later I heard approx. 10 shots and glass breaking. I then saw a light come on inside the residence and I tried to contact Sgt. Cobine on the radio but no answer. As I was going around back, I heard over my radio for a ambulance to respond. I then met with Sgt. Cobine, Deputy Sylvia, and Deputy Pool inside the residence. I saw the [redacted] laying on the kitchen floor handcuffed. [redacted] was very belligerent and uncooperative. Eureka Ambulance and Humboldt Fire Dist arrived for medical aid. [redacted] was loaded up and placed in Eureka Ambulance. Lt. Vulich had arrived on the scene and requested I go along with the [redacted] to the hospital. Lt. Vulich also requested I seized [redacted] clothing and have blood drawn. I rode with Eureka Ambulance to General Hospital. While enroute E.M.T. [redacted] was treating [redacted] cut [redacted] pants and flannel shirt off him. Driving the ambulance was E.M.T. [redacted].

Upon arrival at General Hospital, I advised our dispatcher to contact a lab tech to respond and draw blood. In the emergency room, the staff had removed [redacted] shoes and socks.

ADMIN.	336 OFFICER(S) REPORTING M. Kirkpatrick <i>ML</i>		I.D. NUMBER 0583		DATE OF REPORT 01-29-91		337 SUPERVISOR REVIEW		DATE
	338 COPIES TO: <input type="checkbox"/> CH <input checked="" type="checkbox"/> INVEST <input type="checkbox"/> PATROL <input checked="" type="checkbox"/> DISTRICT ATTORNEY <input type="checkbox"/> PROBATION <input type="checkbox"/> C.P.S. <input type="checkbox"/> OTHER								

Offense

459 P.C. 245(d)(1) P.C.

The staff then started treating him. [redacted] was bleeding on both hands, inside right knee area, and inside left heel area. The staff then started cleaning the areas on [redacted] X-rays were done and found [redacted] had been shot in the inside right knee area and left heel area. On [redacted] right hand, he had several cuts. At approx. 2322Hrs lab tech from Humboldt Central Labs arrived at hospital. At approx. 2342Hrs Lab Tech [redacted] with drew two vials of blood from [redacted] inner left arm and handed me the vials of blood. The hospital also withdrew blood to do some tests and an alcohol analysis was done and came back .328. I.D. Tech. Billingsley arrived at the hospital to attempt to do a G.S.R. but couldn't because Ives had already been cleaned. I gave Billingsley the two vials of blood. Ives was released by Dr. [redacted] and O.K. to be booked into jail. I had seized [redacted] clothing and placed them into paper bags. Sgt. Marler then arrived at the hospital and we placed [redacted] in the backseat of his patrol unit. We then transported him to jail. At the jail, I seized [redacted] underwear and t-shirt. I placed these items into a paper bag.

I booked all the clothing and blood into evidence. Copies of emergency room record and ambulance record is attached to this report.

It should be noted, Ives didn't say anything about the incident.

N.F.A.

SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE NUMBER: 91-0568

INTERVIEWER: DETECTIVE GEORGE HILL

SUBJECT: 459 PC - BURGLARY IN PROGRESS

STATEMENT OF: DEPUTY ROBERT PARTON

LOCATION: HUMBOLDT COUNTY SHERIFF'S DEPARTMENT, DETECTIVE BUREAU

DATE AND TIME: JANUARY 29, 1991 / 0054 HOURS

ALSO PRESENT: D.A. INVESTIGATOR FRANK YEAGER

THIS IS INVESTIGATOR, GEORGE HILL. I'M IN THE DETECTIVE BUREAU OF THE HUMBOLDT COUNTY SHERIFF'S OFFICE, IN EUREKA. TODAY'S DATE IS JANUARY 29, 1991, THE TIME IS APPROXIMATELY 0054 HOURS. I'M INVESTIGATING CASE NUMBER 91-0568, A REPORTED 459 IN PROGRESS WHICH RESULTED IN AN OFFICER INVOLVED SHOOTING. PRESENT IN THE ROOM AND GIVING A STATEMENT IS DEPUTY SHERIFF ROBERT PARTON; ALSO PRESENT IS D.A. INVESTIGATOR

Q: WOULD YOU STATE YOUR NAME FOR THE RECORD PLEASE?

O: FRANK YEAGER.

Q: BOB, WHAT'S YOUR CURRENT ASSIGNMENT FOR THE SHERIFF'S OFFICE?

A: I WORK PATROL.

Q: HOW LONG HAVE YOU BEEN A MEMBER OF THE SHERIFF'S DEPARTMENT?

O: OVER SEVENTEEN YEARS NOW.

Q: OKAY, ARE YOU ON DUTY TONIGHT?

A: YES.

Q: OKAY, AND WHAT'S YOUR SHIFT ASSIGNMENT?

A: UH, I'M ASSIGNED TO WORK GRAVEYARD. FROM TWENTY ONE HUNDRED TO O'SEVEN HUNDRED.

Q: OKAY, AND WHEN DID YOU FIRST BECOME AWARE OF THE INCIDENT ON EXCELSIOR?

A: UH, WHILE WE WERE IN BRIEFING. I WAS DISPATCHED OUT OF BRIEFING. (INAUDIBLE)

Q: WHAT WERE YOU INITIALLY TOLD, AND BY WHOM?

A: UH, I WAS ASSIGNED TO GO OUT THERE BY...I GUESS DISPATCH PHONED BACK, AND COBINE TALKED TO THEM, AND (INAUDIBLE) SENT ME OUT THERE TO EXCELSIOR. AT THE TIME, THERE WAS SOMETHING GOING ON OUT THERE, BUT I WASN'T EXACTLY SURE WHAT IT WAS.

Q: YOU DIDN'T...YOU WEREN'T TOLD AT THAT TIME THE NATURE OF THE CALL?

A: I DON'T RECALL (INAUDIBLE)...ON THE WAY OUT I HEARD SOMEBODY SAY IT WAS A STANDOFF.

Q: OKAY, AND APPROXIMATELY WHAT TIME WAS THAT?

A: UH, PROBABLY ABOUT TWENTY ONE FIFTY.

Q: SERGEANT COBINE WAS DOING THE BRIEFING AT THAT TIME?

A: YEAH.

Q: WAS ANYBODY ELSE, UH, CALLED OUT FROM EUREKA?

A: YEAH, UH, MARVIN KIRKPATRICK.

Q: OKAY, AND WHAT DID YOU DO?

A: WELL, WE WERE TOLD TO RESPOND CODE THREE, AT AROUND TWENTY ONE FIFTY FIVE. I UH, CHECKED WITH SERGEANT MARLER TO SEE WHAT HE WANTED ME TO DO. UH, (INAUDIBLE) WASN'T EXACTLY SURE, SO I STARTED CHECKING AROUND THE HOUSE, AROUND ON THE SOUTH SIDE... CHECKING AROUND, WALKING AROUND THE BACK AND REALIZED YOU CAN'T GET INTO THE BACK FROM THE SOUTH SIDE, CAME BACK AND WENT AROUND THE NORTH SIDE, AND I, UH, SAW DEPUTY POOL AND SYLVIA THERE. THEY WERE YELLING AT THE [REDACTED] TO PUT DOWN THE GUN. AT THAT TIME, I COULD SEE SOMEBODY SITTING IN A CHAIR...WHERE I WAS, I DIDN'T HAVE A VERY GOOD VIEW, UH, BUT AT THAT TIME I WENT BACK AND AROUND TO THE SOUTH SIDE, AND TO THE FRONT TO THE POSITION COVERING THE FRONT DOOR. AND I STAYED THERE...

Q: ...OKAY, WHAT'S THE ADDRESS ON EXCELSIOR?

A: UH, [REDACTED]? I'M NOT SURE.

O: [REDACTED].

A: YEAH, [REDACTED]

Q: DID YOU SEE THE [REDACTED] WHEN YOU...

A: ...I GOT A VERY SLIGHT GLIMPSE OF SOMEBODY SITTING BACK...IT LOOKED LIKE HIS BACK WAS TO ME...SITTING IN A CHAIR. AND WHERE I WAS, I WAS JUST RIGHT ON THE CORNER THERE, AND I COULDN'T GET INTO A GOOD POSITION WHERE I HAD A CLEAR VIEW OF HIM.

Q: OKAY, WHAT WAS HE DOING? AS FAR AS YOU COULD TELL?

A: FROM LOOKING...AT LOOKING AT HIM, AS I RECALL, HE WAS SMOKING A CIGARETTE AT THE TIME, BUT I'M NOT SURE...(INAUDIBLE)

Q: WERE THE LIGHTS ON IN THE HOUSE?

A: YEAH, THERE WERE LIGHTS ON INSIDE.

Q: OKAY, WHAT KIND OF LIGHTING WAS OUTSIDE?

A: MMM, WHERE I SET...I A FINALLY SET POSITION, THERE WAS AN OUTDOOR LIGHT, BUT I DON'T RECALL THAT THERE WAS ANY GOOD LIGHTING OUTSIDE. THE LIGHT THAT WAS OUTSIDE WAS COMING FROM INSIDE THE HOUSE.

Q: OKAY, SO YOU TOOK A POSITION, UH, ON THE SOUTH SIDE OF THE HOUSE NEAR THE FRONT DOOR.

A: NEAR THE FRONT, RIGHT BESIDE THE GARAGE.

Q: OKAY.

A: THERE'S A BOAT OUT THERE, AND I WAS USING THAT FOR COVER.

Q: OKAY, SO DID...DID YOU HEAR THE PERSON INSIDE THE HOUSE SAY ANYTHING?

A: UH, TOWARDS THE END, I THINK I HEARD SHOUTING THAT SOUNDED LIKE IT WAS COMING FROM HIM, BUT I COULDN'T MAKE OUT WHAT HE WAS SAYING.

Q: OKAY. DID YOU HEAR ANY UNUSUAL NOISE, AT ALL, COMING FROM INSIDE OF THE HOUSE?

A: YEAH, UH, WELL THROUGHOUT THE TIME I KEPT HEARING THE DEPUTIES YELLING PUT DOWN THE GUN, AND SYLVIA SAID, YOU DON'T WANT TO DIE...PUT DOWN THE GUN. (INAUDIBLE)...TRYING TO TALK HIM OUT OF IT. UH, AT ONE TIME I HEARD WHAT SOUNDED LIKE A ROUND GO OFF, AND SOMEONE SAID HE HAD SHOT A ROUND INTO THE FLOOR. LATER ON, THERE WERE SEVERAL OTHER ROUNDS SHOT, SOUNDED LIKE ROUNDS HAD BEEN FIRED AT LEAST ON TWO DIFFERENT, SEPERATE OCCASIONS. (INAUDIBLE)

Q: COMING FROM THE INSIDE OF THE HOUSE? OR OUTSIDE?

A: WELL, OVER ON THAT SIDE, I'M NOT SURE; SOUNDED LIKE POSSIBLY INSIDE...BUT I COULDN'T TELL FOR SURE FROM WHERE I WAS.

Q: OKAY, AND YOU COULD NOT SEE ANYTHING...

A: NO.

Q: ...FROM THAT SIDE?

A: NO, I COULD NOT SEE AT ALL.

Q: OKAY, FROM THE TIME YOU ARRIVED THERE, UNTIL THE TIME YOU HEARD THE FIRST ROUND GO OFF, HOW LONG WAS THAT?

A: I'D SAY A REAL ROUGH ESTIMATE WOULD BE MAYBE TEN OR FIFTEEN MINUTES.

Q: OKAY, SO YOU WERE JUST OUTSIDE IN A RATHER DEFENSIVE POSITION, UH, AT THAT TIME. AND SERGEANT MARLER WAS WHERE?

A: UH, HE WAS MOVING AROUND OUT THERE...I'M NOT EXACTLY SURE WHERE HE WAS. UH, (INAUDIBLE)...ONE TIME I SAW HIM HE WAS OUT ON THE STREET TALKING TO SERGEANT COBINE...LATER ON HE CAME OVER BY THE BOAT NEAR ME, FOR SOME TIME THERE.

Q: OKAY, SO SOME OTHER PEOPLE ARRIVED ON THE SCENE AFTER YOU DID?

A: UH, SERGEANT COBINE DID, AND THEN LATER ON, C-H-P ARRIVED.

Q: OKAY, WHEN YOU FIRST GOT THERE, WHO WAS THERE...DEPUTY-WISE.

A: UH, SYLVIA, POOL, AND MARLER. AND KIRKPATRICK ARRIVED JUST A SECOND BEFORE I DID.

Q: OKAY, WHEN KIRKPATRICK ARRIVED, WHAT DID YOU SEE HIM DO?

A: HE TOOK A POSITION NEAR THE FRONT WITH A SHOTGUN, BY A VEHICLE. THERE WAS A PICKUP TRUCK AND CANOPY THERE BY THE FRONT DOOR.

Q: OKAY. AND POOL AND SYLVIA WERE ON THE OTHER SIDE OF THE HOUSE SO YOU COULDN'T SEE THEM AT ALL.

A: NO.

Q: OKAY, AND SERGEANT MARLER WAS BASICALLY MOBILE AT THAT TIME?

A: YEAH.

Q: OKAY, AND WHAT WERE SERGEANT MARLER'S INSTRUCTIONS TO YOU?

A: I DON'T RECALL HIM GIVING ME ANY SPECIFIC INSTRUCTIONS.

Q: OKAY, SO YOU MADE THE DECISION YOURSELF TO TAKE UP A DEFENSIVE POSITION BEHIND THE BOAT, AND COVER THE FRONT DOOR.

A: YEAH, I DIDN'T WANT TO LEAVE MARVIN OUT THERE BY HIMSELF.

Q: OKAY, AND...DID YOU RECEIVE ANY INSTRUCTIONS FROM SERGEANT MARLER AFTER THAT, OR DID YOU JUST STAY THERE AND CONTAIN THE SITUATION?

A: I JUST STAYED THERE.

Q: OKAY. WHEN SERGEANT COBINE CAME ON THE SCENE, WHAT HAPPENED?

A: UH, HE DIDN'T TALK TO ME TOO MUCH. UH, HE HAD HIS SHOTGUN OUT, UH, AND SO FOR A WHILE THERE...HE WAS ASKING HOW TO GET OVER TO THE OTHER SIDE OF THE HOUSE. HE MADE THE SAME MISTAKE I DID, I THINK...HE WENT DOWN ON THE SOUTH SIDE AND I TOLD HIM...

Q: WHY COULDN'T YOU GET BEHIND THE HOUSE ON THE SOUTH SIDE?

A: UH, THERE'S JUST LIKE A SOLID FENCE.

Q: OKAY. A TALL FENCE?

A: YEAH.

Q: OKAY. UH, YOU SAY YOU HEARD ONE SHOT...THE FIRST SHOT YOU HEARD CAME FROM THE INSIDE OF THE HOUSE?

A: I CAN'T SAY FOR SURE. IT SOUNDED LIKE IT WAS FROM THERE...THEN SOMEBODY CAME ON THE RADIO AND SAID HE JUST SHOT A ROUND INTO THE FLOOR.

Q: OKAY, AFTER YOU HEARD THAT ROUND, ABOUT HOW LONG DO YOU ESTIMATE IT WAS BEFORE YOU HEARD THE NEXT SHOTS?

A: OH, TEN MINUTES MAYBE.

Q: OKAY.

A: ROUGH ESTIMATE.

Q: DID YOU KNOW WHAT WAS GOING ON AS FAR AS, UH, THE CONTAINMENT OF THE PERSON INSIDE OF THE HOUSE? WAS THERE ANYTHING GOING ON AROUND THE HOUSE BY OTHER OFFICERS? ANY SPECIAL ARRANGEMENTS, OR PLANS ABOUT WHAT THEY WERE GOING TO DO AT THAT POINT?

A: NO.

Q: OKAY.

A: I JUST KNOW I COULD SEE MARVIN WHERE HE WAS...AND WHERE I WAS, I WASN'T SURE WHAT WAS GOING ON THERE.

Q: OKAY, NOW THE NEXT TIME YOU HEARD SHOTS HOW MANY SHOTS DID YOU HEAR?

A: AFTER THE FIRST SHOT?

Q: MM-HMM.

A: UH, THERE WAS A SERIES OF THEM, AND I'D SAY THREE TO FIVE SHOTS.

Q: OKAY, AND WERE THEY ALL TOGETHER?

A: AS I RECALL, YEAH.

Q: OKAY, HOW LONG DID THAT TAKE, WOULD YOU SAY, FOR THOSE SERIES OF SHOTS?

A: THREE SECONDS.

Q: OKAY, AND THEN DID YOU HEAR ANYTHING ON THE RADIO AFTER THOSE SHOTS?

A: I DON'T KNOW IF IT WAS ON THE RADIO, OR WHAT...I HAD A LITTLE PROBLEM WITH MY RADIO AT FIRST...UH, HEARING ANYTHING. I HEARD SOMEBODY SAY THAT HE HAD BEEN SHOOTING...SHOOTING INSIDE THE HOUSE.

Q: OKAY, DID YOU HEAR ANY RADIO TRAFFIC THAT SAID THE OFFICERS WERE GOING TO ATTEMPT TO GO IN AFTER HIM...

A: NO.

Q: ...OR ANYTHING LIKE THAT AT ALL?

A: NO, NO.

Q: SO YOU DIDN'T KNOW AT ALL WHAT WAS GOING ON ON THE OTHER SIDE?

A: NO.

Q: OKAY, DID ANYONE ATTEMPT TO ENTER THE HOUSE FROM THE FRONT DOOR, AT YOUR POSITION?

A: WELL, WHEN I FIRST GOT THERE I WENT UP TO CHECK THE DOOR, TO SEE IF IT WAS LOCKED...I WASN'T PLANNING ON ENTERING, I JUST WANTED TO CHECK TO SEE IF IT

A: WAS LOCKED...SO I BACKED OFF FROM IT.

Q: OKAY, AND NO ONE TRIED TO GET IN FROM THAT POSITION THAT YOU'RE AWARE OF; AND YOU COVERED THAT POSITION AND KEPT IT UNDER OBSERVATION ALL THE TIME.

A: YES.

Q: OKAY. NOW, AFTER THE SECOND VOLLEY OF SHOTS, WHAT DID YOU DO?

A: I JUST MAINTAINED MY POSITION.

Q: OKAY, UH, AND WHAT WAS YOUR FINAL DISPOSITION? WHAT DID YOU DO NEXT?

A: I COVERED MY POSITION THERE...AT ONE POINT I SAW MOVEMENT INSIDE THROUGH THE WINDOW IN THE DOOR. I TOLD MARLER, AND HE RADIO'D (INAUDIBLE). THERE WAS A SECOND SERIES OF SHOTS...

Q: OKAY, SO THIS IS ACTUALLY THE THIRD SERIES OF SHOTS?

A: YEAH.

Q: FIRST YOU HAD A SINGLE SHOT...

A: YEAH, RIGHT.

Q: ...SECOND VOLLEY, AND THEN THERE WAS MORE SHOOTING?

A: YEAH.

Q: HOW LONG BETWEEN THE SECOND VOLLEY AND THE THIRD VOLLEY?

A: OH, ROUGHLY TEN MINUTES.

Q: OKAY, AND WHAT HAPPENED ON THE THIRD VOLLEY? WHAT DID YOU HEAR?

A: I DIDN'T HEAR ANYTHING.

Q: YOU HEARD THE SHOTS?

A: YEAH.

Q: HOW MANY? DO YOU KNOW?

A: MAYBE THREE.

Q: OKAY.

A: THERE WERE SEVERAL VOLLEYS, AND I'M NOT EXACTLY SURE...THERE WAS LIKE TWO OR THREE SEPERATE VOLLEYS OF SHOTS. AT ONE POINT, WHEN I DID FIRST GET THERE, I SHOULD PROBABLY TELL YOU THIS, BEFORE I TOOK UP THE POSITION, THERE WAS AN OLDER COUPLE THAT CAME OUT ON THE DRIVEWAY BETWEEN THE HOUSE AND THE OTHER HOUSE, AND I TOLD THEM TO GO BACK INSIDE.

Q: AND DID THEY?

A: YES.

Q: WERE THERE ANY CIVILIANS THERE, WATCHING WHAT WAS GOING ON?

A: UH, A PERSON LATER SAID HE WAS THE BROTHER...WAS KIND OF IN THE SOUTH EAST CORNER OF THE DRIVEWAY, BACK A WAYS.

Q: OKAY, WHO HAS HE WITH?

A: HE WAS WITH ANOTHER FEMALE SUBJECT (INAUDIBLE).

Q: OKAY, WERE THEY WITH AN OFFICER THOUGH?

A: I SAW MARLER TALKING TO THEM.

Q: OKAY, SERGEANT MARLER. OKAY, NOW AFTER THE THIRD GROUPING OF SHOTS, WHAT DID YOU HEAR? WAS THERE ANY RADIO TRAFFIC AFTER THAT?

A: NO, I DON'T RECALL...I DON'T THINK SO.

Q: OKAY, SO YOU JUST CONTINUED TO MAINTAIN YOUR POSITION?

A: MM-HMM.

Q: OKAY, AND THEN WHAT HAPPENED?

A: WELL, A LITTLE WHILE LATER THERE WAS A, ANOTHER GROUP OF SHOTS, AND THE ONLY COMMUNICATION I HEARD WAS...SOUNDED LIKE BROKEN GLASS BEING PUSHED OUT OF THE WAY...SOMEONE WAS SWEEPING UP GLASS (INAUDIBLE)...BUNCH OF BROKEN GLASS(INAUDIBLE).

Q: MM-HMM.

A: AND I WASN'T SURE WHAT WAS GOING ON. UH, MARVIN LEFT HIS POSITION, I THINK, AND WENT AROUND TO THE OTHER SIDE OF THE HOUSE, AND I DECIDED SINCE THERE WAS NO ONE COVERING THE FRONT...SO I STAYED THERE TO COVER THE FRONT. AND, AT THAT POINT, I KINDA FIGURED THAT WE'D MADE AN ENTRY OR SOMETHING, BECAUSE THERE WAS NOTHING ON THE RADIO THAT I'D HEARD...I WASN'T SURE WHAT WAS GOING ON. UH, SOMEONE CAME TO THE FRONT DOOR, AND TRIED THE FRONT DOOR, I THINK IT MAY HAVE BEEN COBINE, BUT I COULDN'T TELL. UH...

Q: SOMEONE FROM THE OUTSIDE?

A: NO, FROM THE INSIDE.

Q: OH, FROM THE INSIDE.

A: UH, BY THIS TIME I'D MOVED OVER A LITTLE BIT TO WHERE MARVIN HAD BEEN. LATER THE GARAGE DOOR OPENED, AND THAT WAS COBINE. AND I ASKED HIM WHAT WAS GOING ON AND HE SAID, THE GUY...THEY WERE HAVING TROUBLE CONTROLLING THE PERSON WHO WAS DOWN, AND HE WAS STILL STRUGGLING. SO I WENT IN THE HOUSE, THROUGH THE GARAGE. (INAUDIBLE)...THE PERSON WAS HANDCUFFED, AND THEY WERE TRYING TO RESTRAIN HIS LEGS. POOL, I THINK IT WAS, ASKED FOR A (INAUDIBLE). I HAD ONE IN MY VEHICLE SO I WENT OUT AND GOT IT. I CAME BACK IN, AND AT THIS TIME SOMEONE HAD FOUND A ROPE, AND THEY WERE GETTING READY TO (INAUDIBLE) HIS LEGS TOGETHER. I LOOKED AROUND AND I DIDN'T APPEAR TO BE NEEDED IN THERE SO I WENT BACK OUTSIDE.

Q: OKAY, WHO WAS SECURING HIM AT THAT TIME?

A: I THINK MARVIN HAD THE, HAD THE LINE. AND, WHEN I WENT TO GET THE (INAUDIBLE) JIMENEZ FROM CHP RAN FORWARD; HE HAD (INAUDIBLE).

Q: OKAY, WHO WAS ACTUALLY HOLDING THE [REDACTED] DOWN AT THAT TIME?

A: UH, POOL, AND POSSIBLY SYLVIA.

Q: OKAY, COULD YOU TELL WHETHER OR NOT THE [REDACTED] WAS INJURED?

A: YEAH, I COULD SEE THE BLOOD STAINS ON HIS PANTS.

Q: OKAY, WHAT WAS HE SAYING?

A: UH, HE WAS SWEARING, AND YELLING. I DON'T RECALL THE SPECIFICS.

Q: OKAY, ANYTHING THAT I HAVEN'T ASKED YOU SO FAR THAT'S IMPORTANT FOR ME TO KNOW?

A: NO, I...THAT'S ABOUT IT, THAT I CAN RECALL.

Q: OKAY, SO YOU, UH, THEY FOUND A ROPE AND SECURED HIS LEGS...WAS HE KICKING HIS LEGS?

A: THEY WERE, THEY WERE HOLDING HIS LEGS AND HE LOOKED LIKE HE WAS...LIKE HE WAS TRYING TO KICK.

Q: AND WHAT ROOM IN THE HOUSE WAS HE IN?

A: UH, I GUESS IT WOULD BE RIGHT IN BETWEEN THE LIVING ROOM AND THE KITCHEN. AND IT WAS RIGHT BY THE DOOR...THE GARAGE ENTRY WAY.

Q: OKAY, DID YOU SEE ANY GUNS?

A: I SAW GUNS LAYING AROUND ON THE FLOOR.

Q: OKAY, DO YOU RECALL WHAT KIND OF GUNS THEY WERE?

A: LIKE A COUPLE OF SHOTGUNS IN THE LIVING ROOM...JUST A REVOLVER IN THE KITCHEN.

Q: OKAY, AND THEN WHAT DID YOU DO NEXT?

A: I JUST WENT OUTSIDE ... (INAUDIBLE) TOO MUCH TRAMPING AROUND IN THERE, AND I WANTED TO MAKE SURE THERE WERE NO CIVILIANS AROUND THERE SO I WENT OVER AND SENT THEM AWAY.

Q: OKAY, DID YOU SEE THE BROTHER OF THE [REDACTED] COME IN THE HOUSE, OR...?

A: NO, HE WAS OUTSIDE, AND HE DIDN'T TRY TO GO INTO THE HOUSE, TO MY KNOWLEDGE.

Q: OKAY. ANYTHING ELSE THAT YOU CAN THINK OF, THAT'S REAL IMPORTANT RIGHT NOW?

A: NO, NOT REALLY.

Q: OKAY, TERMINATE THIS STATEMENT NOW...NO DOUBT WE'LL HAVE MORE QUESTIONS FOR YOU AS THIS GOES ON...YOU'RE THE FIRST PERSON I'VE INTERVIEWED. SO WE'LL TERMINATE THIS STATEMENT. IT'S 0107 HOURS ON, UH, JANUARY 29, 1991.

SUPPLEMENTAL OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE NUMBER: 91-0568

SUBJECT: 459 PC - BURGLARY IN PROGRESS

INTERVIEWER: DETECTIVE GEORGE HILL

STATEMENT OF: DEPUTY DOUGLAS POOL

LOCATION: HUMBOLDT COUNTY SHERIFF'S DEPARTMENT, DETECTIVE BUREAU

DATE AND TIME: JANUARY 29, 1991; 0241 HOURS

ALSO PRESENT: DEPUTY TIM MCCOLLISTER
FRANK YEAGER, D.A.'S OFFICE

Q: WOULD YOU STATE YOUR FULL NAME FOR THE RECORD, DOUG?

A: DOUGLAS WINSTON POOL, P-O-O-L.

Q: HOW LONG HAVE YOU WORKED FOR THE SHERIFF'S DEPARTMENT?

A: UH, JUST OVER FOURTEEN YEARS. FOURTEEN YEARS AND A FEW MONTHS.

Q: OKAY, AND WHAT IS YOUR CURRENT ASSIGNMENT?

A: MAIN STATION PATROL.

Q: OKAY, AND YOUR SHIFT?

A: SWING...SEVENTEEN HUNDRED TO O' THREE HUNDRED.

Q: CAN YOU TELL ME WHEN YOU FIRST...OH, FIRST, DID YOU COME ON DUTY AT YOUR REGULAR TIME?

A: YES, I DID.

Q: AND WHAT TIME WAS THAT?

A: SEVENTEEN HUNDRED.

Q: AND, UH, WHEN DID YOU FIRST BECOME AWARE OF THE CALL AT EXCELSIOR?

A: I DON'T KNOW THE TIME, I WOULDN'T WITHOUT CHECKING...WITHOUT CONSULTING THE RADIO TAGS, I WOULDN'T KNOW.

Q: OKAY, AND WHAT WERE YOU DOING AT THE TIME?

A: I WAS WRITING A REPORT OVER IN THE PINE HILL AREA. UH, (INAUDIBLE), WRITING A REPORT.

Q: DO YOU HAVE AN ESTIMATE OF WHAT TIME IT WAS?

A: YEAH, IT WAS...I'D GUESS IT TO BE JUST ABOUT NINE O'CLOCK, OR THERE ABOUTS.

Q: OKAY, AND WHAT WAS THE CALL TO YOU?

A: IT WAS A...I WAS CALLED TO BACK UP JON SYLVIA, AND, UH, THE CALL CAME OUT ORIGINALLY AS A BURGLARY IN PROGRESS, FOUR-FIVE-NINE IN PROGRESS. AND THEN THEY FILLED IN SOME DETAILS OF THE...THAT THE [REDACTED] THAT WAS IN THE...THAT WAS INSIDE THE RESIDENCE AND THAT HE WAS POSSIBLY THE SON OF THE [REDACTED] WHO WAS OUT OF TOWN, BUT THAT HE WAS NOT SUPPOSED TO BE IN THE RESIDENCE...HE'D BEEN TOLD NOT TO BE IN THE RESIDENCE, OR SOMETHING. AND THAT, UH, AND THEN I STARTED ENROUTE (INAUDIBLE).

Q: DID THEY TELL YOU ANYTHING ELSE ABOUT HIM, UH, BESIDES THAT HE WASN'T SUPPOSED TO BE IN THE RESIDENCE...

A: ...WELL, UH, THEY, THEY SAID THAT, UH, SOMEONE...THAT A SHOT HAD BEEN FIRED; I THINK I WAS ON MY WAY THERE AND THEY SAID THAT A SHOT HAD BEEN FIRED, AND THAT...OR, IT MIGHT HAVE BEEN THE INITIAL CALL, I'M NOT SURE. THEY SAID THAT THERE HAD BEEN A SHOT FIRED, A SHOT HAD BEEN FIRED...

Q: ...AND THAT'S BEFORE YOU ACTUALLY WENT TEN NINETY SEVEN AT THE SCENE?

A: RIGHT.

Q: OKAY, DID THEY TELL YOU ANYTHING ABOUT WEAPONS...

A: ...UHM...

Q: ...THAT YOU CAN RECALL?

A: I THINK...I DON'T THINK SO. I THINK THAT THEY SAID, OTHER THAN THE FACT THAT THEY SAID THAT A SHOT HAD BEEN FIRED FROM INSIDE THE RESIDENCE.

Q: OKAY. ABOUT HOW LONG DID IT TAKE YOU TO GET TO THE CALL?

A: UHM, A FEW MINUTES. FIVE MAYBE, I DON'T KNOW.

Q: OKAY, AND WERE YOU DISPATCHED AT ANY PARTICULAR CODE?

A: YEAH, WE WERE DISPATCHED...WE WEREN'T DISPATCHED ANY PARTICULAR CODE. THE, UH, OTHER DEPUTIES HAD EITHER RESPONDED CODE THREE...I RESPONDED CODE THREE.

Q: SO YOU DID RESPOND RED LIGHTS AND SIRENS?

A: I DID NOT RESPOND WITH MY SIREN DURING THE ENTIRE THING. I USED MY RED LIGHTS TO PULL...RED LIGHTS TO PULL OVER TRAFFIC, AND, UH, I HAD MY SIREN ON SO I COULD USE IT WITH THE HORN IF I NEEDED TO, BUT I DIDN'T, YOU KNOW, I DIDN'T WANT TO ALERT HIM THAT WE WERE COMING, SO I WAS FAIRLY CLOSE SO I DIDN'T PULL OVER TRAFFIC.

Q: WHEN YOU ARRIVED AT THE SCENE WHAT DID YOU DO?

A: (INAUDIBLE) AT THE SCENE, I MET WITH DEPUTY SYLVIA IN THE FRONT YARD AND WE DETERMINED THAT WE WERE IN THE RIGHT PLACE, WITH THE ADDRESS...

Q: ...DID YOU RECALL THE ADDRESS?

A: IT WAS, UH, I THINK IT WAS, I THINK IT MIGHT HAVE BEEN [REDACTED] AND IT WAS, UH, IN ANY CASE, YEAH, I'M PRETTY SURE IT WAS [REDACTED] AND UHM, HE HAD GIVEN THE, UHM, JON HAD [REDACTED], I HAD REMEMBERED IT...I HAD WRITTEN IT OUT IN THE CAR, AND I REMEMBERED IT WAS [REDACTED]. SO WE HAD SOME DISCUSSION OVER THAT, AND I CONFIRMED IT WAS [REDACTED] WITH THE OFFICE. WE CHECKED THE FRONT, THE FRONT DOOR WAS, YOU KNOW, JON CHECKED THE FRONT DOOR TO MAKE SURE IT WAS SECURE, AND THEN HE SAID HE COULDN'T FIND ANYPLACE...NO BROKEN WINDOWS OR ANYTHING ON THE FRONT TO SEE HOW HE MADE ENTRY, SO I SECURED THE FRONT...I STAYED IN THE FRONT YARD TO WATCH THE FRONT DOORS AND INSIDE WHILE HE WENT AROUND BACK TO CHECK FOR ENTRY IN THE BACK, INITIALLY. UHM, DO YOU JUST WANT ME TO CONTINUE ON?

Q: YES.

A: OKAY, WHAT HAPPENED AT THAT POINT. HE, UH, HE WAS BACK THERE FOR A LITTLE BIT, AND I HEARD HIM YELL FROM THE BACK YARD, UH, FOR THIS GUY TO PUT HIS GUN DOWN AND THAT HE HAD A GUN, OR SOMETHING OF THAT NATURE, YOU KNOW, THAT HE HAD A GUN AND A SHOTGUN, AND UHM, I THEN RAN AROUND THE...I INFORMED, UHM, I THINK I INFORMED DISPATCH AT THAT POINT THAT HE HAD A GUN. I THEN RAN AROUND AND WENT DOWN TO THE BACK YARD, UH, JON WAS CROUCHED JUST BELOW THIS SLIDING GLASS DOOR...THERE WAS THIS LITTLE PATIO AND THERE WAS A SLIDING GLASS DOOR ON, ON TWO SIDES OF THE PATIO, UH, AND IN BETWEEN THE SLIDING GLASS DOORS WAS A WINDOW WITH THIS SMALL, ABOUT TWO FOOT HIGH, UH, WALL. UH, AND HE WAS CROUCHED KIND OF BEHIND THAT WALL WITH HIS GUN OUT. I COULDN'T SEE FROM MY VANTAGE POINT, AT THAT POINT I'D COME AROUND...THE, THE [REDACTED] WAS OUT OF MY SIGHT AT THAT POINT. I, UH, HE SAID HE'S GOT A, HE'S GOT THE GUN, HE'S, UH, AT THAT, I, UH, HEARD THE... I'M TRYING TO THINK WHAT HAPPENED NOW. WE WENT, I DID GO BACK OUT FRONT, AT SOME POINT, AND TOLD MARLER, WHO'D ARRIVED, AND TOLD HIM HE HAD A GUN, THAT, THAT I WAS GOING TO GO BACK OUT WITH JON, BE WITH JON, AND, UH, THAT HE COULD POSITION THE, THE UH, 'CAUSE HE SAID THAT HE WAS WALKING AROUND OR SOMETHING, AT SOME POINT, SO I WANTED TO MAKE SURE HE DIDN'T GO OUT THE FRONT DOOR. AND I WENT BACK AROUND THERE WHEN MARLER ARRIVED, I SAID, YOU KNOW, I ASKED HIM TO STAY OUT THERE AND, AND UH, OR ASKED HIM WHAT HE WANTED TO DO, IF HE WANTED ME TO BACK THERE I SAID I REALLY WANTED TO GO BACK WITH JON, SO I ENDED UP GOING BACK WITH JON WHILE HE POSITIONED THE INCOMING UNITS TO COVER THE FRONT, AND THEN, UH, THEN THAT'S THE LAST I KNEW ABOUT WHAT HAPPENED WITH THE FRONT. UHM, AND I HAD CHECKED THE FRONT DOOR AT THAT POINT MYSELF, AND FOUND THAT IT WAS LOCKED. AND, I THEN CAME BACK AROUND AND GOT ON THE SIDE AND REALIZED I WASN'T GOING TO BE ABLE TO SEE HIM AT ALL, AND HE SAID, JON SAID HE HAS A GUN TO HIS HEAD AT THAT POINT, SO I WENT AROUND TO THE BACK END OF THE PATIO AND CAME AROUND TO THE REAR OF THE HOUSE ON THE, UH, THIS WOULD BE ON THE RIGHT AT THE REAR OF THE PATIO, ON THE RIGHT HAND CORNER, I GUESS AS YOUR FACING THE HOUSE, THE REAR OF THE HOUSE, OF THE PATIO, AND FROM THAT POINT THERE WAS A, UH, OAK HALF BARREL WITH SOME DIRT AND STUFF IN IT, ONLY A COUPLE FEET HIGH, AND UH, IF THAT, AND, UH, I CROUCHED DOWN BEHIND THAT HALF BARREL, AND I COULD SEE HIM. HE WAS ILLUMINATED BY JON'S LIGHT. AND, UH, I HAD HIM THERE, BUT I, (INAUDIBLE) JON WAS KEPT SAYING TO HIM YOU KNOW, PUT THE GUN DOWN, PUT THE GUN DOWN. PART OF THE TIME HE DIDN'T RESPOND AND A COUPLE TIMES HE JUST SAID NO, UH, A COUPLE OF TIMES HE JUST SAID JUST GO AWAY, UH, DURING THIS TIME, AND I, I TOLD JON TO BACK OFF FROM WHERE HE WAS, I FELT LIKE HE WAS IN A REAL POOR POSITION AND I COULDN'T REALLY COVER HIM FROM

A: WHERE HE WAS, AND, WHERE THE GLASS AND EVERYTHING, THERE WAS, WHERE I WAS, THE GLASS RAN DOWN PERPENDICULAR TO ME, AND SO IT WAS A REAL BAD POSITION TO, TO TRY TO, YOU KNOW, TO TRY AND COVER HIM. AND I WOULD HAVE TO SHOOT OVER THE TOP OF HIM, AND EVERYTHING AND I WAS REALLY SCARED FOR WHERE HE WAS, AND THOUGHT HE WAS IN A REAL BAD POSITION. THIS GUY HAD A HANDGUN, AND HE KEPT STICKING IT UP TO HIS HEAD. HE'D STICK IT UNDER HIS CHIN, AND HE'D WAVE IT AROUND, AND, YOU KNOW, HE KEPT MOVING IT AROUND ALOT, UHM, I GOT, WHEN JON CAME BACK HE GOT BESIDE ME TO MY LEFT. I WAS ON THE CORNER BY THE CORNER OF THE HOUSE, BY THIS BARREL, HE WAS TO THE LEFT OF ME BEHIND THIS BIRD BATH. KIND OF A, UH, SOME KIND OF BIRD BATH, MADE OUT OF CONCRETE OR SOMETHING. BUT IT DIDN'T OFFER MUCH PROTECTION, AND, UH, AND THEN UH, WE WERE THERE, BASICALLY JUST THE TWO OF US, AT THAT POINT. HE...HE CAME...HE HAD... HIS BROTHER CALLED HIM ON THE PHONE, UHM, I THINK PARTON OR SOMEBODY TOLD ME THEY WERE GOING TO HAVE HIS BROTHER CALL ON THE PHONE, I THINK. SOMEBODY, BUT I'M NOT SURE WHO DID THAT. AND THE PHONE RANG, HE PICKED IT UP, AND WE ASSUMED IT WAS HIS BROTHER. HE WAS TALKING ON THE PHONE, AND HE WAS, HE HAD THE GUN WITH HIM, HE WAS IN CRYING JAGS OFF AND ON, HE CRIED A LITTLE BIT. COULDN'T REALLY HEAR WHAT HE WAS SAYING, BUT HE DID SAY AT SOME POINT THAT HE WANTED TO DIE, YOU KNOW, UHM, AND WE KEPT TRYING TO TELL HIM TO PUT DOWN THE GUN, I TOLD HIM TO PUT DOWN THE GUN NUMEROUS TIMES, JON TOLD HIM TO PUT DOWN THE GUN NUMEROUS TIMES, HE WOULDN'T DO IT. HE EITHER SAID NO, OR IGNORED US, OR TOLD US TO GO AWAY. UHM, THEN ALL OF A SUDDEN WHILE HE WAS ON THE PHONE HE CRANKED OFF A ROUND, I COULDN'T SEE WHERE THE GUN WAS WHEN THAT HAPPENED. THAT REALLY SCARED ME, AND I, AT THAT POINT I HOVERED DOWN AS LOW AS I COULD GET. I TRIED TO, YOU KNOW, KEEP ON HIM. JON WAS TRYING...JON WAS...I COULD HEAR HIM BREATHING REAL HEAVILY NEXT TO ME. HE WAS SCARED TOO. AND HE WAS TRYING TO ILLUMINATE HIM WITH HIS LIGHT. AND I KEPT HOLLERING, EVERYTIME THE LIGHT WOULD FALL AWAY WHERE I COULDN'T SEE THE GUN, I SAID JON LIGHTEN UP, LIGHTEN UP. I KEPT, YOU KNOW, HE TRIED TO KEEP THE LIGHT ON HIM, BUT HE WAS, I THINK HE WAS TIRED, HE KEPT TALKING ABOUT HIS, HIM BEING TIRED, TIRED OF HOLDING HIS GUN UP, AND HOLDING STEADY. AND HOLDING HIS FLASHLIGHT UP AND KEEPING HIM ILLUMINATED. AND I, UH, I, UHM, I THEN, THAT'S WHEN HE WALKED AROUND, AT ONE POINT THERE, HE HAD THE GUN UP TO HIS HEAD, HE WAS BACK, I THINK HE'D HUNG UP THE PHONE, AND HE WAS BACK OVER BY THE CHAIR, AND HE BROUGHT THE GUN TO BEAR ON US, AT THAT POINT. UH, HE'D JUST FIRED OFF THE ROUND SHORTLY BEFORE THAT. UHM, HE WALKED OVER AND HE BROUGHT THE GUN TO BEAR ON US, AND THERE SEEMS TO BE SOME CONFUSION...I DIDN'T THINK, I DIDN'T HEAR HIM FIRE A ROUND BUT THEN THERE WERE A LOT OF ROUNDS GOING OFF AT THAT POINT, SO IT'S CONCEIVABLE HE FIRED A ROUND...I'M NOT...I DIDN'T HEAR THAT MYSELF. UHM, I KNOW THAT JON HAD SAID TO ME THAT HE'D FIRED OFF A ROUND AT THAT POINT. I FIRED AT HIM AT THAT POINT, WHEN HE BROUGHT THAT GUN TO BEAR ON US. HE'D JUST FIRED OFF A ROUND, (INAUDIBLE), HE CAME BACK AROUND, HE HAD IT UP HERE THEN HE BROUGHT IT DOWN TO BEAR ON US, LIKE THIS. IT WAS JUST POINTING STRAIGHT AT US AND THAT'S WHEN I FIRED AT HIM, JON FIRED, WE BOTH FIRED AT HIM, AND THAT WAS OUR FIRST VOLLEY. I THINK I FIRED ABOUT THREE TIMES THAT FIRST TIME, I'M NOT SURE, I THINK I FIRED THREE TIMES THAT FIRST TIME. THEN, UHM, HE, THE GUN CAME DOWN, AND HE SLUMPED OVER, AND I THOUGHT WE HIT HIM. AND UH, FOR A SECOND, YOU KNOW, WE'RE HOLLERING AT HIM, AND JON KEPT SAYING TO HIM, PUT THE GUN DOWN, PUT THE GUN DOWN. AND WE COULDN'T REALLY SEE THE GUN AT THIS POINT, BECAUSE HE'D LEANED FORWARD. OH, AND I NEGLECTED TO SAY THAT AFTER HE LEFT THE PHONE AT ONE POINT HE'D WALKED BACK AROUND THE HOUSE, AND, I THINK AT THAT POINT, YEAH, IS WHERE HE'D DONE THAT. HE'D WALKED OUT OF OUR SIGHT, WHICH REALLY SCARED US, AND WE TRIED, WE WERE HOLLERING TO THE FRONT UNITS AND TO THE RADIO THAT HE WAS COMING TO THE FRONT, HE WAS COMING TO THE FRONT, HE MIGHT BE COMING OUT, I DIDN'T KNOW WHAT HE WAS DOING, AND UHM, HE CAME BACK AT SOME POINT WITH A SHOTGUN, ANOTHER SHOTGUN. LATER ON, I THINK, SO HE HAD TWO SHOTGUNS AT THE FRONT. AND JON HAD SEEN

A: WHERE THE ONE SHOTGUN WAS PUT, (INAUDIBLE), THEN HE CAME UP WITH ANOTHER SHOTGUN AND HE STARTED, IT LOOKED LIKE HE WAS LOADING IT, OR DOING SOMETHING AT THE FRONT TABLE, AND HE WAS HOLDING THE GUN TOO. AND, UH, I'D NEGLECTED TO TELL ABOUT THAT. BUT THEN HE'D SET THE GUN DOWN ON THE FLOOR AT ONE POINT AND JUST HAD THE HANDGUN. BUT ANYWAY, THAT WAS IN BETWEEN, BEFORE THE FIRST VOLLEY. SO AFTER WE HAD FIRED ON HIM THE FIRST TIME, HE SLUMPED FORWARD AND JON HOLLERED AT HIM, PUT THE GUN DOWN, PUT THE GUN DOWN, AND HE CAME BACK UP, AND, UH, HE DIDN'T APPEAR TO BE HURT THAT BAD. HE DID TALK ABOUT YOU KNOW, HE GOT ANOTHER PHONE CALL, UHM, AND GOT UP AT THAT POINT. I, HE DID TALK ON THE PHONE ABOUT BEING HIT. SAID WE'D, YOU KNOW, THAT HE'D BEEN SHOT. AND UH, WE DIDN'T KNOW IF WE'D HIT HIM OR NOT. AT THAT POINT, WE WERE SHOOTING TO THE GLASS, GLASS ALL BROKE OUT. I SAW AT THAT POINT THAT I HAD BEEN SHOOTING FROM...THE VANTAGE POINT I WAS SHOOTING WAS A LITTLE WINDOW RIGHT BEHIND THE SLIDING GLASS DOOR, RIGHT ON THE CORNER. AND I'D HIT A CHAIR; I SAW WHERE IT HAD CHEWED UP SOME OF THE SPINDALS ON THE CHAIR, ON THE TOP OF THE CHAIR. AND, UH, SO I WAS TRYING TO GET A BETTER VANTAGE POINT, WHERE I WOULDN'T HAVE THAT CHAIR IN MY WAY. UHM, AND HE CAME BACK AROUND, HE BROUGHT THE GUN OUT A BUNCH OF TIMES, AND WE WERE TRYING TO GET AS LOW AS WE COULD AND EVERYTHING, AND HE, UHM, HE SWUNG THE GUN DIRECTLY TOWARDS US AGAIN. JON FIRED JUST RIGHT BEFORE I DID, HE FIRED THE FIRST AND THE SECOND VOLLEY, AND I FIRED AGAIN, UHM, AND IN THIS MEANTIME, JON HAD TOLD HIM, I HAD TOLD HIM REPEATEDLY TO PUT THE GUN DOWN BEFORE THAT VOLLEY HAD BEEN FIRED TOO. AND WE TRIED TALKING TO HIM, WE TRIED... (INAUDIBLE) AND HE SAID TO WHOEVER HE WAS TALKING TO ON THE PHONE THAT HE DIDN'T WANT TO GO TO JAIL, AND THAT, UH, HE'D RATHER DIE, AND, UH, HE KEPT STICKING THE GUN UP TO HIS HEAD AND UNDER HIS CHIN AND EVERYTHING. HE SAID HE'D RATHER DIE, AND THAT, YOU KNOW, THAT...SO I SAID, AT SOME POINT, I SAID, WELL, I SAID, HE DIDN'T WANT TO GO TO JAIL, AND I SAID, YOU'RE NOT GOING TO JAIL. WE'RE TAKING YOU TO THE HOSPITAL, JUST PUT DOWN THE GUN, JUST COME OUT AND TALK TO US, WE'LL JUST TAKE YOU TO THE HOSPITAL. HE SAID, I DON'T WANT TO GO TO THE HOSPITAL, I WON'T COME OUT. IF YOU GUYS COME IN HERE I'LL BLOW YOUR HEADS OFF. YOU KNOW, HE SAID THAT A COUPLE TIMES, THAT I'LL BLOW YOUR HEADS OFF, OR THAT I'LL KILL YOU. OR SOMETHING OF THAT NATURE. UHM, AND HE TOLD US, HE KEPT TELLING US TO COME IN, COME IN THROUGH THE DOOR, COME IN THROUGH THE DOOR. AND, UHM, SO THAT'S WHEN COBINE WAS IN THE FAR WINDOW, AND HE KEPT, YOU KNOW, A COUPLE OF TIMES I TRIED TO TELL HIM WHEN HE COULD COME ACROSS, 'CAUSE HE WANTED TO COME ACROSS TO BE WHERE HE HAD...'CAUSE HE COULDN'T SEE. AND HE HAD A SHOTGUN, SO I SAID, I STARTED TO TELL HIM A COUPLE OF TIMES, AND JUST AS I STARTED TO TELL HIM, WHEN I THOUGHT HIS GUN WAS ON HIS HEAD, JUST AT THAT MOMENT HE'D SWING THE GUN AROUND AGAIN, AND I SAID, HOLD IT, HOLD IT, YOU KNOW. AND THEN FINALLY, HE PUSHED HIS GUN UP AGAINST HIS TEMPLE AFTER THE SECOND VOLLEY. HE DIDN'T APPEAR TO BE...I COULDN'T SEE ANYTHING. AT ONE POINT, I SAW A SMEAR OF BLOOD ON HIS HEAD, WHERE I THINK HE'D HIT IT WITH HIS HAND. IT LOOKED LIKE HE SMEARED IT...WITH THE BLOOD ON HIS HEAD. BUT, UHM, COBINE THEN, I HOLLERED AT HIM, COME NOW, AND HE RAN ACROSS THE BACK YARD AND GOT TO OUR SIDE. SO THERE WAS LIKE, MYSELF, JON AND COBINE, AND COBINE HAD THE SHOTGUN AT THAT POINT, AND, UH, COBINE TRIED TO, UH, YOU KNOW, HE WAS SAYING I WANT TO TALK TO MY BROTHER, AND, UH, WE KEPT TRYING TO TELL HIM TO PUT THE GUN DOWN. UH, COBINE SAID, LET'S HAVE HIS BROTHER CALL, LET'S HAVE HIS BROTHER CALL HIM AGAIN. LET'S SEE IF WE CAN GET HIM...LET'S SEE IF WE CAN TALK HIM OUT OF HERE. GET HIS BROTHER TO TALK HIM OUT OF HERE. SO HE HOLLERED FOR THAT, I THINK HE HOLLERED BACK TO HAVE SOMEBODY DO THAT. AND, UHM, THEN THE PHONE RANG AGAIN, AND IT WAS HIS BROTHER, AND HE WAS, HE DID SEEM TO BE FAVORING HIMSELF, NOW. I THINK HE WAS HIT. AND HE, UHM, WALKED TO THE PHONE, PICKED THE PHONE UP AND, UHM, AND WAS TALKING IN TO THE PHONE AND WAS STILL HOLDING THE GUN AND THAT WAS WHEN IT WAS REALLY CRAZY. WE WERE ALL THREE THERE, AND HE WAS STICKING THE GUN UP AGAINST HIS HEAD AND STUFF, STILL. AND THEN HE HAD THE GUN DOWN AT HIS SIDE. JON'S LIGHT WAS GETTING PRETTY

A: DIM, BY THAT POINT. AND, UHM, THAT'S ALL WE HAD TO ILLUMINATE HIM. WITHOUT THAT LIGHT, WE WERE, YOU KNOW, WE WERE JUST SITTING DUCKS OUT THERE. AND THERE WAS NO WHERE FOR US TO REALLY MOVE AWAY; IT WAS REALLY SCARY, BECAUSE THERE WAS NO...WE DIDN'T HAVE REALLY GOOD COVER, AND, YOU KNOW, HE KEPT SWINGING THAT GUN AROUND. IT WAS COCKED ON SINGLE ACTION THE WHOLE TIME, AND HE SWUNG THE, UHM, HE CAME OFF THE PHONE, WAS SWINGING THE GUN AND HE HAD IT UP AGAINST HIS HEAD AND HE, LIKE, SWUNG IT AROUND, AND, UH, I ALMOST SHOT AT THAT POINT TOO, BECAUSE IT WAS JUST SO CLOSE TO, YOU KNOW, I WAS AFRAID HE WAS GOING TO BRING IT...HE WAS WALKING TOWARDS US AND SWINGING HIS GUN AROUND LIKE THIS, YOU KNOW, SO THEN HE WENT BACK TOWARDS THE PHONE AND, UH, HE HAD THE PHONE, LIKE, IN HIS HAND...I DON'T KNOW IF HE HAD THROWN THE PHONE DOWN OR IF HE WAS STILL HOLDING THE RECEIVER...HE HAD IT ON A LONG CORD LIKE THING. THEN, HE CAME OUT OFF THE THING AGAIN, AND STARTED WALKING TOWARDS US AND THAT'S WHEN WE FIRED AND PUT HIM DOWN. BECAUSE HE CAME TOWARDS US AND SWUNG THE GUN DOWN JUST LEVEL WITH US...ALL THREE OF US WERE STANDING IN THE BACK YARD, LIKE THAT, AND WE ALL FIRED AT THAT POINT. I'M NOT EVEN SURE WHO FIRED FIRST. I THINK MAYBE I FIRED FIRST ON THAT VOLLEY, AND, AND, WE ALL FIRED, UH, I THINK I FIRED ON THE SECOND VOLLEY I THINK I FIRED TWICE, MAYBE THREE TIMES, AND THEN I FIRED LIKE THREE TIMES ON THE THIRD VOLLEY. I THINK I FIRED LIKE NINE OR TEN ROUNDS ALL IN ALL, AND JON FIRED PROBABLY A LIKE NUMBER, MAYBE SEVEN TO TEN ROUNDS I'D SAY, SOMEWHERE AROUND IN THERE. AND COBINE FIRED AT LEAST A COUPLE ROUNDS OUT OF THE SHOTGUN...TWO OR THREE ROUNDS OUT OF THE SHOTGUN, WHEN WE PUT HIM DOWN ON THAT LAST VOLLEY. AND, UH, I WAS AMAZED (INAUDIBLE) WHEN ALL I COULD SEE WAS THE JUST THE BULLET WOUND IN THE LEG, AND THERE WERE...WHERE HE WAS STANDING AND EVERYTHING, IT JUST SEEMED LIKE, THAT SHOTGUN WOULD HAVE HIT HIM MORE THAN IT DID, BUT HE UH, HE WENT DOWN THERE AND THEN WE APPROACHED THE...IMMEDIATELY, HE WENT DOWN AND HE WENT DOWN AWAY FROM US SO WE COULDN'T SEE HIS HANDS AT THAT POINT, HE WENT DOWN WITH THE GUN. COBINE TOOK THE...HAD THE SHOTGUN ON HIM, TRIED TO COVER HIM FROM THE... FROM THE WINDOW, AND HE APPROACHED JON WHEN THERE WAS A BUNCH OF THE GLASS HANGING DOWN FROM THE SLIDING GLASS DOOR, HE JUST WENT THROUGH THE GLASS. YOU KNOW, HE TRIED TO KNOCK DOWN A LITTLE BIT OF IT, AND THEN JUST WENT THROUGH IT, AND GLASS CAME DOWN ALL OVER HIM, AS HE WENT THROUGH. AND THEN, HE WENT AROUND, THEY BOTH COVERED...AND I WENT AROUND...I WENT THROUGH BEHIND JON, AND THEN COBINE CAME THROUGH AND THEN JON AND COBINE APPROACHED HIM, JUST IN FRONT OF ME AND I WAS RIGHT BEHIND THEM. WE ALL HAD OUR...I HAD MY GUN ON HIM, COBINE HAD HIS SHOTGUN ON HIM, AND I THINK JON MIGHT HAVE HOLSTERED JUST AS HE APPROACHED HIM. JON SAW THE GUN STILL COCKED ON THE FLOOR, RIGHT NEXT TO HIM, AND HE KICKED IT AWAY, DOWN THE THING, AND THEN JON HANDCUFFED HIM UP AT THAT POINT, AND PAT SEARCHED HIM. THAT'S PRETTY MUCH IT.

Q: OKAY, LET'S GO, NOW, THROUGH IT...STEP-BY-STEP. AND THIS IS KIND OF A TEDIOUS PROCEDURE, BUT, SO THAT WE CAN BE SURE THAT WE GET EVERYTHING, SPECIFICALLY. WHEN YOU FIRST CAME AND MADE CONTACT WITH JON...

A: ...I THINK, GOING BACK ON THE TIME, I GOT TO THINKING ABOUT THAT, BECAUSE I REMEMBER I HAD BEEN AT THE OFFICE AT, IT WAS NINE-TWENTY, OR SOMETHING AT THAT POINT. SO IT MUST HAVE BEEN ACTUALLY CONSIDERABLY LATER THAN THAT, IT MUST HAVE BEEN CLOSER TO, YOU KNOW, TEN OR MAYBE QUARTER TO NINE, TEN, OR SOMETHING.

Q: OKAY, WHEN YOU ARRIVED AT THE SCENE, DID YOU GO TEN NINETY-SEVEN ON THE RADIO?

A: YEAH.

Q: DID YOU TELL THEM...

A: ...YEAH.

Q: OKAY, THEN WE CAN VERIFY WHAT TIME YOU GOT THERE. OKAY, WHEN YOU GOT THERE AND YOU WENT AROUND BEHIND THE HOUSE AND MADE CONTACT WITH JON, COULD YOU SEE THE [REDACTED] IN THE HOUSE AT THAT TIME?

A: NOT INITIALLY, NO.

Q: OKAY. AND JON WAS SHINING HIS FLASHLIGHT INTO THE HOUSE?

A: MM-HMM, AND HAD HIS GUN DRAWN.

Q: THROUGH A WINDOW.

A: MM-HMM.

Q: OKAY. EXACTLY WHAT WAS JON SAYING? EXACTLY WHAT DO YOU RECALL THAT HE WAS SAYING TO THE PERSON IN THE HOUSE?

A: I THINK HE SAID, [REDACTED] PUT YOUR GUN DOWN. OR PUT YOUR GUN DOWN [REDACTED] OR SOMETHING LIKE THAT. PUT YOUR GUN DOWN, PUT THE GUN DOWN. AND, UH, HE TOLD ME THAT HE HAD IT TO HIS HEAD. HE'S GOT THE GUN TO HIS HEAD.

Q: AND THEN YOU MOVED INTO POSITION...I ASSUME YOU SWUNG BEHIND JON?

A: WELL THAT WAS ACTUALLY...I WENT BACK OUT TO THE FRONT YARD, PRIOR TO THAT. AND, UH, THAT'S WHEN I MET WITH MARLER, WHO'D ARRIVED. I WENT BACK OUT... I WAS AFRAID HE WAS GOING TO GO OUT THE BACK, OR FRONT DOOR. IN FACT, I THINK HE SAID, HE'S WALKED AWAY FROM (INAUDIBLE) OR MAYBE HE RAN BACK... I THINK HE DID...I THINK HE'D RUN BACK TO WHERE I WAS AT THAT POINT, AND SAID HE'S WALKING AWAY, OR HE'S WALKING WHERE I CAN'T SEE AND HE RAN BACK OVER TO WHERE I WAS, I THINK, AND THEN I WENT BACK OUT TO THE FRONT YARD AND HE WAS AT THAT CORNER, I THINK, WHEN I LEFT HIM. AND, UHM, I THINK HE LOST THE VISUAL WITH HIM AT THAT POINT. I THOUGHT HE WAS GOING TO COME BACK (INAUDIBLE)...IN ANY CASE, I WENT BACK OUT TO THE FRONT TO COVER THE FRONT. MARLER ARRIVED, AND MARLER AND I DISCUSSED IT, AND MARLER STAYED OUT THERE TO COVER THE FRONT, AND I WENT BACK TO, TO UH, SUPPORT JON AT THAT POINT.

Q: OKAY, NOW WHEN YOU CAME BACK TO SUPPORT JON, THEN I UNDERSTAND YOU PASSED BEHIND JON SO THAT YOU COULD GET A BETTER LOOK INTO THE HOUSE...

A: ...YEAH, ACTUALLY AT THAT POINT, HE'D MOVED BACK UP, I THINK, TO THAT SAME POSITION NEXT TO THE DOOR, AND HAD A VISUAL ON HIM, APPARENTLY THROUGH THE WINDOW, AND THEN AT THAT POINT I MOVED BEHIND HIM AND OVER TO THE FAR CORNER TO COVER HIM.

Q: WHEN YOU FIRST SAW THE [REDACTED] WHAT WAS HE DOING?

A: WHEN I FIRST SAW HIM I THINK HE WAS, UHM, SITTING IN THE...THERE WAS A CHAIR AT THE TABLE. I THINK HE WAS SITTING IN THE CHAIR AT THE TABLE, WITH THE GUN TO HIS HEAD, I THINK WHEN I VERY FIRST SAW HIM.

Q: "THE GUN". WHAT KIND OF A GUN?

A: IT WAS A, IT WAS A REVOLVER. I THINK IT WAS AN EIGHT INCH BARREL REVOLVER.

Q: OKAY, DO YOU RECALL WHETHER IT WAS COCKED OR NOT?

A: IT WAS COCKED AND LOCKED, THE WHOLE TIME WE SAW HIM IN THERE...

Q: ...OKAY. WAS HE LOOKING AT YOU?

A: YEAH, HE WAS LOOKING...HE LOOKED OUT AT US SEVERAL TIMES, AND, UH,...

Q: ...WAS HE FACING YOU?

A: NO, HE WAS FACING, HE WAS FACING AWAY FROM US, BUT NOT ENTIRELY. LIKE, WE WERE OVER HERE TO HIS RIGHT, AND HE HAD HIS BACK TOWARDS THE SLIDING GLASS DOORS, AND THE CHAIR WAS OFF TO THE SIDE OF THE TABLE, AND THAT'S WHERE HE HAD THE SHOTGUN AND STUFF SITTING HERE, AND THAT'S WHERE HE HAD THE GUN... HE KEPT SITTING DOWN IN THAT CHAIR AND HE'D GET UP AND GO TO THE PHONE AND WENT AROUND...

Q: ...SO THE GUN WAS IN...YOU'RE MOTIONING ...WAS THE GUN IN HIS RIGHT HAND?

A: THE GUN WAS IN HIS RIGHT HAND.

Q: OKAY. AND, THE RIGHT HAND AND RIGHT SIDE OF HIS BODY WAS CLOSEST TO YOU GUYS?

A: YES.

Q: AND THERE WAS A PLATE GLASS WINDOW BETWEEN YOU?

A: IT WAS...RIGHT, A SLIDING GLASS DOOR. THERE WAS ALSO ANOTHER LITTLE ONE TO THIS SIDE, AND ANOTHER LITTLE ONE TO THIS SIDE.

Q: DID YOU SAY ANYTHING TO HIM AT THIS POINT?

A: YEAH, I...I HOLLERED...JON TOLD HIM A NUMBER OF TIMES IN BETWEEN NOW. WHEN I FIRST GOT THERE, NO I DIDN'T SAY ANYTHING TO HIM, INITIALLY. YOU KNOW, I HAD MY WEAPON AND I, UH, I BROUGHT IT TO BEAR ON HIM AND JUST, JUST HELD ON TO TRY TO COVER JON. JON KEPT SAYING, I THINK, [REDACTED], PUT THE GUN DOWN, PUT THE GUN DOWN [REDACTED]. UHM, HE TOLD HIM A COUPLE THINGS...I THINK IT WAS, WE DON'T WANT TO SHOOT YOU, YOU KNOW, NOBODY'S GOING TO SHOOT YOU, JUST PUT THE GUN DOWN, COME ON OUT. I DID AT SOME...THEN WHEN IT DIDN'T SEEM TO BE HAVING ANY EFFECT ON HIM AT ALL. FIRST HE DIDN'T SAY ANYTHING, THEN HE WAS SAYING NO, NO...HE SAID, GO AWAY, YOU KNOW, I THINK HE SAID GO AWAY FIRST...THE FIRST TIME, THEN HE SAID NO. AND THEN FINALLY I HOLLERED AT HIM, I GO, PUT THE GUN DOWN, PUT THE GUN DOWN [REDACTED], JUST PUT THE GUN DOWN AND COME ON OUT, YOU KNOW, LET'S STOP THIS RIGHT NOW. THAT WAS...YOU KNOW, THAT WENT BACK AND FORTH. WE SAID THAT, I CAN'T TELL YOU HOW MANY TIMES. I TOLD HIM TO PUT THE GUN DOWN.

Q: MM-HMM. DID YOU SAY TO HIM THAT YOU WERE FROM THE SHERIFF'S OFFICE, OR ANYTHING LIKE THAT?

A: YEAH, HE WAS...WE HAD...YOU KNOW, HE, UH,...IN FACT HE SAID AT ONE POINT TO HIS BROTHER, THE COPS HAVE SHOT ME. YOU KNOW, WE HAD, UHM, I DON'T REMEMBER SPECIFICALLY SAYING WE'RE THE SHERIFF'S OFFICE, BUT, UHM, HE HAD SAID, I DON'T WANT TO GO TO JAIL, I DON'T, YOU KNOW, HE'D SAID A COUPLE OF TIMES I DON'T WANT TO GO TO JAIL. AND, HE KNEW WE WERE POLICE OFFICERS.

Q: OKAY. UH, NOW THE FIRST TIME THAT HE FIRED HIS GUN OFF, DID YOU SEE HIM DO THAT?

A: I SAW HIM, BUT I DIDN'T SEE THE MUZZLE FLASH, 'CAUSE HE WAS BEHIND THE TABLE,

A: I DIDN'T SEE...I DIDN'T SEE WHERE HE FIRED IT OR ANYTHING, IT SURE SCARED ME.

Q: YOU HEARD IT?

A: YES...

Q: ...OBVIOUSLY. OKAY, AND HE FIRED THAT ROUND WHEN HE WAS AT THE TELEPHONE, IS THAT CORRECT?

A: WELL, UH, I THINK HE WAS, LIKE, HE WAS JUST...HE WAS NEAR THE TELEPHONE, HE WAS LIKE AT THE TELEPHONE BUT JUST IN BETWEEN THE TELEPHONE AND THE TABLE AND KINDA DOWN...I THINK HE WAS STILL HOLDING THE RECEIVER OF THE TELEPHONE. UH, HE MIGHT HAVE EVEN BEEN TALKING ON THE TELEPHONE, I DON'T KNOW. BUT WHEN THAT ROUND WENT OFF, I DON'T KNOW WHERE THAT GUN WAS... BEHIND THE TABLE I THINK, BUT IT COULD HAVE BEEN EVEN AT US, I DON'T KNOW WHERE HE FIRED IT. AND JON THOUGHT HE HAD FIRED IT INTO THE...SAID HE THOUGHT HE'D FIRED IT INTO THE FLOOR, BUT I SURE COULDN'T HAVE TOLD BY THAT.

Q: OKAY.

A: YOU KNOW, I COULDN'T SEE IT FIRE...

Q: ...THE WINDOW DIDN'T SHATTER, OR A BULLET DIDN'T COME THROUGH...

A: ...NO, NO...

Q: ...THE WINDOW TOWARD YOU AT THAT POINT. OKAY, AND THEN HE...WHAT EXACTLY DID HE DO FROM THAT POINT? HE FIRED THE GUN...

A: ...YEAH.

Q: DID HE GO BACK OVER AND SIT DOWN THEN?

A: YEAH, I THINK AT THAT POINT HE...NO, HE TALKED A LITTLE BIT MORE ON THE PHONE I THINK. A LITTLE BIT, I'M NOT SURE, AND THEN WENT BACK TO THE TABLE, AFTER THAT.

Q: OKAY.

A: OH YEAH, NOW THAT WAS THE POINT WHERE THEN HE TALKED A LITTLE BIT MORE ON THE PHONE, THEN HE...I THINK HE WENT OFF AND WALKED AROUND THE HOUSE AND CAME BACK WITH THE SHOTGUN. SO WE'D THOUGHT AT ONE POINT MAYBE HE MIGHT BE GOING OUT THE FRONT. I TRIED TO ALERT THE FRONT OFFICERS THAT HE (INAUDIBLE), MIGHT BE GOING OUT THE FRONT DOOR. AND HE WAS OUT OF OUR SIGHTS FOR A COUPLE OF MINUTES, AND UHM, THAT WAS PRETTY FRIGHTENING, BECAUSE WE DIDN'T KNOW. ESPECIALLY WHEN HE CAME BACK WITH THE SHOTGUN, 'CAUSE WE COULDN'T SEE HIM.

Q: DID HE POINT THE SHOTGUN AT YOU?

A: I NEVER SAW HIM POINT THE SHOTGUN AT ME, UHM, HMM-MM. BUT THEN I DIDN'T SEE HIM WITH THE FIRST SHOTGUN, ONLY JON SAW THAT. WITH THE SECOND SHOTGUN, NO, HE WAS LIKE HE BROKE IT OPEN, OR HE WAS, I DON'T KNOW IF HE WAS, HE WAS LIKE HE WAS LOADING IT, OR CHECKING IT TO SEE IF IT WAS LOADED, OR SOMETHING. I COULDN'T REALLY SEE IT, 'CAUSE IT WAS DOWN ON HIS LAP. AND WE HOLLERED AT HIM, PUT DOWN THE GUNS. AND HE DID AT ONE POINT PUT DOWN THE SHOTGUN, AND THEN I DON'T THINK HE EVER PICKED THAT BACK UP AGAIN.

Q: OKAY, THEN DID HE SIT BACK DOWN?

A: YEAH, HE WAS STILL IN THE CHAIR, I THINK, THE WHOLE...HE HAD THE SHOTGUN IN HIS LAP, HE WAS SITTING AT THE TABLE AT THAT POINT.

Q: OKAY, AND THEN, ARE YOU CONTINUALLY TELLING HIM TO PUT THE GUN DOWN?

A: YEAH, WE TOLD HIM, YOU KNOW, WE TOLD HIM, WE WON'T TAKE YOU TO JAIL, WE'LL TAKE YOU TO THE HOSPITAL, JUST PUT THE GUN DOWN AND COME OUT AND TALK TO US.

Q: AND THAT'S BEFORE HE POINTED THE GUN AT YOU? RIGHT?

A: RIGHT.

Q: YOU TOLD HIM YOU WOULD...

A: ...WELL, HE WAVED THE GUN AROUND A FEW TIMES, BUT IT HADN'T EVER BEEN BROUGHT DOWN TO BEAR ON US.

Q: OKAY. UH, AND AT THAT POINT THAT IS WHEN YOU TOLD HIM YOU WOULD NOT TAKE HIM TO JAIL, YOU WOULD TAKE HIM TO THE HOSPITAL, IS THAT RIGHT?

A: MM-HMM.

Q: OKAY. DID YOU GET A RESPONSE FROM HIM?

A: HE SAID HE DIDN'T WANT TO GO TO THE HOSPITAL EITHER.

Q: OKAY, AND THEN...HE'S SITTING IN THE CHAIR, THEN WHAT DOES HE DO NEXT?

A: I THINK THAT WAS...

Q: ...THAT WAS THE POINT WHERE THE FIRST VOLLEY?

A: UH, SEE, I'M NOT SURE WHETHER HE WAS AT THE CHAIR OR WHETHER HE STOOD UP AT THAT POINT, WHEN HE ACTUALLY BROUGHT THE GUN DOWN TO BEAR. I THINK MAYBE HE WAS STANDING AT THAT POINT, I'M NOT SURE. BUT HE DID BRING THAT GUN...THAT WAS WHEN HE BROUGHT THAT GUN DOWN TO BEAR...I MUST HAVE FOCUSED ON THE GUN... I JUST REMEMBER THE GUN BEING BROUGHT...WHEN HE BROUGHT THAT GUN DOWN TO BEAR ON US, YOU KNOW I WAS REALLY WATCHING...I WAS REALLY TRYING TO FOCUS ON WHAT WAS HAPPENING WITH THAT GUN, BECAUSE HE WAS WAVING IT AROUND. I MEAN, REALLY THERE'S JUST A FRACTION OF A SECOND BETWEEN HERE AND THERE, THAT I WAS AFRAID HE WAS GOING TO PULL DOWN AND SHOOT AT US. YOU KNOW, JON'S LIGHT WAS ILLUMINATING WHERE WE WERE AND EVERYTHING, YOU KNOW, AND I WAS REALLY AFRAID HE WAS GOING TO PULL DOWN AND SHOOT IN OUR DIRECTION.

Q: MM-HMM. HOW CLOSE WERE YOU TO JON AT THAT POINT?

A: RIGHT NEXT TO HIM. WE WERE ALMOST SHOULDER TO SHOULDER, HE KEPT SLOSHING... HE WAS NEAR A BIRD BATH, AND THAT BIRD BATH KEPT SLOSHING WATER OUT AT US.

Q: OKAY, AND SO WHEN HE BROUGHT THE GUN DOWN TO BEAR ON YOU GUYS, WHAT HAPPENED THEN?

A: THAT'S WHEN I FIRED. AND I'M NOT...I NEVER REALLY HEARD HIM FIRE. I HEARD MYSELF FIRE, AND JON FIRE. UHM, HE MIGHT HAVE FIRED AT THAT POINT, BUT I NEVER SAW A MUZZLE FLASH, I DON'T KNOW.

Q: SO AT THAT POINT, JON HAD NOT FIRED ANY ROUNDS?

A: NO.

Q: OKAY. WHY DID YOU SHOOT?

A: BECAUSE I WAS AFRAID HE WAS GOING TO SHOOT US. HE...

Q: OKAY, THIS IS DETECTIVE HILL. I JUST HAD TO TURN THE TAPE OVER. IT'S ZERO THREE TEN HOURS. UH, OKAY DOUG, I JUST ASKED YOU WHY YOU FIRED, AND IF YOU WANT TO SAY THAT AGAIN?

A: I THOUGHT HE WAS GOING TO SHOOT AT US, AND I WAS AFRAID FOR MY LIFE. HE HAD BROUGHT THE GUN DOWN TO BEAR DIRECTLY ON ME AT THAT...HE'D JUST FIRED THE GUN...I WAS IN FEAR FOR MY LIFE, AND I THOUGHT HE WAS GOING TO TRY TO SHOOT US. IN FACT, I THINK, JUST FROM HIS MANNER, AND JUST THE WAY HE BROUGHT IT DOWN, I THINK HE WAS...THAT WAS WHAT HIS INTENTION WAS.

Q: BUT YOU DON'T KNOW AT THAT POINT WHETHER HE ACTUALLY FIRED THE GUN OR NOT?

A: I DON'T KNOW IF HE DID OR NOT. I KNOW THAT I FIRED.

Q: OKAY, AND THEN WHAT HAPPENED IMMEDIATELY AFTER YOU FIRED. I ASSUME YOU WERE SHOOTING THROUGH A PLATE...

A: ...YEAH...

Q: GLASS WINDOW?

A: YEAH, THE WINDOW SHATTERED AND THE PLATE GLASS WINDOW SHATTERED. JON SHOT THE PLATE GLASS WINDOW AND IT SHATTERED. I FIRED AT THAT ANGLE, AND HE WAS MOVING, HE WAS LIKE SIDWAYS, AND I MOVED TO THE SIDE AND I SHOT TWO...I SHOT...IT WAS ALL WITHIN JUST A SECOND, YOU KNOW, JUST A SECOND. THEN WE FIRED OFF...COUPLE SECONDS THAT THE ROUNDS WERE ALL FIRED AND THEN HE HAD TURNED THE GUN BACK AROUND, AND KIND OF SLUMPED FORWARD, AT THAT POINT. I THOUGHT HE WAS HIT.

Q: SO WAS HE SITTING DOWN, OR WAS HE STANDING UP?

A: HE WAS SITTING DOWN, SO, YEAH, HE MUST HAVE BEEN SITTING DOWN DURING THAT FIRST EXCHANGE, 'CAUSE HE WAS SITTING DOWN AT THAT POINT.

Q: OKAY.

A: AND, UH, HE DOES...HE SLUMPED FORWARD IN HIS CHAIR, AND, UH, WE KEPT...AND THEN JON HOLLERED AT HIM AGAIN, AND I HOLLERED AT HIM TOO, I THINK.

Q: WHAT DID YOU SAY?

A: JUST...YOU KNOW, JON HOLLERED AT HIM AND SAID, UH, PUT THE GUN DOWN, PUT THE GUN DOWN AND WE WEREN'T SURE...I THINK I MIGHT HAVE EVEN SAID SOMETHING...HE'S HIT. AND THEN, HE, UH, WHEN HE SAT BACK UP, HE SEEMED LIKE HE WAS IN PRETTY GOOD SHAPE, YOU KNOW, I MEAN, HE DIDN'T...WE WEREN'T SURE NOW...WE WEREN'T SURE WHETHER WE HIT HIM OR NOT, YOU KNOW. HE SEEMED...AND THEN HE SAID, UH, AND THEN WE TOLD HIM TO PUT THE GUN DOWN, YOU KNOW, YOU'RE STILL OKAY. WE DON'T WANT TO HURT YOU, YOU KNOW, AND, UH, PUT THE GUN DOWN. AND, UH, HE SAID, NO WAY, YOU KNOW...I THINK HE SAID, NO, UHM,...JUST FLAT NO, A FEW TIMES. THEN HE SAID GO AWAY, AND THEN HE SAID, AT ONE POINT, UHM, COME IN HERE, THROUGH THE BROKEN

A: GLASS. COME IN THROUGH THE WINDOW, AND UH, I'LL SHOOT YOUR...OR I'LL BLOW YOUR HEAD OFF, OR I'LL SHOOT YOU, OR I'LL KILL YOU, OR SOMETHING LIKE THAT. I'M NOT SURE WHAT HIS EXACT WORDS WERE.

Q: OKAY, AND THEN WHAT HAPPENED? WHAT BROUGHT ON THE SECOND VOLLEY OF FIRE?

A: THAT'S WHEN HE WENT...HE THEN WENT TO THE, I THINK THE PHONE RANG AGAIN AT THAT POINT, AND HE, UH, (INAUDIBLE) THE PHONE RANG, HE WENT TO THE... I THINK HE WAS TALKING TO HIS BROTHER AGAIN, AT THAT POINT, AND UH, (INAUDIBLE) I'M GETTING REALLY TIRED TRYING TO THINK. HE, UH, I THINK HE WAS TALKING TO HIS BROTHER AGAIN. HE BROUGHT...I KNOW THAT, UH, JON ISSUED THE SECOND VOLLEY, AND HE HAD BROUGHT THE GUN DOWN AGAIN AT THAT POINT, AND, UHM...

Q: ...STILL IN THE SITTING POSITION?

A: I CAN'T REMEMBER NOW, WHETHER HE WAS OR NOT THE SECOND TIME.

Q: WHAT KIND OF LIGHT DID HE HAVE?

A: WELL THERE WAS VERY LITTLE...THE ONLY LIGHTING I REMEMBER, I DON'T REMEMBER ANY LIGHTING INSIDE THE ROOM, AT ALL. I DON'T REMEMBER IF THERE WAS ANY KIND...IF THERE WAS ANY KIND OF LIGHT IT WAS VERY LITTLE. BECAUSE THE ONLY LIGHT THAT I COULD SEE WAS JON'S FLASHLIGHT. WITHOUT HIS FLASHLIGHT, I COULDN'T SEE WHAT WAS GOING ON. IN FACT, I TOLD JON A COUPLE OF TIMES, GET THE LIGHT ON HIM, I CAN'T SEE HIS GUN.

Q: WHERE WAS YOUR LIGHT?

A: I HAVE A LITTLE LIGHT WITH ME THAT I'D USED TO COME DOWN, BUT I HADN'T BROUGHT MY BIG FLASHLIGHT.

Q: OKAY.

A: AND IT HAD, I'D HAD SOME KIND OF PROBLEM WITH IT EARLIER, AND IT'S BATTERY WAS LOW. IT STILL WORKED SOME, BUT IT HADN'T WORKED...IT DIDN'T WORK WELL. I HAVE IT...IN FACT, I HAVE IT WITH ME. I HAVE THIS LITTLE LIGHT AND I'D USED IT, WHICH IT ACTUALLY WORKS PRETTY WELL. I USED IT TO COME DOWN AND BACK AND FORTH AROUND THE HOUSE. BUT I HAD BOTH HANDS ON MY GUN, IN A COMBAT SHOOTING POSITION, AND LET JON JUST ILLUMINATE HIM. BUT, UHM, THAT'S...

Q: OKAY, SO WE'RE AT THE POINT WHERE YOU FIRED THE SECOND...

A: YEAH...THEN JON FIRED. HE BROUGHT THE GUN DOWN, HE BROUGHT THE GUN DOWN LEVEL AND, UH, JON FIRED...

Q: WHERE WAS THE GUN POINTED AT THIS POINT?

A: POINTED RIGHT TOWARDS US, DIRECTLY TOWARDS US. AND HE FIRED AGAIN, AND I FIRED AND UH...

Q: DID THE [REDACTED] FIRE?

A: NO...I DON'T KNOW. I DON'T THINK SO, BUT YOU KNOW, THERE WERE SO...THE ROUNDS WERE GOING OFF...I DIDN'T SEE A MUZZLE FLASH; I NEVER REALLY SAW HIM FIRE AT THAT POINT. UH, AND AGAIN, IT DIDN'T SEEM LIKE HE WAS, UH, LIKE HE WAS HURT. HE DID SEEM LIKE WHEN HE GOT UP AND WALKED...THAT IS WHEN COBINE GOT OVER THERE AND TOLD HIM...HAVE HIM CALL HIS...HAVE HIS BROTHER CALL AGAIN. 'CAUSE HE DID

A: SAY SOMETHING AT ONE POINT, HE WANTED TO TALK TO HIS BROTHER. COBINE SAID WELL LET'S GET HIS BROTHER, LET'S SEE IF WE CAN STILL TALK HIM OUT OF THERE. AND, UH, WHEN THE PHONE RANG THE SECOND TIME, IT DIDN'T SEEM LIKE... (INAUDIBLE) LIKE HE WAS HURT, WHEN HE WALKED TO THE PHONE. HE HAD SAID IN BETWEEN THERE ABOUT BEING HIT THE FIRST TIME, BUT, HE SAID THAT THEY SHOT ME, AND I JUST WANT TO DIE, AND YOU'LL BE...HE SAID AT ONE POINT YOU'D BE DOING ME A FAVOR, GO AHEAD AND SHOOT ME. AND IT JUST WENT ON LIKE THAT, YOU KNOW. THROUGH THE ENTIRE TIME.

Q: AND WERE YOU CONTINUALLY TRYING TO TALK HIM OUT?

A: YEAH, I MEAN, FROM THE MOMENT WE GOT THERE UNTIL THE WHOLE THING WAS OVER, WE TRIED TALKING HIM OUT OF THERE.

Q: OKAY, AND WHAT BROUGHT OVER...WHAT BROUGHT ON THE THIRD VOLLEY OF SHOTS? WHAT DID HE DO?

A: THAT WAS WHEN, UH, HE HAD GOTTEN BACK ON THE PHONE AND AT THAT POINT HE WAS ON THE PHONE AND HE WAS TALKING TO HIS BROTHER, AND HE (INAUDIBLE)...I THINK HE HELD ON TO THE PHONE RECEIVER, BUT HE HAD THE GUN IN THE OTHER HAND, AND HE STARTED WALKING TOWARDS US LIKE THIS, AND, WE ALL WERE AT THAT POINT...

Q: OKAY, YOU'RE MAKING A GESTURE...THE TAPE RECORDER CAN'T SEE YOU. SO FORGIVE ME, BUT YOU'RE KINDA HOLDING YOUR HANDS UP IN THE AIR...

A: ...RIGHT.

Q: AND HE...

A: ...WAVING THE GUN AROUND, YOU KNOW.

Q: OKAY, THE HANDGUN...

A: ...YEAH, ALL TOWARDS OUR DIRECTION, AT THAT POINT. IT'S KIND OF AMAZING WE DIDN'T SHOOT ON THAT ONE...ALL THREE OF US, IT WAS LIKE, I MEAN, I KNOW WITH MYSELF, I WAS VERY CLOSE TO SHOOTING HIM ON THAT ONE. BECAUSE HE'S COMING DIRECTLY TOWARDS US, WAVING HIS GUN TOWARDS US, AND IT WAS LIKE IF HE'D BROUGHT IT DOWN JUST A LITTLE BIT MORE, I THINK WE WOULD HAVE ALL SHOT HIM ON THAT TIME, AND THEN HE WENT BACK, THEN, IT WAS LIKE WE ALL WENT YOU KNOW, IT WAS LIKE, WOW, I CAN'T BELIEVE HE DID THAT. AND THEN, THE, THE SHORT TIME HE WAS TALKING ON THE PHONE AGAIN, THEN HE STARTS, UH, WAVING THE GUN AND COMING TOWARDS US AGAIN, THIS TIME HE BROUGHT IT DOWN, YOU KNOW, DEAD LEVEL AND THEN WE ALL FIRED AT THAT POINT. JUST ALMOST SIMULTANEOUSLY.

Q: DID HE FIRE?

A: NO HE DIDN'T, NOT AT THAT POINT, I DON'T THINK. AT LEAST I NEVER SAW THE MUZZLE FLASH. I NEVER REALLY HEARD HIM FIRE. HE WENT DOWN REALLY FAST AFTER THAT. AND THAT'S WHERE HE WENT DOWN FACING AWAY FROM US INTO THE KITCHEN.

Q: TO THIS POINT, IS THERE ANYTHING THAT I HAVEN'T ASKED YOU THAT YOU THINK IS IMPORTANT FOR ME TO KNOW?

A: NOT THAT I CAN THINK OF.

Q: OKAY, UH, MR. YEAGER?

O: DO YOU KNOW HOW MANY SHOTS YOU FIRED, ALL TOTAL?

A: I THINK I FIRED ABOUT NINE OR TEN, BUT I COULDN'T SWEAR, BECAUSE, LIKE I SAID WE SHOT ON THREE DIFFERENT OCCASIONS; I THINK I FIRED ABOUT THREE ROUNDS EACH TIME, BUT, YOU KNOW, I COULD NOT SWEAR...I THINK RIGHT AROUND NINE OR TEN.

Q: WHAT KIND OF A WEAPON DO YOU HAVE?

A: I HAVE A GLOCK, MODEL SEVENTEEN, AND I HAD A NINETEEN ROUND CLIP IN IT.

Q: NINETEEN ROUND, PLUS ONE IN THE BARREL? OR NINETEEN TOTAL ROUNDS.

A: UH, I'M, I'M NOT SURE. I THINK IT'S NINETEEN PLUS ONE. OR NO, I THINK IT'S EIGHTEEN PLUS ONE. I THINK THAT'S RIGHT, I THINK IT'S NINETEEN TOTAL.

Q: OKAY, I'M SORRY. GO AHEAD.

O: WHAT KIND OF CLOTHING WAS HE WEARING?

A: UHM, GOSH, I CAN'T REALLY REMEMBER IT. (INAUDIBLE) I JUST HAVE NO...I JUST CAN'T REMEMBER WHAT HE WAS WEARING.

O: OKAY, HAVE YOU EVER DEALT WITH HIM SPECIFICALLY?

A: NO...

O: OR AT THAT HOUSE?

A: NO, I NEVER HEARD OF THE NAME, TO MY KNOWLEDGE I'VE NEVER DEALT WITH HIM AT ALL. I MEAN, IT'S CONCEIVABLE I DID, BUT IF I DID, I HAVE NO MEMORY OF IT.

Q: OKAY, I APPRECIATE YOUR STATEMENT. I THINK THAT'LL BE ENOUGH FOR RIGHT NOW, I KNOW YOU'RE TIRED. THERE MAY BE A TIME THAT I'LL HAVE TO COME BACK AND ASK YOU MORE SPECIFIC QUESTIONS, WHEN I FIND OUT...UH, YOU KNOW, WHAT INFORMATION THEY FIND THERE; IF THERE'S OTHER QUESTIONS THAT COME UP. I APPRECIATE YOU KEEPING AVAILABLE FOR ME. WE'LL GO AHEAD AND TERMINATE THIS STATEMENT, AT THIS POINT, AND, UH, IT IS JANUARY TWENTY-NINTH, 1991; THE TIME IS 0320 HOURS.

GH: [REDACTED]
1-29-91/2055 hrs.

INVESTIGATION OF CASE #91-0568

GH: GEORGE HILL

JS: JON SYLVIA

FJ: FRANK JAGER

TM: TIM McCOLLISTER

* * * * *

GH: ... Eureka in the Detective Division. Today's date is January 29th, 1991. I'm investigating case number 91-0568 which was a reported 459 in progress burglary which resulted in an officer involved shooting. Present in the room is Tim McCollister, representing HDSO, Mr. Frank Jager who is an investigator with the District Attorney's Office, I'm Investigator George Hill and the person giving this statement is Deputy Sylvia. Would you say your full name and spell it for the record, please?

JS: Jon. J-O-N. William. W-I-L-L-I-A-M. Sylvia. S-Y-L-V-I-A.

GH: Jon, how long have you been with the Sheriff's Department?

JS: About four and a half years.

GH: And what is your current assignment and shift?

JS: Main station patrol, swing shift.

GH: Okay. Also for the tape, the time is now uh, 0138 hours. What time did you come on to work tonight, Jon?

JS: 1700 hours.

GH: Okay, that's your normal shift?

JS: Yes.

GH: 1700 hours. And what time would you normally get off?

JS: 0300 hours.

GH: And uh, when you came on shift, uh, what was your uh, beat assignment tonight?

JS: South beat.

GH: And when do you, when did you first uh, become aware of the uh, call on Excelsior Road?

JS: I'm not sure of the exact time because I was at a 653(m) call, just finishing up, and I heard on the radio that there was a possible burglary in progress and as I was leaving the phone rang and they confirmed that I'd heard. As I was in route, I heard that there was a shot fired and I (unintell) code three, just running my lights because I was fairly close coming from Beechwood and I didn't want to be heard. I pulled up and I think Deputy Poole was there at about the same time I was. Deputy Poole stayed in the front and I went around to see if there was any sign of forced entry to the building and anything I could see as I went around the building. I went around the building and I got to a gate. I found that I could push the gate open, I stepped up onto a porch and then I got a visual on the [REDACTED]. I could see a um pistol tucked in his waistband and he was carrying what appeared to be a shotgun and a (unintell) or whatever, up to his elbow.

GH: Okay. Where was he?

JS: He was inside the house in that area all the way to back by the porch there. He was walking around there. Uhm, we all advised him to put down the weapons. I yelled so that Deputy Poole could hear me that he was armed and the nature of the weapons. Uhm, ...

GH: Can you recall exactly for me what you said, the very first words you said to the [REDACTED] or in the direction of the [REDACTED]

JS: I said put down your guns. I don't believe I ever said Sheriff's Department. I said put down your guns and I don't remember exactly what time, he sat down in a chair. I don't remember if he put the shotgun down but he must have, he put the pistol under his chin and he alternated from the chin to the side of his head to waiving it around. I moved up to the little wall there at the window and I was right by him. At three points I kinda ducked around, well at two points I was yelling, I was asking him to put down the gun, come to the door and open it for me and he didn't respond, a couple times he shook his head, was the only response. At one time I believe he got up and I backed off to where I had some cover and another time he actually came around and I lost visual on him and I ducked around until I could get a visual on him again in the chair and then I moved back up. And then one time he was, he was waiving around and he came down to me and I tried to disappear underneath the thing there, the gun looked like it was coming to bear on me and I tried to disappear. And, anyway ...

GH: Was he looking at you at that point?

JS: He knew I was there. He wasn't really, he had just a glazed look and he was crazed lookin' kinda.

GH: And were you, what was the lighting inside the house?

JS: Uhm, it was, without the flashlight it was, he was, it was hard to maintain a visual. I had a pretty good visual on him where I was at the window there.

GH: Were there lights on in the house?

JS: There was a light behind him is the only one I was, I really remember.

GH: You don't recall a light being on in the actual room that he was in?

JS: No, I don't. I had a fairly good visual on him where I was right there by the wall, I was probably at most ten feet from him, less than ten feet. I had a good visual, I had good contact with the ...

GH: And exactly what were you saying to him?

JS: I was asking him to put down the gun and come to the door.

GH: Did you tell him who you were?

JS: I don't recall. I don't believe I did.

GH: Okay.

FJ: What kind of a door are we talking about?

JS: We had a sliding glass door to one side of me and a sliding glass door to the, the, kind of facing me on the one side and to my immediate left on the other side. Some times he walked around to the, to the door immediately facing me that I high tailed it out of there, that I lost visual on him during the situation.

GH: Did Deputy Poole come over close to you at some point?

JS: Uhm, he came around behind me, to the position over there and I started getting fatigued cause he had the gun waiving around and my hand was getting really tired, I was having trouble holding it up but I was in fear of holding down either cause he was waiving his gun around.

GH: And which gun was he waiving around?

JS: He was waiving the uh, revolver he had. And so after repeatedly tried to uh, get him, ask him to put the gun down and not really getting any response, uhm, Deputy Poole suggested I move back to his position so he covered me, I ducked, I had this little bird feeder was about the only cover I had and we continued to try to negotiate. Several times the phone rang and he talked to his brother, he continued waiving the gun around.

GH: Okay. Were you saying things to him at that time?

JS: The whole time we were asking him to put the gun down.

GH: Okay. Did you hear Deputy Poole say anything to him?

JS: Deputy Poole also asked him several times to put the gun down. I was the primary verbal. I had, almost the whole time there I had verbal.

GH: Okay. Did Deputy Poole tell him who he was?

JS: I don't recall.

GH: Okay.

JS: Uhm, at one point he was sitting in the chair, uh, he was in a chair, all we had was flashlights, visual with him. I had the flashlight in one hand, the gun in the other and uhm, I heard uh, well, while he was on the phone we heard a shot fired, I saw his arm pointed down, we didn't return fire, we couldn't really see where the round went but his arm was not pointed at us, the gun was not pointed at us. We held our fire. There was a round shot by him or what sounded like it. He was sitting back in the chair and I heard another one, what I believed to be a round fired inside the house. I couldn't see the gun, I believed the round had been shot at me and I fired.

GH: What gives you that opinion?

JS: The last good visual I had on him, his arm appeared to be coming around in my direction, I heard a shot fired and I believed him to be shooting at me or gonna shoot at me again and well, Doug and I shot out, I don't know which one of us shot first and uhm, then as soon as we got a visual on him again, we quit firing. He was slumped over a table, we could see the, his hand down, I'm not sure, I think the gun was still in his hand, he set it down, he was playing with it the whole time. At one point he opened it and played with the rounds in it, he closed it, he was going from single action back to the hammer down position. During the, the whole time during the incident he was waving it around and stuff.

FJ: Now are you firing through the door?

JS: We were firing through the glass doors and anyway, that's when the first shots fired were, when we heard, I heard a shot and uhm, tended to be shooting in our direction and then as soon as we saw we were safe, we ceased firing and then we got a response from (unintell).

GH: How many rounds did you fire at that point?

JS: It was approximately three.

GH: Okay.

JS: And then we got a visual again. Then I believe I initiated a second volley. He was sitting there, he was waving his gun around, he spun the gun around in my direction and I think I shot around two more and Doug also returned fire until we sure and then he put the gun back to his head or somewhere in a direction other than us and then we continued to try to get him to put the gun down and come to the door for us and stuff.

GH: And what did you say to him?

JS: Please put the gun down. He was saying that he wanted to die and stuff during the phone conversation, well, we couldn't really hear what he was saying to his brother, he was crying and seemed upset and then he was saying he'd rather die than go to jail and ...

GH: Did you hear him say that?

JS: Yea. I heard him say that he'd rather die than go to jail and we were saying please put your gun down and he said something to the effect of go ahead and kill me, I want to die or something like that.

GH: Now, at this point the window is shot out?

JS: Yes.

GH: Okay. When you first felt he'd turned the gun towards you, uh, who shot the window out? Did he shoot the window out or did you?

JS: I believe we did.

GH: Okay.

JS: Anyway, so we were up, we'd already had two volleys of fire and then uhm, Deputy Cobine came around and then there was a point where he had the gun, he was laid back with the gun on his chest, I think it was, I don't recall exactly what he, he'd set it on the table, he'd put it up to his head, he'd wave it around and uhm, then Deputy Cobine, Sgt. Cobine, came around into the position next to me with a shotgun and there was, that's when he started wanting his brother or whatever and I told him to put the gun down and please come to the door and we'll let you call your brother. And he wouldn't do that, he wouldn't do that. He also, I didn't really hear exactly what he said but Deputy Poole said he said come on inside and I'll kill you or something, but I didn't really hear that but I heard him say come on in, I'll show you what will happen or something like that cause I didn't hear I'll shoot you.

GH: You heard him say that?

JS: Yea. Uh, he said something prior to that which I couldn't really hear but I heard him say that come on in, I'll show you or

whatever, but uh, show us, or ... then uh, his brother, somebody got on the radio and tried to arrange for his brother to call and shortly after that the phone rang and he was on the phone and, and he did something, he made a real sudden movement and that's when they opened up on either side of me and I think I shot one or two rounds at that time also.

GH: What did you see him do specifically?

JS: I didn't really, I saw him spin towards us and I uh, wasn't real clear on that exactly and they started firing and then I believed he was, we were in danger again and then I shot until I could see that we were no longer in danger.

GH: Did he, did he fire?

JS: I don't (unintell), I only heard the two rounds. I don't know if he shot or not.

GH: Okay. And ...

JS: You know, as soon as we saw that, I saw him go down on what looked like his back and he must have crawled up cause the next thing I noticed he was up by the refrigerator. He must have crawled a little ways up there and uhm, Sgt. Cobine and I moved up. We got up to the window, he still wasn't moving, he still wasn't moving. I couldn't clear the glass, I wanted to maintain my visual on him so at that point I pushed my through the shattered window which kind of came down me after kicking it a couple times, I didn't fear, I felt more in danger of looking away from him to get through the window than I did walking through the glass so I went through the window. We moved up on him, we moved up on him, we finally saw the gun which was (unintell) away from his hand. I pushed the gun out of his reach and then holstered and then at that point we cuffed him and tried to find out where he was hurt but he wouldn't really say. I don't remember what he said but he wasn't real happy and uhm, finally he indicated, after I asked him several times where are you hurt, he said he was, he indicated the leg and the head and I didn't really hear whether (unintell). But after we never really knew, actually we found out, we saw that he was hit once in the leg and then after the ambulance got there that was confirmed and I think once in the (unintell). And then as soon as we cuffed up and then ...

GH: What was he doing when you were trying to cuff him up?

JS: He wasn't really moving, he was not real responsive. As soon as we got him cuffed up he started kicking at us and fighting with us and then we had to secure the legs to prevent him further kicking. And that was basically the end of it.

GH: Okay. And then, then what did you do next, after you've got him cuffed? Who put the handcuffs on him?

JS: I handcuffed him.

GH: Okay. Then what did you do.

JS: We stood by, we tried to find out where he was injured, to see if he needed us to stop any bleeding or any emergency medical. Sgt. Cobine immediately requested the, ambulance code three, and we basically stood by with him and tried to secure him, keep him from moving and find out where he was hurt or any necessary first aid.

GH: And where did you discover he was hurt?

JS: The only thing we saw was uh, for sure was the leg. I didn't see any, we just saw the hole there and there was no real bleeding or anything like that so we just basically kept in place until the ambulance arrived.

GH: Okay. The he wasn't injured in the head to best of your knowledge at that time?

JS: I didn't see, I saw a little puddle of blood on his forehead but I looked, I looked on his back, I looked, I checked for weapons, I didn't feel any blood, I didn't see any blood, I didn't see any injury other than that there was a hole in his pants and fresh blood on the leg but he wasn't bleeding or anything that he was gravely endangered over.

GH: Okay. And then the ambulance came.

JS: Yea, the ambulance came, medical people helped him. We was uncooperative then, he kicked and fought with them and stuff and we helped out and they were able to observe whatever they could and took him from there.

GH: Okay. And since that time, uh, who was your supervisor?

JS: Uhm, Sgt. (unintell) was the supervisor when I was on patrol.

GH: Okay. Have you taken your gun out of your holster since the incident?

JS: After we uhm, since I got the weapon out his reach, uhm, Cobine had him covered. I uhm, secured my weapon, I dropped the hammer back with the safety, returned the safety to the on pos, the active position and holstered and then had (unintell).

GH: Okay. Did you reload your weapon?

JS: No, I didn't.

GH: How many rounds does that weapon hold?

JS: Eight with one in the chamber.

GH: Okay. And what kind of a gun is it?

JS: It's a Smith and Wesson model 645.

GH: 45 caliber, semi-automatic?

JS: Yes sir.

GH: Okay. Now, I'd like to go back through this if you would slower. I know this is difficult for you but uh, it'll be real important for us now to kind of uh, fill in the holes. So now that I have an overview of basically what happened, uh, and this is kind of a slow process but that's what we need to do so that we can document exactly what happened. Now, when you first went to the rear of the house, when you first made a visual on the person inside the house, uh, what was your call? What did you think you were looking for?

JS: Uh, a burglar in the house. On the way there, they advised that it was [REDACTED] and that he was in his parent's house and that he was not supposed to be there. And that there were a lot of weapons in the house. I was advised there was numerous weapons in the house.

GH: And do you know where that information came from?

JS: Uhm, I believe through family members given to dispatch and then given to us.

GH: Okay.

JS: That information passed on to us. I got the information from dispatch. I'm not exactly sure where they got it.

GH: Okay. And once you, you arrived at the location, you started around the house on what side?

JS: Could have been the north side.

GH: The north side of the house. Okay.

JS: Okay. (unintell) run up north, south.

GH: And when did you first observe the [REDACTED]

JS: I came through (unintell) onto the porch and observed him. I was on a porch in the backyard.

GH: Okay. And what room in the house was he in?

JS: It was kind of a living room which might, well, it was off the living room, it was kind of, I guess it'd be a dining room. The living room would be here and the kitchen was here and then that must have been a dining room but there was a table in there

and stuff.

GH: And when you saw him, exactly what was he doing?

JS: He was uh, walking around with a shotgun on one arm, on his right arm and a pistol tucked into his waistband.

GH: Okay. And what exactly did you do?

JS: I asked him to put the weapons down. I found cover as near as I could. I tried to maintain visual but at that point I was more concerned about cover. Then I got, I made the second visual, I saw him in the chair with the gun to his head, I believed I had a suicidal [REDACTED].

GH: Okay. Did you see him sit down?

JS: Uhm, I don't think so. He was walking around waving guns and I didn't want to stand in front of the windows. But I tried to maintain a visual as much as I could without grossly endangering my life.

GH: Okay. When he set down, what did he do with the shotgun?

JS: I don't recall what, I don't remember seeing him set the shotgun down but he had a gun to his head. At that point I believed I had a suicidal [REDACTED] and I tried to talk him out of it.

GH: Which gun did he have to his head?

JS: He had the revolver to his head.

GH: A revolver?

JS: Yes.

GH: Okay. And what exactly did you say to him?

JS: I asked him to put down the gun and come to the door and talk to me.

GH: Did you get a response?

JS: He shook his head several times.

GH: Shook his head meaning ...

JS: No. He shook his head in a no motion.

GH: Okay. And then ...

JS: I continued to ask him to please put down the gun and talk to me. And ...

GH: And how were you dressed at that point?

JS: I had a green jacket with the Sheriff patches on the sleeve and the duty belt.

GH: The green tuffy jacket?

JS: No, the green windbreaker type.

GH: Okay. And how is that, I, I don't see that coat now. Where did you leave that coat?

JS: I believe it's out here or it's in there, the special (unintell).

GH: Okay. Is that a regulation coat?

JS: Uhm, department approved I guess.

GH: Okay. Does it have shoulder patches on it?

JS: Yes it does.

GH: Does it have any kind of a badge on it?

JS: The badge was on my shirt, it was under ...

GH: Okay. Does it say anything on it?

JS: It has the Sheriff patches on the sleeves.

GH: Okay. No writing?

JS: Not on the front, no.

GH: Okay. And you said to him ...

JS: Please put down the gun and come to the door for me and that's basically what I repeatedly said.

GH: Okay. And did he respond to you verbally at all?

JS: Mostly he just shook his head, no response. I don't remember if he said anything before or after Poole got there or not, but he said go away several times. I believe that's when Poole got there and I moved back to a lot more secure position.

GH: How far were you from him?

JS: When I was at the window, probably less than ten feet.

GH: Okay. And what kind of lighting was, was at the location where you were.

JS: As I remember he had background lighting and it was dark to the dining room side. Without the flashlight we had, we didn't have good visual, especially when I moved back.

GH: And what about outside where you were, what kind of lighting was out there?

JS: No lighting other than flashlight.

GH: Okay. How would you describe the lighting conditions?

JS: Dark.

GH: Dark? Okay. And you don't recall, or do you recall your exact words?

JS: Would you put down the gun for me and come to the door.

GH: Okay.

JS: (unintell).

GH: Okay. And he's telling you or shaking his head no. Deputy Poole arrives. How long from the time you first got there and made contact with him and ask him to put the gun down did Deputy Poole show up?

JS: I'm not real sure on the times.

GH: Okay.

JS: I'd guess maybe five minutes. It's probably less than that but it seemed like a real long time.

GH: Okay. And do you, can you tell me was there any way that he could know that you were a deputy sheriff at that time?

JS: Uhm, I'm not sure. The point, at the point at where I believed he'd know that we were law enforcement is when he told his brother he'd rather die than go to jail.

GH: Okay.

JS: He heard sirens coming also. He heard sirens in the background so he knew the police were there.

GH: You heard sirens?

JS: Yes. There were sirens, other units were responding while we were in the back.

GH: How did he react to the sirens?

JS: He didn't. I didn't see him react to them at all, show any response.

GH: When Deputy Poole got there, did you hear what Deputy Poole said to him?

JS: He asked him to put down the gun.

GH: Do you recall his exact words?

JS: Would you put down the gun. He asked him to put down the gun.

FJ: Did you use your radio during any of that time?

JS: I didn't, no. I had a flashlight in one hand and my gun in the other and I didn't feel like put one or the other down.

GH: Okay.

JS: I think Doug used his radio during to communicate.

GH: How long from the time you first made oral contact with the [REDACTED] did he fire the first shot?

JS: I'd only be guessing cause I didn't, I didn't, wasn't looking at my watch either.

GH: Did you have a sense of time at all?

JS: It seemed like ten, fifteen minutes, would be a guess. You'd be better off ...

GH: So things were moving rather slowly?

JS: It seemed it real slow. It was a real jumpy situation.

GH: Okay.

JS: There was three times when I was there at the window where, well the one time where I knocked over plants, it seemed like I ran into plants and stuff trying to get out of there. When he came around the door, I lost visual and uhm, ...

GH: Okay. Was he moving towards you at that point?

JS: He came, he got up from the chair and walked around to the door with the gun held, the pistol held in front of him.

GH: Had he fired a shot by that time?

JS: Uhm, no.

GH: Okay.

JS: Uhm, he started ...

GH: So the first movement, the first movement you saw then was when he got out of the chair ...

JS: He got out of the chair twice, as I remember.

GH: The first time.

JS: The, the one time, I don't remember which is first and which is second. The one time he got out of the chair and then he was right back into it. The second time he got out of the chair and I lost visual on him and he was coming for the door and I believed he coming to the door with the pistol pointing at me and I got out of there. I got, I went back and found a place to cover. I gave up my visual. I didn't go back until I could, I saw his legs sticking up from the window and I inched forward I saw him back with the gun to his head.

GH: His he back sitting again then?

JS: Yes he was. He was reclining in the chair when I got the visual and after I came back from the time where I was really in fear of going out with a gun.

GH: Okay. Now, that time he didn't fire, he has not fired a shot yet?

JS: Uhm, no. He fired a shot (unintell) on the floor that I believe went into the ground, we did not return fire.

GH: Okay. Now, let me be sure that I understand this now, it's, it's kind of bifurcated and I want to try to get it in exact order is what I'm trying to do here. I know that's difficult for you. Uhm, you first see him, he has the shotgun and he has a pistol in the belt. He sets down. Okay. He's walking around. He sets down and you ...

JS: I move up and ...

GH: ... tell him to put the gun down.

JS: Well, at that point he's got the pistol to his head and I tried to talk him into, put the gun down and come to the door and talk to me.

GH: Okay. Okay. And then a little time passes and you continually say to him put the gun down, come out. Then he gets up and walks towards the door?

JS: With the gun. (Unintell) kinda situation kind held his arm at a 45 degree angle with the gun in front of him.

GH: Okay. The shotgun still.

JS: The shotgun, no, he's still, he put the shotgun down when he stepped down. I recall seeing him but he didn't have the

shotgun. It was still there but I didn't, it wasn't a threat at that time.

GH: So he has the hand gun in his hand ...

JS: And he starts walking around towards the door, towards me.

GH: Towards you.

JS: And that's, I lost visual on him and ducked around behind the house again.

GH: Okay. And the reason you lost visual is because you ducked?

JS: Well, because I, well, I lost visual because he went around to a portion of the house I couldn't see through the wall, is where I lost visual and at that point I ducked and found cover cause if he would come to that door, I was less than two feet from him and ...

GH: Okay. And then when you saw him again, what did he do?

JS: I came back around, I saw his legs, I moved up and then saw he was back in the chair with the gun to his head and I again moved back up to the window and tried talking him into putting the gun down.

GH: Okay. And what did you say to him at that point?

JS: The same thing. Would you please put the gun down, put the gun down and come to the door and talk to me.

GH: And you got no oral response?

JS: I don't recall an oral response at that time.

GH: Okay.

JS: After Doug got there I moved back and I think he said no, go away or ...

GH: Okay. Is that the next thing that happened, then Doug showed up?

JS: Uh, I believe there's two times where I moved back from my position on the window because he moved, I lost visual on him and one time when he spun and ...

GH: That's before Doug showed up?

JS: Yes. Well, Doug might have been back, that's before he moved into position to cover me.

GH: Before you became aware of him being there?

JS: Well, it was before Doug could be any good.

GH: Okay.

JS: Before he could be any kind of cover or any benefit at all. And the one time where he spun and he started bringing the barrel of the gun towards me and I ducked and stumbled and felt real chicken all the time.

GH: Did you see him point the gun in your direction?

JS: It didn't, I kind of blanked. I didn't, you know, he could have shot me there. (Unintell) I don't know. I maybe could have shot there. He didn't shoot me, I don't know. At that time I didn't shoot.

GH: Do you, did you see him point the gun in your direction?

JS: The gun came towards me and then went back. I was ducking and scrambling and trying to hide and ...

GH: So the act of the gun coming in your direction caused you to hide, is that what you're telling me?

JS: Yes.

GH: Okay. So what you're saying is that you did see him swing the gun towards you?

JS: Yes.

GH: Okay. You recall that?

JS: Yes.

GH: Okay. And did he fire at that point?

JS: No he didn't.

GH: Did you?

JS: No, I didn't.

GH: Okay. You took better cover?

JS: I tried to, I didn't have very much cover.

GH: Okay. And uh, and then what did he do next?

JS: He put the gun back to his head and we were back to reason and talk him out of it.

GH: Okay. Was he sitting down when ...

JS: Yes, he was.

GH: Okay. And about how far at that point was he from you?

JS: The same position he was, less than ten feet.

GH: Okay. And you were looking through what?

JS: Through a window.

GH: Through a window, okay.

JS: It was about two foot high, maybe up to where the glass started and I was crouched down behind that with partial cover.

GH: And could you clearly see the hand gun at that point.

JS: Yes, I could.

GH: How could you see it?

JS: He was waving it around, he was, back to where I could see the rounds in the chamber. He was spinning it. He opened at one time and then closed it again.

GH: What was illuminating the gun?

JS: My flashlight mostly.

GH: Okay. And there was no light on in that room that you recall?

JS: I don't recall a light. When we moved back, I know that if my flashlight lit him at all, we couldn't see it.

GH: Okay.

JS: We could see him in shadow, we could not see the gun without the flashlight we could not see where gun was.

GH: Okay. Now, he sits back down, he puts the gun back to his head?

JS: Yea. At that time I reasoned with him, trying to talk him into putting the gun down and come to the door for me. I wanted him to put the gun down and come to the door and at that time the situation would have died and we could have taken care of it easily. But he never would do that.

GH: He wouldn't do that and then what happened next.

JS: I started getting fatigued, holding the flashlight and gun. Doug suggested I move back and I thought that was a real good idea and I moved back and all I had was this little bird feeder to hide behind. I didn't want to loose vision on him, he had several guns, well, I knew he had at least two guns and there

were reported more guns in the house and I didn't want to lose visual on him.

GH: Okay.

JS: That to me, I didn't want to do that.

GH: So you met, you moved back behind the bird feeder and where is Doug now at this point?

JS: He was to my right.

GH: He was to your right.

JS: My right.

GH: And how far away from you?

JS: I'd guess maybe 20 feet at that point, maybe 20, 25 feet.

GH: Could you see Doug?

JS: Yes.

GH: Now, you moved back by the bird feeder, Doug is now on scene, the [REDACTED] is sitting at the table with the gun pointed at his head. What happens next?

JS: We continued to try to talk him into putting the gun down. The phone rings three or four times and he hangs it up and then it rings again shortly after. I believe it was his brother, I'm not sure.

GH: Okay. Where was the phone in relationship to him?

JS: We had a visual on the phone. It was on a wall about five feet from where he was sitting on a chair.

GH: So, did he have to get up to answer the phone?

JS: Yes, he did.

GH: When he got up, what did he do with the gun?

JS: He waved it around, pointed it up in the air, pointed it at his head while he was on the phone.

GH: Okay. Could you hear his side of the conversation on the phone?

JS: Not clearly.

GH: Could you, could you make ...

JS: I could hear he was crying and he was upset. I heard him say that he'd rather die than go to jail.

GH: Did you keep his flashlight on, your flashlight on him?

JS: I had it on him the whole time.

GH: You heard him say he would rather die than go to jail?

JS: Yes, I did.

GH: Okay. And then ...

SIDE ONE OF TAPE ENDS

GH: This is Investigator Hill, the tape just ran out and we turned the tape over. It's now six minutes after 2:00 a.m., on January 29th. Investigator Jager had to leave while I was flipping the tape over. Jon, I'm sorry for that. Go ahead. I asked you at that point, he got up and he answered the phone, had he fired a shot?

JS: While he was on the phone, I'm not sure which phone call, he fired one shot.

GH: Okay. There was a series of phone calls very close together?

JS: There were several phone calls, yes.

GH: Okay. Did he answer each call?

JS: Yes.

GH: Okay. And did you hear what he was saying?

JS: Not clearly. I heard that one incident clearly because it made a note in my mind.

GH: Okay. And that progressed to the point where he fired a round?

JS: While he was on the phone he fired a round. We couldn't see the gun but his arm was in a down motion. The gun, we couldn't see the gun barrel, we didn't return any fire at that point.

GH: Okay. What did he do after he fired the shot?

JS: He hung up, he sat back down. I'm not sure if it was after that phone call or after another phone call, it was after the first shot that was fired, I'm not sure after which phone call, we were back there, I heard a shot fired. The last I saw he was coming around in our direction, I saw his arm, I couldn't see the gun at that point, I saw his arm and it looked to be coming towards us, I heard the shot and at that point I initiated my ...

GH: Okay. He fired a second round?

JS: This would be the second round, yes.

GH: Okay. And you heard a shot go off and you fired back?

JS: Yes.

GH: Do you know if the shot that he fired, first of all let me ask you to clarify this. He fired, the first time that he fired, which would be the second round he fired that you felt was coming in your direction because of his movement, is that correct?

JS: Yes.

GH: How long from the time that he fired did you fire?

JS: It was when I heard the shot, I fired.

GH: So, just split second or simultaneously?

JS: I believe so.

GH: Okay. Did you see a muzzle flash from his weapon?

JS: I never saw a muzzle flash.

GH: Okay. Were you aware of the window breaking?

JS: No I wasn't, until after the shots were fired, I saw that it was broke.

GH: Okay. Uh, and at that time you're still trying to illuminate him with your flashlight?

JS: Yes.

GH: And you fired how many shots?

JS: I would guess three.

GH: Okay. And do you recall whether you were able to aim or ...

JS: Not clearly, no. I had (unintell) with one hand and the flashlight in the other and I didn't, I was shooting where I believed him to be.

GH: Okay. And what was his reaction to your gun fire?

JS: Uhm, the next visual I had on him, he was slumped over the table and we looked, we finally got a visual on the gun, it was in his hand or by his hand, I don't recall. At that point, I stopped firing.

GH: Okay. Let me ask you. Did Deputy Poole fire at that time also?

JS: Yes, he did.

GH: Okay. Okay. You fired approximately three rounds?

JS: Yes.

GH: Okay. And were you conscious at all of how many rounds Deputy Poole fired at that time?

JS: Uhm, he fired multiple.

GH: Okay. Okay. So, the next time you get a clear focus, he's sitting back at the table ...

JS: I got my flashlight back on him, I found him again with my flashlight, he's back at the table, he was slumped over.

GH: Did you see where the gun was at that point?

JS: It was, I believe it was in his hand ...

GH: Okay. What hand?

JS: His right hand.

GH: Okay. Did the gun remain in his right hand the whole time?

JS: Yes.

GH: Okay. Uh, and at that point he had expended two rounds?

JS: That I was aware of, yes.

GH: Okay. And what was he doing back at the table? You say he was slumped?

JS: He was slumped over the table. We yelled, we, we, we didn't see any indication of whether he was going to move and he finally moved and then he went back to putting the gun to his head and stuff like that.

GH: Okay.

JS: He got another phone call. At that point, I heard him say that I've been shot or whatever. I heard him say that he was shot and I don't remember what else, but I know that stuck in my mind.

GH: Okay.

JS: But I didn't see any indication of wound, any indication of injury or, or ...

GH: You saw him get up and walk back to the phone?

JS: Yes. And no indication of ...

GH: Okay. And what was he doing with the weapon at that point?

JS: He was still aiming it around, alternately pointing it at his head and waving it around.

GH: Okay. Was he pointing it at you, in your direction?

JS: Uhm, no. Not at that point.

GH: Okay.

JS: One time we believed it was pointed at us, other than the time I was at the window, and I tried to duck and hide. We initiated fire on him the other time.

GH: Okay. He goes to the phone and he talks on the phone. Can you hear his conversation?

JS: Not clearly.

GH: Did you pick up, or were you conscious of any of the words?

JS: I wasn't really listening except for the, there was a couple things that, that I heard that were notes and I registered them. Otherwise I didn't really listen, I was more worried about keeping my flashlight ...

GH: Okay. At that point now, you don't recall anything specific he said at that point in conversation?

JS: I heard him say that he'd been shot.

GH: Okay.

JS: But I didn't, I was looking for an indication but ...

GH: Then what happened? He's on the phone, he talks on the phone ...

JS: He hung up again, he sat back down and more of the same waving the gun around and pointing it at his head and waving it around and pointing at his head. He was alternately, like I said, on the single action or putting the hammer down again. Changing the mode of the weapon.

GH: Okay. At that point, did he ever aim the weapon in your direction?

JS: There's another, I'm not sure, after exactly where this happened, but he made a sudden movement, bringing the weapon around towards me ...

GH: Okay. After he'd sat back down?

JS: Yes. This was after the first shots were fired.

GH: Yes.

JS: And without thinking I shot. Believing the gun barrel was aimed at me.

GH: Okay. You just reacted to gun coming to bear on you?

JS: The gun came to bear on me.

GH: Okay. And how many rounds did you fire that time?

JS: Two or three.

GH: Okay.

JS: And as soon as he brought the gun back and pointed it at his head again, then, then we continued to ask him to put the gun down.

GH: Okay. Did Deputy Poole fire that time?

JS: Yes, he did.

GH: Okay. And were you conscious of how many rounds he had fired?

JS: It was more than one.

GH: Okay. And then you put your light back on him and he's still just sitting at the table, pointing the gun towards his head or waving it or whatever.

JS: Yea. Waving it around.

GH: Okay. Then what happened?

JS: There was a time where, I don't remember exactly what he did with the gun but his hand was on it on the table or there was a time where it was pointed back like, in a real reclined motion where it was on his chest under his chin ...

GH: The barrel, you're, you're making a motion, the tape-recorder can't see it. Are you, are you indicating that the barrel was stuck up under his chin ...

JS: Under his chin ...

GH: ... in contact with the bottom of his chin?

JS: Yes. That was basically at the side or under his chin.

GH: Okay. And then what happened?

JS: Uhm, at that point Deputy Poole indicated to Cobine that it was clear for him to come up and Cobine moved up along side me. I saw that he had a shotgun. As he started saying he wanted to die. I heard him yelling he wanted to die and go ahead and kill me. He said several times go ahead and kill me, I want to die, go ahead and kill me.

GH: Did Sgt. Cobine say anything to him?

JS: I don't recall.

GH: You don't recall that?

JS: I had the primary contact with him as far as ...

GH: Okay. Were you saying anything at that time?

JS: I was continuing to ask him to put down the gun and come to the door to talk about it.

GH: Okay.

JS: I heard Deputy Poole at one time say it's alright you're not going to go to jail, we're just going to take you to the hospital or just put the gun down. The whole time we just wanted him to put the gun down.

GH: Okay. Then what happened?

JS: The phone rang. Well, he was wanting to talk to his brother, wanting to talk to his brother. I was hoping that ...

GH: Did you hear him say that?

JS: Yes.

GH: Okay.

JS: I want to talk to my brother. I said would you put the gun down, come and we'll let you call your brother. I said that several times and it was some time during that exchange that he had said something and I heard him say come on up, come on in the door and I'll show you or something to that effect. And then the, somebody got on the radio and I think made arrangements through dispatch for his brother to call him. The phone rang, it seemed like a long time after, waiting for the phone to ring. We were hoping that would, his brother could talk him down again and at that point, while he was on the phone, he made some kind of sudden movement, turning towards us. I couldn't really see the

gun but I heard Deputy Poole shoot and uhm, Cobine shot and I initiated fire at that time. Believing him to be a threat, coming to bear on us. And when I saw that he was in a down motion, I just held my fire.

GH: Did you fire any rounds that time?

JS: Yes.

GH: Okay. How many did you fire that time?

JS: One or two.

GH: Okay.

JS: Until I could clearly see that there was no threat.

GH: Okay.

JS: I thought he was down and there was no threat and I held fire at that point and they stopped firing. At that point Cobine and I moved up. Kept a visual, kept a visual and then I went through the, I tried to knock out the glass so I could step through while maintaining a visual on him but the glass would only fall at one portion so I just walked through it and then Cobine followed me through while I covered him and then we moved up. We finally got a visual on the weapon, moved it up and out of his reach. At that point I brought my hammer down and put my weapon back into the position I carry it and re-holstered. We handcuffed him at that point and we tried to find any indication of wounds or where he was hurt and attempted to render first aid.

GH: Okay. Is there anything that I haven't asked you that it's important for me to know.

JS: Not that I ...

GH: You were there, uh, is there anything that I've, that I've just simply not asked you about that's, that happened during this incident?

JS: That was what happened as near I remember.

GH: Okay.

JS: I can't think of anything else significant.

GH: Okay. I appreciate your cooperation. Uhm, I'm going to terminate this statement now. Obviously, once I learn more about the case, there may be other questions for you. I appreciate uh, you giving me this statement. It's now uh, 0216 hours, uh, January 29th, 1991.

END OF TAPE

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SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

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CASE NUMBER: 91-568

██████████: ██████████ ██████████

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The following is the examination done inside the residence and the damage found, at the time of the crime scene investigation.

A chair next to the window on the northwest corner, we found three bullet strikes. In a chair next to the table on the north side of the table we found two bullet strikes. Also, this oak table had been struck twice by ricochets or glancing bullets. We found one bullet had struck a large stuffed elephant that was setting on the floor in front of the glass windows. This bullet had entered the stuff elephant and then exited. We found a bullet graze at the east end of the oak china cabinet. There was one bullet strike next to a light fixture in the ceiling. Found a bullet hole in the east end of the china cabinet. This appeared to be shot from the inside and downward direction, east to west, breaking the dishes inside the cabinet. This bullet was recovered by ██████████.

We found a bullet hole in the bottom of a kitchen cabinet on the east end of the kitchen. This bullet traveled east through the cabinet, exited, then went through a wooden decorator fence inside the residence, entered a wall, exited the opposite wall, passing through the master bedroom, where the bullet lodged in the door of the master bedroom. By the direction of this bullet, it appears that it could of been fired by the ██████████, once he was on the floor. This was also, substantiated by the interviews of the three involved officers and the ██████████, who told us that the hammer was back on the .38 special revolver at the time the shooting took place. However, when we found the .38 revolver laying on the kitchen floor, the hammer was.. down on an expended cartridge. This bullet at twelve and one half inches from the floor, exited the panel opposite at fifteen and a half inches, then entered the wooden decorator fence at fifteen and half inches, exited at the same height into the wall behind the front door, at twenty-seven and three-eighth of an inch.

Additional bullet damage to the kitchen, there were four bullet strikes to the west side of the refrigerator. Three of these were ricochets, the fourth entering the refrigerator. Inside the refrigerator on the top shelf, we recovered one bullet. We noted the door leading to the garage had three bullet strikes. One was twenty inches about the floor, one was forty-three inches above the door knob, the last was forty-four and a half inches from the floor to the top of the door. These appeared to be glancing ricochets and there were no exits. There

JP A/GM

was one other bullet strike near the door and it was seventy-two inches from the floor to the bullet strike. This was in the door jam. There was also, a possible strike to the phone. Damage to the west end of the cabinets in the kitchen revealed one bullet strike to the right of the dishwasher. There was a bullet strike to the cabinet door above the microwave. There was another strike to the knife rack attached to the cabinet above the microwave oven. This exited and entered another cabinet. The cabinet left of the sink had a bullet entrance, where it exited that cabinet and then entered another cabinet and then exited. We were unable to retrieve this bullet. There was one other bullet strike in the ceiling about the dishwasher. There was.. multiple pieces of glass scattered throughout the diningroom and kitchen area. Should also note, that we found a bullet strike in the oak flooring, near the chair, where the [REDACTED] had been seated.

End of Report
Detective Lonnie Lawson

LL [REDACTED]
2-4-91 1330 hours.

Offense

245-459

Supplemental

GUN ROOM

ITEM :

- # 1. MAGNAVOX RADIO
- # 2. LOCK ASSEMB. LOWER GUN CABINET
- # 3. COPPER JACKETING ON DESK/MAGAZINE
NEAR EXIT HOLE - THREE LEAD FRAGMENTS
ON FLOOR, UNDER CHAIR.
- # 4. BULLET JACKET ON PLASTIC BAG ON FLOOR
NEXT TO DESK,
- # 5 LEAD BULLET ON CARPET (R) 4' OF PIANO,
NEXT TO BOOK CASE,

LIVINGROOM

- # 6. PORTION OF BULLET IN DRAPES 21" FROM
FLOOR - 18" FROM EDGE OF DOOR - DRAPES OPEN
14"

DINING ROOM

- # 7. CASING ON FLOOR NEXT TO CARPETING
38 SPL.
- # 8. CASING NEAR SAUSAGE SHOTGUN FOREARM
38 SPL W.W
- # 9. CASING NEAR BUTT OF SAUSAGE SHOTGUN
38 SPL.
- # 10. CASING ON RUG UNDER DINING ROOM
TABLE 38 SPL. W.W.
- # 11 SAUSAGE SHOTGUN FROM FLOOR, MODEL 440,
12GA. - LOADED WITH TWO LIVE SHELLS
- # 12 SHOTGUN SHELL, REM. 12GA ON FLOOR NEXT
TO SAUSAGE SHOTGUN,

Reporting Officer

LAWSON, L 0246

Date and Time

2-4-91

Reviewed

Copies To:

Pr. No.

01-91-568

Offense

#13. FOUR 38 SPL. CARTRIDGES - (2) TWO W.W.
(2) Rem. PETERS - THREE ON RUG (1) ON FLOOR

#14. BROWNING 12 GA. SHOTGUN, SER # [REDACTED]
OVERUNDER, BREACH OPEN, AS FOUND ON
FLOOR.

#15. PLASTIC BOX CONTAINING 23 CARTRIDGES ON
DINING ROOM TABLE - LID ON FLOOR NEXT TO
CHINA CABINET.

#16. BULLET, UNDER CHAIR - BULLET JACKET SILVER,
NO BASE. COPPER JACKET - COPPER JACKET - SILVER
JACKET - LEAD FRAGMENT, ALL ABOVE ITEMS CAME
FROM RUG.

#17. PAPER SHOTGUN WAD, 4'10" IN FROM BROKEN
DOOR, SILVER JACKET, SILVER JACKET, ON
FLOOR FRONT OF HUTCH, ABOVE ALL FROM
DINING ROOM FLOOR.

KITCHEN

#18. REVOLVER, S&W SER # [REDACTED] 38 SPL.
KITCHEN FLOOR EAST END NEAR OVEN,
TWO (2) FIRED ROUNDS - FOUR (4) LIVE
CARTRIDGES.

#19. THREE (3) CARTRIDGES ON KITCHEN FLOOR,
ONE UNDER TRIM OF REFRIG.

#20 BULLET INSIDE REFRIG. TOP SHELF

#21. BLOOD SAMPLE FROM KITCHEN FLOOR,
SWAB & BLOOD CHIPS.

#22. BULLET IN HUTCH

#23. BULLET IN MASTER BATH DOOR

#24. THREE EXPENDED SHOTGUN SHELLS, OUTSIDE
7'3" FROM DINING ROOM CORNER, 17'10" FROM
LIVING ROOM WALL, NEAR BIRDBATH.

Offense

245-489

#25 Two(2) 45 CAL CASINGS, 5'7" WEST OF EXPENDED SHOTGUN SHELLS.
 ONE(1) 45 CAL CASING 8'8" ONE WEST OF EXPENDED SHOTGUN SHELLS, CENTER ONE, 45 CAL CASING 3'6" S/W OF CENTER EXPENDED SHOTGUN SHELLS.
 ONE(1) 45 CAL CASING 5'5" S/W OF CENTER EXPENDED SHOTGUN SHELLS.
 ONE(1) 45 CAL. CASING IN PLANTER BOX NEXT TO BIRDBATH.

#26 9mm CASING, ONE(1) 32" West OF House 3" NORTH. ONE(1) 22" West - 7" SOUTH, ONE(1) 53" West 18" SOUTH. THREE(3) 36" West - ONE(1) 36" SOUTH - ONE(1) 43" SOUTH ONE(1) 60" SOUTH.

Reporting Officer

LAWSON, L 0246

Date and Time

2-4-91

Reviewed

Copies To:

Pr. No.

01-91-568

079

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SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
=====

CASE NUMBER: 91-568
INTERVIEWER: GEORGE HILL, DETECTIVE
SUBJECT: 245d(1), 459 PC - BURGLARY

[REDACTED]

[REDACTED]

[REDACTED]

DEPUTY DOUG POOL, DEPUTY JON SYLVIA
SGT. STEVE COBINE, OWNER OF THE RESIDENCE

[REDACTED]

DATE AND TIME
OCCURRED: JANUARY 28, 1991 AT APPROXIMATELY 2140 HOURS

Officer's Report:

On January 28, 1991, I was called out at approximately 2300 hours from my home, directed to respond by the Dispatcher to Excelsior and Holly Street in Cutten, to assist in investigating a shooting that had just occurred. I arrived at approximately 2310 hours and observed Sheriff Office Units and Deputies at [REDACTED] Excelsior Road. I was met in the front driveway by Investigator Lonnie Lawson. He told me the Deputies had been involved in a shooting and that Lt. Vulich and the Deputies involved were inside the house, where the incident occurred.

Lt. Vulich came outside and told me that Sgt. Cobine, Deputy Sylvia and Deputy Pool had been called to a Burglary in Progress at [REDACTED] Excelsior Road in Cutten. The [REDACTED] had fired his weapon several times inside the residence, while they were there and turned his cocked weapon towards the Deputies and they fired their weapons and struck the [REDACTED] in the legs. Lt. Vulich said the owner of the house, Mr. [REDACTED] had given us permission to conduct our investigation. He said, Mr. [REDACTED] was in Oregon and the consent was on a taped dispatch line. Further, I was told that the [REDACTED] name was [REDACTED] and his brother, [REDACTED], who [REDACTED] at [REDACTED] Chestnut Court in Arcata, telephone [REDACTED], had made the Burglary Report.

Detective Lawson told me that Deputies Parton, Kirkpatrick and Sgt. Marler, also had been at the scene and that Deputy Kirkpatrick was at the hospital with the [REDACTED]. Captain De Carli came out of the house and assigned this writer, Investigator Hill as case officer. I, then, took charge of the investigation and Lawson and I asked everyone to vacate the house so that the scene could be processed. I was informed that

the Department of Justice Lab Technician was going to assist in the processing of the scene, along with Identification Technician Billingsley and Investigator Lawson.

I requested that the three Deputies who fired their weapons, be transported to the Main Office, escorted by Deputy Tim McCollister, the Humboldt Deputy Sheriff Organization Representative. All other Deputies who were involved, were also, directed to go to the Main Office to give statements concerning their actions during the incident.

District Attorney Investigator Frank Yeager and Barry Brown were observed on scene. Frank Yeager requested that he be allowed to accompany me to the Main Office to observe the statements, as they were being taken. I agreed to this and I arrived at the Main Office at approximately 2344 hours on January 28 and prepared to take the statements.

I agreed to allow Sgt. Cobine, Deputy Pool and Deputy Sylvia to talk with the H.D.S.O. Attorney prior to giving statements. I, also, gave them time to call their families, if they wished.

At approximately 1215 hours on 1-29-91, I collected the gun belts and weapons from Deputy Pool and Deputy Sylvia. Deputy Pool was carrying a Glock 9mm Semi-automatic hand gun, model 17, serial number [REDACTED] and Deputy Sylvia was carrying a Smith and Wesson, 645, .45 caliber Semi-automatic hand gun, serial number [REDACTED]. Sgt. Cobine turned over his Remington 870 pump, 12 gauge shotgun, serial number [REDACTED]. The serial numbers for the handguns were obtained from the D.O.J. Lab after they received the guns, as I would not remove the weapons from their holsters, at that time.

At approximately 0020 hours on 1-29-91, I requested that the Humboldt Pathological Laboratory be called and provide a Lab Tech to draw blood from the Deputies who had fired their weapons. At approximately 0054 hours on 1-29-91, I took a taped statement from Deputy Robert Parton, who was called out from briefing and drove Code 3, to a 459 in Progress Call, at the [REDACTED] residence. He did not fire his weapon during the incident. (Please refer to his transcribed statement for details of his actions during that time).

At 0112 hours, 1-29-91, I took a taped a statement from Sgt. James Lee Marler. He is a Swing Shift Sergeant, he also went to the scene. He did not fire his weapon. (Please refer to his transcribed statement for specifics).

At 0138 hours, on 1-29-91, I took a taped statement from Deputy Jon Sylvia. He discharged his weapon during the incident. (Refer to his transcribed statement for specifics).

At 0226 hours, 1-29-91, Deputy Pool turned over a roll of 35mm film taken by C.H.P. Officer Robert Jimenez, at the scene. At 0241 hours, 1-29-91, I took a taped statement from Deputy Doug

Pool. He discharged his weapon during the incident and please refer to his transcribed statement for specifics.

At 0341 hours, I took a taped statement from Sgt. Steve Cobine. He discharged his shotgun during the incident. (Please refer to his taped statement for specifics).

After completing the statements, I obtained full information on the [REDACTED] Identifying him as [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] further described as being a white male, [REDACTED] [REDACTED] and [REDACTED]. Sgt. Marler informed me that the [REDACTED] was treated and was being transported to the Jail. Blood and clothing were obtained by Deputy Kirkpatrick. I was, also, informed that [REDACTED] [REDACTED] had thousands of dollars of outstanding warrants on him.

At approximately 0530 hours on 1-29-91, I returned to [REDACTED] Excelsior in Cutten, where I met with Investigator Lawson, I.D. Tech Billingsley and D.O.J. Tech [REDACTED]. Investigator Lawson stated that they were finished and he took me for a tour of the house, indicating the den where the [REDACTED] had entered through a window and then armed himself from a gun cabinet. He then removed the screws from a dead lock on the inside and gained entry into the rest of the house. Investigator Lawson told me that they had located several areas where the [REDACTED] had discharged his handgun inside the residence. He, also, showed me the deck area where the Deputies were when they fired at the [REDACTED] through a glass plate window. (Please refer into the crime scene investigation for specifics of Investigator Lawson's investigation).

I called the reporting party, [REDACTED] [REDACTED] and told him we were done at his father's house and that he could come and secure it. He said he would be on his way immediately, to do that. Upon his arrival, I made arrangements for him to give me a statement after he had taken care of the residence. We all went to breakfast, where we discussed what follow-up was needed to be done. I returned to the Main Office, where I completed letters of transmittal for processing the Deputies weapons and blood taken.

At 1305 hours on 1-29-91, I took a taped statement from [REDACTED] [REDACTED] [REDACTED] [REDACTED] aka "[REDACTED]" He lives at [REDACTED] Chestnut Place, Apt. [REDACTED] Arcata. He is the reporting party. He was accompanied by his girlfriend, [REDACTED] [REDACTED] who also added a few words to the statement. [REDACTED] stated he had placed the original 9-1-1 call to our office, after he drove by his Dad's house and saw the lights on. While he was talking to our Dispatcher, [REDACTED] heard a shot go off near Mr. [REDACTED] residence. [REDACTED] told the Dispatcher that his brother, [REDACTED] was probably in the house, because a girl named [REDACTED], had called him earlier and asked if [REDACTED] had permission to be in his father's house. [REDACTED] told the Dispatcher that [REDACTED] was not suppose to be in his father's house. (Refer to his transcribed statement for specifics).

██████████ has been identified and interviewed by Investigator Lawson. The Dispatch tape will be transcribed.

On 1-30-91, approximately 1040 hours, I took a taped statement from the owner of ██████ Excelsior, ██████, ██████, aka ██████. ██████ told that his son, ██████ was not allowed in his house, because he had burglarized it before. He confirmed that he had given permission over the phone to our Dispatcher for us to conduct our investigation at his residence. ██████ also, turned over two, what appeared to be, completed mushrooms pistol bullets and a fragment of lead, that he had recovered from his residence. He said the biggest based bullet was found in the southwest corner of his residence, behind a stereo speaker. He believed that this bullet had entered the residence through a side window, struck the hearth by the fireplace and then ricocheted back into the room, where it was located. The second bullet was found in a large stuffed elephant that was in the kitchen, in the area where his son had been shot. The fragment he believed had been lodged in the door, near the telephone. These fragments were booked into evidence, at the request of D.O.J. Tech ██████, in case they were needed later. (Please refer to his transcribed statement for specifics).

On 1-30-91 at approximately 1520 hours, I learned from the Jail that ██████ had returned from his second trip to the hospital. I had been told that he was taken back to the hospital from the Jail, after it appeared to the Jail Staff that he was going into shock. I was told that he was now at Court, appearing on his warrants, this caught me by surprise, as I thought he would remain at the hospital for a while; so Investigator Lawson and I went immediately to the Court and we were met there by Deputy Marshal Lewis and ██████ ██████, who was in a wheel chair.

We brought ██████ to the Detective Division, where he was read his Miranda Rights by myself, Investigator Hill, which he stated he understood and waived. After his waiver, I was informed by Investigator Lawson that Marshal Lewis had told him that ██████ had been assigned a Public Defender. I asked ██████ no further questions, while Investigator Lawson went to find the Public Defender, knowing that we should check with him, prior to taking a statement, even though, ██████ had agreed to talk to us. Investigator Lawson returned and told me that Public Defender O'Connell had said that he wanted to talk with his client prior to us talking with him. I asked no further questions and ██████ was returned to the Jail.

On 1-31-91 at approximately 1355 hours, we were informed by Marshal Lewis that ██████ wanted to talk with us. ██████ was brought to my office and I confirmed that he wanted to give me a statement in spite of his attorney's wishes. I was careful to insure that he was knowingly going against his attorney's wishes. I re-mirandized him and took a taped statement. He told me that he broke into his Dad's house, via the Den, in order to get a gun to kill himself. He said he was interrupted by the Deputies, who

tried to get him to put down the gun and come out. He said he turned the cocked hand gun towards the Deputies, so they would kill him. (Please refer to his transcribed statement for details).

Any additional information in this case will be made a matter of report. Report submitted by Investigator George R. Hill. Today's date is Tuesday, February 5, 1991, the time is approximately 1120 hours.

GH: [REDACTED]
2-6-91, 1015 hours.

REQUESTING AGENCY
NCIC#

OFFICE OF THE ATTORNEY GENERAL
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS No. _____
New Additional
Resubmitted

**REQUEST FOR
PHYSICAL EVIDENCE EXAMINATION**

REQUESTING AGENCY: Sheriff COUNTY OF: Humboldt
OFFENSE: 459 245d-1 DATE OF OFFENSE: 1-29-91 AGENCY CASE # 91-0568

VICTIM(S) Dep Pool - Dep Sylvia Sgt Cobine
Investigating Officer: G. Hill / Lawson Phone # 445-7301
DATE NEEDED: ASAP Purpose: Ballistics testing.
Attach copy of report or state summary of circumstances on back of sheet: Back

EVIDENCE SUBMITTED

Item #	Description	Purpose of Exam
1	Remington 12ga pump shotgun	Cobine
2	Black leather police belt with a Glock 17 in the holster	Pool
3	Black leather Police belt with a smithjesson 645 in the holster. Sylvia.	
		Process Per S.O.P for ballistics testing and Proper Functioning.
ATTACH ADDITIONAL SHEETS AS REQUIRED		

CHAIN OF CUSTODY

Item #	Received From	Delivered To	Date	Time

To Be Completed by Laboratory

Court Due Date: _____ Current Priority: _____

Item #	Priority	Scheduled Analysis

Notify Lab Immediately if Due Date or
Priority Change

PLACE THIS FORM IN ENVELOPE ON OUTSIDE OF EVIDENCE PACKAGE

1-29-91 the listed officers were involved in a shoot out with
an armed burglar [REDACTED] the [REDACTED] sustained several wounds
to the legs. A crime scene expert from D.O.D. assisted our
Ident tech in processing the shooting scene.

All three officers discharged there weapons at the [REDACTED]

Note! please return the leather as soon as possible.

REQUESTING AGENCY
NCIC#

OFFICE OF THE ATTORNEY GENERAL
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS No. _____
New Additional
Resubmitted

REQUEST FOR
PHYSICAL EVIDENCE EXAMINATION

REQUESTING AGENCY: Humboldt County Sheriff COUNTY OF: Humboldt
OFFENSE: 245d-1 459PC DATE OF OFFENSE: 1-29-91 AGENCY CASE # 91-0568

VICTIM(S) DEP pool - DEP Sylvia - Sgt Cobine
Investigating Officer: G. Hill 52 / L Lawson Phone # 707-445-7301
DATE NEEDED: ASAP Purpose: B.A testing.

Attach copy of report or state summary of circumstances on back of sheet: _____

EVIDENCE SUBMITTED

Item #	Description	Purpose of Exam
1	Blood sample from Deputy Doug pool	Blood Alcohol test.
2	" " " " Jon Sylvia	"
3	" " " " Sgt Steve Cobine	"
4	2 vials of [redacted] blood in envelope	test for alcohol & drugs.

ATTACH ADDITIONAL SHEETS AS REQUIRED

CHAIN OF CUSTODY

Item #	Received From	Delivered To	Date	Time

To Be Completed by Laboratory

Court Due Date: _____ Current Priority: _____

Item #	Priority	Scheduled Analysis

Notify Lab Immediately if Due Date or
Priority Change

PLACE THIS FORM IN ENVELOPE ON OUTSIDE OF EVIDENCE PACKAGE

1-29-91.

Deputy Pool, Sylvia and Sgt Cobine were involved in a shoot out with a burglar [REDACTED] the officers were not injured the [REDACTED] was shot in the legs.

Blood for B.A is normally drawn from officers involved in shootings.

IDENTIFICATION OFFICERS REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
IDENTIFICATION SECTION

CASE NO. 91-0568
 TYPE OF CRIME 459-245PC LOCATION EXCELSIOR, EKA
 ADDRESS SAME AS ABOVE
 TYPE OF STRUCTURE RESIDENCE
 TIME 2310 DATE 01/28/91
 REQUESTED BY LAWSON-HILL DIVISION DETECTIVE
 CAMERA USED NIKON F STOP F/11 SPEED 250 FILM COLOR
 ASA 400 TYPE OF LIGHT: FLASH BULBS ----- ELECTRONIC FLASH XXXXXXXXXX
 DAYLIGHT --- OTHER ---
 PHOTOGRAPHS
 CRIME SCENE B/W --- COLOR --- LIFTED ONE
 VICTIMS --- COMPARISONS MADE ONE
 COPY PHOTOS ---
 MISC PHOTOS ---
 MOVIE FILM ---
 VIDEO TAPE ---

INVESTIGATION CONDUCTED AND ACTION TAKEN:

After being called from home by the Sheriff's Department Dispatcher, I arrived at the location, a residence, at approximately 2310 hours. Capt. DeCarli, Lt. Vulich, Detectives Lawson and Hill, and numerous other Officers were at the scene. The briefing given to me indicated that a burglar had been caught inside the residence, shots had been fired, and that the [REDACTED] was at General Hospital, injured. Department of Justice Criminalist [REDACTED] arrived soon after to assist in the scene evidence investigation.

I first responded to General Hospital to complete a Gunshot Residue Kit on the [REDACTED] however, the [REDACTED] hands had been washed and bandaged prior to my arrival. At General Hospital I accepted the [REDACTED] blood sample from Deputy Kirkpatrick.

I arrived back at the location at approximately 0030 hours, and the team of myself, Detective Lawson, and Criminalist [REDACTED] started processing the residence. I photographed as the investigation progressed, collected the evidence, and searched pertinent items for latent fingerprints. I also made a sketch of the scene with a general location of where the items were collected. Criminalist [REDACTED] made observations, and Detective Lawson took the notes for the report.

The photographs taken will show the positions of the evidence items prior to collection, and the sketch will give a better understanding of the area of the location they were collected. The item numbers of the evidence collected correspond to the item numbers on the sketch. The item numbers will show (starting with #1) the area of the house the investigation started and the direction it flowed, ending with the collection of the fired casings on the deck outside. Item numbers 27 and 28 are shot-shells, casings, and cartridges, removed from Item #11, and Item #18, at The Sheriff's Department Identification Section. A diagram submitted with this report will show the position of the fired and unfired casings and cartridges in the cylinder of the Smith & Wesson Revolver (#18).

I searched for latent fingerprints at the apparent point of entry (louvers of the north window of the gun storage room), the door knob of the storage room, and the double keyed deadbolt lock that had to be removed to exit the room. I collected one latent from the top of the deadbolt lock. At the Sheriff's Department Identification Section, I searched the three weapons that had been collected for latent fingerprints with negative results.

On 1/31/91, in the Identification Section, I compared and identified the latent collected from the lock top as having been made by the #1 (right thumb) finger of the [REDACTED] #224588. The latent will be retained in Identification Section files.

Automated Firearm System Forms were submitted on the firearms collected. Property Storage Forms were submitted on the evidence and property collected.

(HCSD 0415.1 10-76)

BILLINGSLEY
IDENTIFICATION TECHNICIAN



CASE NO. 91-568	DATE STORED 1/29/91	TIME STORED 0800	TYPE OF PROPERTY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND <input type="checkbox"/> SAFEKEEPING
CRIME 459-245 PC	ADULT ARREST? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	JUV. APREHENS'N? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	[REDACTED]
OWNERS OF PROPERTY			
ITEMS (BY NO.) NAME ADDRESS CITY PHONE			
ITEMS (BY NO.) NAME ADDRESS CITY PHONE			LAB WORK REQUIRED (DESCRIBE) TO BE DETERMINED
ITEMS (BY NO.) NAME ADDRESS CITY PHONE			SIGNATURE OF DEPUTY STORING 0053 Reggie B. [Signature] P.I.N. NO.

[HCSO 0410-1 Rev 1-86]

SEARCH WARRANT NO. _____

COLLECTED AT [REDACTED] EXCELSIOR

ITEM	DESCRIPTION	WEIGHT
1	MAGNAVOX - RADIO/TAPE PLAYER (DAMAGED) (GUN ROOM)	
2	BROKEN GUN CABINET DOOR PART & LOCKS (GUN ROOM)	
3	COPPER BULLET JACKET & LEAD FRAGMENTS (GUN ROOM)	
4	COPPER BULLET JACKET (GUN ROOM)	
5	LEAD PROJECTILE (LIVING ROOM)	
6	BULLET FRAGMENT (LIVING ROOM DRAPES)	
7	.38 CAL FIRED CASING (DINING ROOM)	
8	.38 CAL FIRED CASING (DINING ROOM)	
9	.38 CAL FIRED CASING (DINING ROOM)	
11	SAVAGE MODEL 440 SHOTGUN, OVER/UNDER [REDACTED] 12 GA (DINING ROOM)	
12	LIVE 12 GA SHOT SHELL (DINING ROOM)	
13	FOUR - .38 CAL CARTRIDGES (DINING ROOM)	
14	BROWNING 12 GA OVER/UNDER SHOTGUN, SERIAL [REDACTED]	
15	BOX OF 18 .38 CAL CARTRIDGES (DINING ROOM TABLE)	
16	BULLET PIECES FROM DINING ROOM RUG	

CASE	DATE	1	2	3	4	LOCATION	I.D. TECH.
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CASE NO. 91-568	DATE STORED 1/29/91	TIME STORED 0900	TYPE OF PROPERTY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND <input type="checkbox"/> SAFEKEEPING
CRIME 459-245 PC	ADULT ARREST? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	JUV. APREHENS'N? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	[REDACTED]
OWNERS OF PROPERTY			
ITEMS [BY NO.]	NAME	ADDRESS	
		CITY	PHONE
ITEMS [BY NO.]	NAME	ADDRESS	LAB WORK REQUIRED [DESCRIBE]
		CITY	TO BE DETERMINED
ITEMS [BY NO.]	NAME	ADDRESS	SIGNATURE OF DEPUTY STORING
		CITY	0053 Reggie Billings
			P.I.N. NO.

[HOSD 0410-1 Rev 1-86]

SEARCH WARRANT NO. _____

COLLECTED AT [REDACTED] **EXCELSIOR**

ITEM	DESCRIPTION	WEIGHT
17	BULLET JACKETS & SHOT SHELL WADDING (DINING ROOM FLOOR)	
18	SMITH & WESSON .38 CAL REVOLVER, SERIAL [REDACTED] (KITCHEN)	
19	THREE .38 CAL CARTRIDGES (KITCHEN FLOOR)	
20	BULLET FROM INSIDE REFRIGERATOR	
21	BLOOD STAIN SAMPLE FROM KITCHEN FLOOR	
22	BULLET WITH COPPER JACKET (DINING ROOM HUTCH)	
23	BULLET FROM MASTER BATH DOOR	
24	THREE FIRED SHOT SHELLS (OUTSIDE DECK)	
25	SIX .45 CAL FIRED CASINGS (OUTSIDE DECK)	
26	SIX 9MM CAL FIRED CASINGS (OUTSIDE DECK)	
27	TWO UNFIRED SHOT SHELLS, 12 GA, FROM SAVAGE CHAMBERS	
28	TWO FIRED .38 CAL CASINGS, & FOUR UNFIRED CARTRIDGES FROM CYLINDER OF SMITH & WESSON PISTOL	

CASE	DATE	1	2	3	4	LOCATION	I.D. TECH.
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SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

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CASE NUMBER: 91-568

INTERVIEWER: GEORGE HILL, DETECTIVE

SUBJECT: 459 P.C. - BURGLARY IN PROGRESS

STATEMENT OF: ██████████ ██████████ - ██████████

LOCATION: DETECTIVE BUREAU - 3RD FLOOR

DATE & TIME: JANUARY 31, 1991, 1355 HOURS

ALSO PRESENT: LONNIE LAWSON, DETECTIVE

=====

This is Investigator George Hill with the Humboldt County Sheriff's Office in Eureka, Detective Division. Conducting an investigation under case 91-568, uh.. which is a Burglary in Progress, which is.. resulted in Officer Involved Shooting. Today's date is January 31, 1991, and the time is approximately 1:55 p.m.. Present with me in the.. in the.. in my office is Detective Lonnie Lawson and Mr. ██████████ ██████████.

Q: Is that your correct name...

A: Yes, it is.

Q: ...██████████? Do you mind if I call you ██████████

A: No.

Q: Okay. First of all uh.. Detective Lawson, I understand that.. you received information concerning Mr. ██████████, request to speak to us. Could you first tell me, how that went about?

LL: Yes. Uh.. about ten minutes ago I received a call from Deputy Marshal Joe Lewis, he told me that tah.. Mr. ██████████ had been in court today and that after his court appearance, he had presented my card to Joe Lewis and told him that he wanted to speak to me. Uh.. Joe told me that he had talked to.. Mr. ██████████ and told him an attorney had been appointed and Mr. ██████████ said that he had a right to speak and that he wanted to talk to me this morning, uh.. or now, so I went to the court, where i brought Mr. ██████████ up to the Detective Bureau, where we're at now. And that's been approximately ten minutes ago.

Q: Okay, thank you, uh.. ██████████ uh.. yesterday, when I brought

you into the office, I'd advised you of your Constitutional Rights, uh.. on tape recorder. Do you recall that?

A: Yes, I do.

Q: Okay and.. at that time, you told me that you wanted to speak with me, but because.. uh.. Detective Lawson had become aware that you.. had been appointed a Public Defender, we would not take a statement from you, until he was consulted. Do you recall that?

A: Yeah.

Q: And uh.. Detective Lawson consulted him and he said at that time, he would rather speak to you before you spoke to us. Is that correct?

A: Yeah.

Q: So we took you back without taking a statement. Correct?

A: Correct.

Q: And is the information that Detective Lawson uh.. just told me about your request today, correct? And...

A: Sure...

Q: ...if it is, will you explain it to me, please?

A: Yeah, I just asked to see you guys.

Q: Okay.

A: I don't need a.. lawyer present, I can talk.

Q: Okay. Uh.. I think it appropriate to.. re-advise you of your Miranda Rights, if you bear with me for just a second here. We wanna be sure that you understand everything. I'll read these to you again, from the card, okay? You have the right to remain silent. Do you understand that, [REDACTED]?

A: Yeah.

Q: Anything you say, can and will be used against in a Court of Law. Do you understand that?

A: Yeah.

Q: You have a right to talk with an attorney and to have an attorney present before and during questioning. Do you understand that, okay?

A: Yeah.

Q: If you cannot afford an attorney, one will be appointed free of charge to represent you before and during questioning, if you desire. You understand that?

A: Yes, I do.

Q: Okay. You can decide at anytime to exercise these rights and not answer questions or make any statements. Is that clear to you?

A: Yeah.

Q: Okay. Do you understand each of these rights that I've explained to you?

A: Yes, I do.

Q: Having these rights in mind, do you wish to talk to me now?

A: Yeah.

Q: Okay. Okay, uh.. I guess the easiest way to do this, first of all, is just to let you tell me why you're here and what it is you'd like to tell me.

A: I will start...

Q: Wherever you want?

A: Well, I just went there, I wasn't gonna take nothing or anything, all's I did was go there to kill myself. That's the only reason I went there. How you guys showed up, I don't know. I didn't ask. I knew I'd just go there to sit down and get drunk and kill myself. How you guys showed, I don't know.

Q: Why did you wanna do that, [REDACTED]?

A: Cause I don't wanna live no more. I have no reason.

Q: How did you get in the house?

A: I went in through my Dad's bedroom window.

Q: Through your Dad's bedroom window?

A: Or the den window.

Q: Oh, through the den window, huh? Is that the room that had the guns in it?

A: Yep.

Q: Okay. And.. exactly how did you get in?

A: Just through the louvered window.

Q: Uhuh. What, did you take the louvers out?

A: Yep.

Q: Then I saw, guess I saw a board over the window, huh?

A: Yeah, I kicked that out and went in.

Q: I see.

A: I wasn't gonna take anything from my house. Since...

Q: Were you suppose to be in that house?

A: Nuh uh.

Q: Okay. Is that your Dad's place?

A: Yeah and Mom's.

Q: Your Mom's. I see. About what time did you go in?

A: I don't know.

Q: Was that.. a Monday...

A: I didn't even look.

Q: ...Monday, during the day.. or on the twenty-eighth?

A: Monday afternoon, sometime.

Q: Monday afternoon. You're pretty bummed out about something?

A: Just everything.

Q: Everything, huh? Eh.. what did you do when you got inside the den?

A: Nothing. Unbolted the lock in the living room and went in there.

Q: You unbolted the lock, is that.. deadbolt, that I saw that was kind a taken apart there?

A: Yeah.

Q: You did that?

A: Yeah.

Q: Okay. What happened when you got inside the house?

A: I just sat down and watched TV and had a beer. I didn't do anything.

Q: Had some beer?

A: Yeah.

Q: Was anybody with you?

A: Nuh uh.

Q: Did somebody come later on?

A: Yeah. I don't know where he came from.

Q: Who was it?

A: I have no idea.

Q: Just some guy?

A: Some.. some guy walked in, I don't have no idea who he was.

Q: How did he get in?

A: I don't know. I was half drunk by that time.

Q: Yeah, how many beers did you have?

A: Probably a like, three or four and then I was drinking some Whiskey, too. Just wanted to be alone.

Q: Did you get that.. from your Dad's liquor cabinet?

A: Yeah.

Q: I see.

A: And how you guys showed up, I don't know.

Q: Did you remember.. getting a gun, in the den?

A: Yeah, later on.

Q: A handgun?

A: Yeah.

Q: Did you shoot it while you were in the den?

A: No.

Q: You didn't?

A: Not that I remember. I don't know if I did or not.

Q: It looks like there some holes in there. When did you first shoot the gun in the house?

A: I.. don't know.

Q: You remember shooting it in the house?

A: Yeah, but I couldn't tell you when.

Q: Okay.

A: Couldn't tell you when.

Q: Do you remember when the Deputies first got there?

A: Not really. I just heard 'em out on the deck.

Q: Uhuh.

A: Outside.

Q: What'd they say to you?

A: ██████████ ██████████ put the gun down. Is all I remember.

Q: What's you say?

A: I don't know. I know I didn't want to.

Q: Why not?

A: So I could shoot myself.. in private, by myself.

Q: I see.

A: The hell you guys showed, I don't know.

Q: And.. did you get phone call while you were there?

A: (inaudible) my brother.

Q: What did he tell you?

A: I don't remember.

Q: Is that your brother now.. what's his name? ██████████

A: Yeah, ██████████ or ██████████

Q: ██████████. Do you remember talking to him on the phone?

A: A little bit. I don't know what he said or what I said.

Q: You don't remember that at all, huh?

A: I wasn't even that drunk, either. Just don't remember anything.

Q: You remember pointin' the gun at yourself?

A: Yeah. It's the whole point I was in there.

Q: Uhuh. What.. why did you have the shotguns?

A: I don't know.

Q: You remember having the shotgun?

A: Yeah.

Q: What were you gonna do with that?

A: I have no idea. Couldn't tell you.

Q: Did you load the shotgun yourself?

A: Yeah.

Q: Did you get those bullets outta that...

A: Little cabinet...

Q: ...gun cabinet kind a (inaudible)? Were you the one that broke the door off the gun cabinet?

A: Yeah.

Q: Yeah. Why did you do that?

A: So I could get in it.

Q: Yeah. What'd yah want?

A: The gun out of it.

Q: Which, which gun?

A: The .38 was in there.

Q: Yeah. Is that the one you took?

A: That's the one I had in my hand.

Q: Uhuh. You fired that.. several times, as far as I can tell.. why were you firing it in the house?

A: I don't know. I have no idea.

Q: Where you mad at the Deputies.. for being there?

A: Yeah. I didn't want them there.

Q: Did you try to scare them off?

A: I don't know what I did?

Q: You 'member pointin' the gun at 'em?

A: Yeah, I guess.

Q: What.. why did you point the gun at 'em?

A: I don't know, maybe they'd shoot me and I wouldn't have to.

Q: Is that what went through your mind?

A: That's what I was thinking. That's what I was wishing.

Q: (inaudible).

A: But it didn't work.

Q: Why did you think it didn't work?

A: Cause I'm still alive.

Q: As I understand it.. there was some shooting and then.. and then you kind a went away and come back, you know and sit down in your chair, uh.. and kind a pointed the gun at yourself, too. Eh.. what were you thinking about...

A: (inaudible)...

Q: ...when that was going on?

A: Shoot myself. Why I didn't I don't know. The whole plan (inaudible). Want a do it by myself and nobody's around.

Q: Then you pointed the gun at the Deputies again, with it cocked. Do you remember cocking it?

A: Yeah.

Q: Why did you cock it and point it at the Deputies?

A: So hope that they'd do it and I didn't have to.

Q: Did you hear them telling you to put it down and come out?

A: Yeah.

Q: That they'd.. they wouldn't take you to jail or they'd get you some help. You heard that?

A: Yeah.

Q: Why didn't you just do that?

A: Cause they wouldn't have.

Q: You didn't trust them?

A: No. I need a clean Kneex, please?

Q: Here. Uh.. I understand from the guys that were.. were there inside the house, that you.. you actually reloaded that gun at one time. Did you, what'd you do, did you shoot up the first cylinder full?

A: No, I dropped 'em on the ground. I opened it to see if was loaded and they fell out on the ground.

Q: I see. Where, where did they fall out at? Do you remember where were you?

A: Right under this chair.

Q: Kind a in the dining room there, where the.. table was?

A: Yeah.

Q: Okay. Then what you'd do?

A: I reached down and picked 'em and put 'em back in it.

Q: Put 'em back in? Did you uh.. did you ever.. shoot at the Deputies?

A: Not that I know of.

Q: You just pointed.. the gun at 'em, cocked hoping that they would just shoot you? (inaudible).

A: That's was hoping my plan.

Q: Lonnie, do you have some questions?

LL: Do you remember [REDACTED] coming over there, [REDACTED]

A: No.

LL: You don't remember her being there at all?

A: I remember her, hearing her voice, but I don't know.

LL: Okay. You 'member this, this guy you said just walked in, you remember his name?

A: Nuh uh. While, I know...

LL: (inaudible)..

A: ...I was coming back from the store.. I went up and got a pack of cigarette.. and I came back.. and he started following me around, he goes you got a beer and I go, yeah. And he followed me over there and they had a beer.

LL: What, what store did you go to?

A: Uh.. the Cutten Go Station.

LL: So you had to walk over there and walk back?

A: Yeah.

LL: And you just bumped into him, while you're walking, huh?

A: Yeah, I found him on the way back.

LL: Okay. If I said the name Norm, would that be right?

A: I have no idea.

LL: Okay. Remember if you ever pointed at his head and threatened to kill him?

A: No.

LL: No.

A: Not even. That never happened.

LL: No. You ever 'member telling him, if you go for the door, you'll be dead before you get there?

A: No.

LL: Okay.

A: Definitely not. He...

LL: He...

A: ...could've left anytime he wanted.

LL: Okay. Well he, eventually must have, because he wasn't there, when we got there.

A: Yeah. I wasn't gonna hurt the guy. I didn't wanna hurt anybody but me.

LL: What time did you go there?

A: I have no idea.

LL: You remember being with [REDACTED] that morning? Over at [REDACTED]

A: Yeah.

LL: Did they give you a ride somewhere, from [REDACTED] and [REDACTED]

A: Yeah, I had to go the Unemployment Office.

LL: After you left the Unemployment Office, where you'd go?

A: Down to the Welfare Office.

LL: Just walking?

A: Yeah.

LL: You walk everywhere you go?

A: Yeah.

LL: So you don't know what time it was, you went out to your Dad's, uh?

A: Nuh uh.

LL: What made you pick that place to go to kill yourself?

A: Cause I knew there was a gun there and I didn't know where else there was one.

LL: Okay. Have you ever.. went into the house through that window before?

A: Yeah.

LL: Okay, so you knew that.. how to get into the place then?

A: Well, I didn't go through that, I went through my old bedroom window.. before. They at...

LL: How long was the last time you lived in that house?

A: I don't know. When I was sixteen or something.

LL: Okay, so it's been a while, then?

A: Yeah.

LL: Do you.. remember sh.. pulling the trigger on that handgun, at all?

A: Kind of, but I don't know what I was pointin' it at.

LL: Okay.

Q: So each time.. each time you.. you pointed at the Deputies, your intention was to get them to shoot back at you?

A: Yep. My exact intention.

Q: To go (inaudible)...

A: Everybody showed up and I wasn't drunk enough to kill myself yet, when everybody was there.

LL: Could you see them outside?

A: Barely...

LL: The Deputies? Barely. You remember them shining a flashlight in the house?

A: That's all I could see, is lights.

LL: Did you know how many Deputies were out there?

A: I couldn't tell you. I have no idea.

Q: You knew they were.. Deputy Sheriffs?

A: Yeah, they said that.

Q: Okay. And.. when you talked to your brother on your phone, didn't he ask you to put your gun down and come out?

A: Yeah.

Q: Why didn't you wanna do that?

A: I didn't wanna. I wouldn't get my job done, I was set out to do.

Q: Did you ever challenge the Deputies to come in after you and you were gonna shoot 'em?

A: I.. don't think so, but I don't know.

Q: Were you pretty mad at that time?

A: Yeah. Cause.. everybody showed up. I don't know how they got there.

Q: I see.

A: Or what they were doing there.

Q: Who turned the lights out in the house?

A: I have no idea.

Q: You remember turning the lights out, yourself?

A: Not really.

Q: How many times did you fire the gun in the house?

A: I don't know.

Q: How many do you think?

A: I couldn't tell you.

Q: Quite a few?

A: I only remember once.

Q: Lonnie?

LL: You remember one time that we're.., where was the.. where were you at, at that time, what room, do you remember?

A: (inaudible).

LL: Pardon me?

A: (inaudible), I think.

LL: When you fired the gun, the one time you remember, you know what (inaudible)?

A: I was sittin' in the living room.

LL: Okay.

Q: Is.. when you say living room, I sorry to interrupt, but do mean....

A: The chair by the kitchen table.

Q: ...the chair by the kitchen table, okay, I'm sorry, Lonnie, go ahead.

LL: Okay. Uh.. earlier in the day, your brother had come by the house.. and went just to check the house. He said, he saw the deadbolt off.. door at that time, were you in the house when he walked through there?

A: No.

LL: Could've been gone for the cigarettes at that time?

A: Possibly, I guess, I don't know.

LL: You don't remember your brother coming in there (inaudible)?

A: He was never there when I was there.

LL: Okay.

A: Cause I probably didn't get there until about.. what.. five-thirty, maybe.

LL: Had you been drinkin' before you got there?

A: I had a couple of beers, before I got there.

LL: Had you done any drugs at all, then?

A: Nope.

LL: Just alcohol, then huh?

A: I don't do drugs.

LL: You get violent when you drink?

A: Sometimes.

LL: How come you're so depressed now and want to take your own life?

A: Just every.. a pile of reasons.

LL: Would it help if you talked to someone about that?

A: Yeah, probably...

LL: A counselor?

Q: We'd tell them.. that you need that, okay? I uh.. appreciate you coming in here and filling in the holes, for us, so that we understand what happened. And.. where did you find the.. the uh.. bullets for the .38?

A: In the same place where the gun was.

Q: Okay. Why did you load that gun up?

A: Uh?

Q: Why did you load it up?

A: I can't shoot myself with an empty gun.

Q: Okay. I see.. I guess my point is, you had a shotgun that was loaded, too, uh.. was your intention to shoot yourself with the pistol?

A: I wasn't sure.

Q: Okay, just load 'em up so you'd have a choice.

A: I was gonna make sure one way or the other, I got it done.

Q: I see. Okay. Is there anything.. that you would like to tell me that I.. that or Lonnie, that we haven't asked you about? You came to us.. sometimes we.. hit around and don't ask the right questions. Is there anything you'd like to tell us about what happened?

A: That about cover it.

Q: Okay...

A: I just wanted to tell you guys what the happening was.

Q: Okay, I'm certainly appreciate that.. and would like to know.. uh.. the Officers don't like to ever shoot at anybody, either, you understand that, I hope? Uh.. when you turned the gun on them with it cocked, they felt that you were goin' to shoot them. Mmm... guess from what...

A: I wanted them to think that.

Q: ...you tell 'em, pardon me?

A: I wanted them to think that.

Q: That was your plan, huh?

A: Yeah.

Q: Okay. If they hadn't of shot, would have fired a shot, through the window?

A: Not at them.

Q: Okay.

A: I had no intentions on shootin' 'em.

Q: What would've you think would've happened.. if they would have just left you in the house?

A: I'd shot myself. Make my plan.

Q: So...

A: They came and messed it all up.

Q: Lonnie, anything else you can think of, right now?

LL: No, I think uh.. [REDACTED] when we're through here, I will take you back to the jail.. and uh.. we'll advise them that.. that, what your feelings are, as far as you're.. you life goes and maybe they can uh.. have somebody talk to you now. Maybe we can start on your.. road to recovery today, to in hopes that tah.. you can relieve yourself of those feelings, because I.. I know those three Deputies that shot at you uh.. didn't wanna, didn't go there, intentions of shooting, killing you. And.. I think that will.. I will.. try that. That will be alright with you? You wanna...

A: (inaudible)...

LL: ...talk to somebody about that?

A:

Q: Okay. Now, I think.. I think that's probably all for now, I just.. maybe.. a just a couple of things, to be sure I understand.. you drank how many beers in house, do you think?

A: I think, three maybe four.

Q: Okay and you drank some hard liquor, too? What kind of hard liquor did you drink?

A: I don't remember. I think it was VO and water, whatever it was.

Q: How many of those do you think you had?

A: I couldn't tell you.

Q: What...

A: A few shots.

Q: ...okay. What was your intention of.. for drinking?

A: Get drunk.

Q: Is that to get up enough courage to.. do the deed?

A: Yep.

Q: I see. Alright, I think we'll terminate this statement now. Uh.. you came here, uh.. at your request, is that right?

A: Yes sir.

Q: We didn't make any contact to.. with you, whatsoever, after we discovered you had an attorney, did we?

A: Nope.

Q: Now did you give this statement to us.. uh.. with out duress and of your own free will?

A: Yep.

Q: Okay and you wanted us to know what really what happened?

A: Yep.

Q: Okay. We'll terminate this statement then, it's uh.. 1415 hours, that's uh..

A: Can I have a cigarette?

Q: ...that's fifteen after two, January 31, 1991.

GH: [REDACTED]
2-4-91 1200 hours.

SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE NUMBER: 91-568
INTERVIEWER: GEORGE HILL, DETECTIVE
SUBJECT: 459 P.C. - BURGLARY IN PROGRESS
STATEMENT OF: [REDACTED], [REDACTED]
LOCATION: DETECTIVE BUREAU, 3RD FLOOR
DATE & TIME: JANUARY 30, 1991
OTHERS PRESENT: LONNIE LAWSON, DETECTIVE

Q: [REDACTED] you can see I just turned on a tape recorder.

A: Yes.

Q: This is case number 91-568, today's January 30, 1991. The reason uh.. we brought you down here is uh.. we're very interested in hearing your side of what went on over at your Dad's house.. and uh.. before we can ask you any questions about that.. uh.. I'm gonna have to advise you of your Constitutional Rights. I'd like for you to uh.. listen up, while I read them to you.. and then uh.. after you make a decision about that.. uh.. we'd be very interested in hearing what you have to say about what went on. You have the right to remain silent. Do you understand what that mean?

A: Yeah.

Q: Okay. Anything you say can and will be used against you in a court of law. Do you understand that clearly?

A: Yes.

Q: You have a right to talk with an attorney and have an attorney present before and during questioning. Do you understand that?

A: Yes.

Q: Okay. If you cannot afford an attorney, one will be appointed free of charge to represent you before and during questioning, if you desire. Do you understand that clearly?

A: Yes.

Q: You can decide at anytime to exercise these rights and not

answer any questions or make statements. Do you understand that?

A: Yes.

Q: You understand each of the rights that I read to you here from the card?

A: Yep.

Q: Okay. Having these rights in mind, do you wish to talk to us now?

A: I might as well.

LL: Okay, before you start, now you've just been appointed a Public Defender.

Q: Has he? Okay. If you're appointed a Public Defender, we have to call...

LL: Uh.. the (inaudible).. probably.. why don't we.. you can sit here with.. with him and the tape recorder, I'll check with Public Defender Office.

Q: Right.

LL: And see that's it okay to.. uh.. what I'm gonna do, ■■■, eh.. so you understand.. is I'm gonna go down and talk to the Public Defender.. uh.. and let them know that you're here and that we would like to talk to you. And let.. and let them uh.. so they're aware of it, because right now, they're, they are appointed to represent you...

A: Oh...

LL: ...and see if they have any objections to you.. giving us your side of this story. Okay?

Q: That's the way the law works...

A: I know (inaudible)...

Q: ...even though you say you're...

A: ...to see if he could be here?

LL: Sure. That's what I.. I'll go down there and uh.. talk to them, we didn't, we weren't.. didn't realize that until.. the Deputy Marshal, who pushed you out, told me that.

Q: Okay, I didn't hear him say that.

LL: And.. and the Detective Hill...

A: And he said that (inaudible).... earlier.

LL: They just appointed...

A: That's why I asked the.. uh.. gettin' any paperwork or anything like that...

LL: Okay...

A: ...cause usually when they're appoint a Public Defender.. you get to sit in there and listen or.. talk to 'em at least for a second, I...

LL: And I'll go down.. see we weren't aware of that when we first got you, that's what the.. problem is. So...

Q: Okay, so what we'll do, is uh.. is, I'll just turn the tape recorder off and you and I will not discuss this case. We'll sit and wait for Lonnie to come back and duh.. he will talk to your Public Defender, he will tell him that you've said, yes, you've.. you've heard your Rights and that you.. would like to talk to us, but you'd like your Public Defender to know about it.

A: Okay.

Q: And uh.. he may very well wanna...

A: Well...

Q:come over...

A: ...do you know where all my clothes went and everything?

Q: Yeah, we have them.. and uh..

A: My wallet and.. all that kind of stuff?

Q: No, your wallet was left at your house, I believe.. is that right?

LL: Yeah.

Q: So we'll turn this off and Lonnie will go down.. it's uh.. uh.. 0155 hours (1355 hours) on the thirtieth.

Q: This is Detective Hill, the time now is uh.. approximately 2:20, uh.. 2:21 actually. Detective Lawson is just come back in the room, uh.. [REDACTED] you and I didn't discuss this case at all uh..

A: Nope.

Q: Okay and Lonnie do you have something to tell us from...

LL: Yes, Mr. Connell feels that he should talk to his client, before we talk to him. So he would like us.. not to question him at this time, so.. that's.. we'll take him back to the Jail, I told Mr. Connell.

Q: Okay. We'll take you back to the Jail. Now then, this tape is completed.

GH: [REDACTED]
1-30-91, 1525 hours.

SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE NUMBER: 91-0568
[REDACTED]: 459 PC - BURGLARY IN PROGRESS
INTERVIEWER: DETECTIVE GEORGE HILL
STATEMENT OF: SERGEANT JAMES MARLER
LOCATION: HUMBOLDT COUNTY SHERIFF'S DEPARTMENT, DETECTIVE BUREAU
DATE AND TIME: JANUARY 29, 1991; 0112 HOURS

Q: THIS IS INVESTIGATOR GEORGE HILL. I'M AT THE HUMBOLDT COUNTY SHERIFF'S OFFICE, AT THE DETECTIVE DIVISION. I'M CONDUCTING AN INVESTIGATION UNDER CASE NUMBER 91-0568, A REPORTED BURGLARY IN PROGRESS, THAT RESULTED IN AN OFFICER INVOLVED SHOOTING. TODAY'S DATE IS JANUARY 29TH, 1991. THE TIME NOW IS APPROXIMATELY 0112 HOURS. PRESENT WITH ME IS SERGEANT MARLER, WOULD YOU SAY YOUR FULL NAME FOR THE RECORD?

A: JAMES LEE MARLER.

Q: UH, SERGEANT, YOU ARE CURRENTLY A SERGEANT WITH THE PATROL DIVISION, IS THAT CORRECT?

A: YES IT IS.

Q: HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S DEPARTMENT?

A: TWENTY TWO YEARS.

Q: OKAY, AND WHAT IS YOUR CURRENT SHIFT ASSIGNMENT?

A: MY CURRENT SHIFT ASSIGNMENT IS SWING SHIFT, WHICH IS FROM SEVENTEEN HUNDRED HOURS TO 0' THREE HUNDRED HOURS.

Q: SERGEANT MARLER, WOULD YOU PLEASE TELL ME WHEN YOU FIRST BECAME INVOLVED OR HAD KNOWLEDGE OF THE, UH, EXCELSIOR ROAD INCIDENT?

A: I WAS IN THE SERGEANTS OFFICE WHEN I HEARD OUR LOUDSPEAKER GIVING OUT A DETAIL TO OFFICER POOL AND SYLVIA TO RESPOND TO THE EXCELSIOR ROAD CALL, AS A FOUR-FIVE-NINE IN PROGRESS. THE [REDACTED] WAS INSIDE, AND POSSIBLY DID NOT HAVE PERMISSION TO BE THERE, PER HIS FATHER OR...SOME RELATIVE. SO I BUZZED TO DISPATCH, AND I TOLD THEM I WOULD BE ENROUTE OUT THERE ALSO. SO I WENT OUT AND GOT IN MY CAR AND STARTED OUT THAT WAY. AND, I HEARD THEM BOTH GO TEN-NINETY-SEVEN. A FEW MINUTES WENT BY, OR A MINUTE OR TWO, IT WASN'T VERY LONG, AND OFFICER POOL WENT BACK ON THE RADIO AND SAID SEND IN ADDITIONAL UNITS, [REDACTED] ARMED. SO, THEN I GOT THE CALL TO RESPOND CODE THREE, WHICH

A: I DID AND GOT THERE...AND WENT TEN NINETY-SEVEN AT ABOUT TWENTY ONE FIFTY HOURS OR SOMEWHERE IN THERE, GIVE OR TAKE A MINUTE. IT'S RIGHT IN THAT GENERAL AREA. I LOOKED AT MY WATCH, AND IT WAS TWENTY-ONE FIFTY. I MET OFFICER POOL OUT FRONT, AND HE SAID THE [REDACTED] WAS IN THE BACK PART OF THE HOUSE, HE WAS ARMED, AND DEPUTY SYLVIA HAD A VISUAL ON HIM. AND AT THAT POINT, POOL SAID IF YOU WANT TO WATCH THE FRONT, I'LL GO BACK AND KEEP AN EYE ON SYLVIA. AND I SAID, WELL JUST A MINUTE; LET ME GO AND ASSESS THE SITUATION REAL QUICK, AND THEN I'LL GET BACK TO YOU. SO I WENT TO THE BACK...OFFICER SYLVIA WAS DOWN ON HIS KNEE WITH HIS SERVICE REVOLVER DRAWN, POINTED TOWARDS THE DIRECTION OF THE HOUSE, AND HE SAID THERE IS THE [REDACTED], AND HE HAD HIS LIGHT ON HIM. AND I COULD SEE THE [REDACTED] HAD HIS FOOT, AND I'M NOT SURE WHICH ONE, ALL I COULD SEE WAS A FOOT UP ON THE TABLE, AND IT WAS OBSCURED BY ONE OF THE FRAMEWORKS OF THE WINDOWS SO I COULDN'T SEE HIS WHOLE BODY, BUT I COULD SEE HIS HEAD, AND I COULD SEE HE HAD SOME SORT OF A REVOLVER POINTED TOWARDS HIS CHIN. AND THEN AT ONE POINT, HE POINTED IT TOWARDS THE WALL, AND THEN BACK TOWARDS HIS CHIN. AND THEN I TOLD SYLVIA, I SAID, KEEP AN EYE ON HIM, TALK TO HIM, AND I'LL BE RIGHT BACK. SO I WENT BACK OUT FRONT, AND I TOLD DEPUTY POOL, I SAID GO BACK WITH OFFICER SYLVIA, KEEP A CLOSE EYE ON WHAT'S GOING ON, I SAID WE'RE GOING TO NEED ADDITIONAL UNITS OUT HERE. AND THAT'S WHEN I TOLD HIM, YOU KNOW, WE NEED SOME MORE HELP. THAT'S WHEN GRAVEYARD RESPONDED, WITH OFFICERS PARTON, KIRKPATRICK, AND SERGEANT COBINE SHOWED UP. AND I BRIEFED SERGEANT COBINE REAL QUICK WITH WHAT WAS GOING ON, AND IN THE MEANTIME I WAS TRYING TO KEEP TRAFFIC AWAY FROM THAT GENERAL AREA, AND NEIGHBORS COMING OVER TO SEE WHAT WAS GOING ON, TRYING TO KEEP THEM BACK.

Q: LET ME STOP YOU HERE AND ASK YOU SOME SPECIFICS ABOUT THE HOUSE. NUMBER ONE, WERE THERE LIGHTS ON INSIDE THE HOUSE?

A: YES, THERE WERE.

Q: OKAY, SO IT WAS FAIRLY WELL LIT UP INSIDE?

A: YES.

Q: OKAY, AND WHAT ABOUT LIGHTING OUTSIDE THE HOUSE?

A: I THINK THERE'S A STREETLIGHT RIGHT THERE. IT WAS PRETTY LIGHT OUTSIDE, RIGHT TOWARDS THE FRONT OF THE HOUSE. I DON'T RECALL SPECIFIC LIGHTS ON...

Q: ...OKAY, AND WHAT POSITION WAS DEPUTY SYLVIA IN? IN RELATION TO THE HOUSE?

A: HE WAS AT THE BACK OF THE HOUSE, UH, KINDA LIKE A...LOOKS LIKE A DECK WITH A FENCE BUILT AROUND IT, AND HE WAS DOWN ON HIS KNEE, RIGHT, I DON'T KNOW HOW FAR AWAY FROM (INAUDIBLE) BUT HE WAS WHERE HE COULD SEE THE [REDACTED] REALLY WELL.

Q: DID YOU HEAR DEPUTY SYLVIA OR POOL SAY ANYTHING TO THE [REDACTED]

A: YES, THEY WERE ORDERING HIM TO PUT THE GUN DOWN AND COME OUTSIDE.

Q: OKAY, EXACTLY WHAT DID THEY SAY?

A: UH, THEY WERE CALLING HIM [REDACTED], PUT THE GUN DOWN, THIS IS THE SHERIFF'S OFFICE, PLEASE PUT THE GUN DOWN AND COME OUTSIDE. THEY REPEATED IT SEVERAL TIMES.

Q: OKAY, AND WHO WAS SAYING THAT?

A: UH, BOTH OFFICERS.

Q: OKAY, AND, WAS THERE ANY RESPONSE FROM THE PERSON INSIDE THE HOUSE?

A: UH, I HEARD ONE RESPONSE BUT AT THE POINT WHERE I WAS AT, I COULDN'T TELL WHAT WAS SAID. IT WAS, BASICALLY...IT SOUNDED TO ME LIKE HE WASN'T GOING TO COMPLY WITH WHAT WAS SAID, BUT, I MEAN, IT WASN'T CLEAR WHAT HE SAID.

Q: OKAY, NOW WHAT WAS BETWEEN THE DEPUTIES AND THE [REDACTED]

A: UH, A PLATE GLASS WINDOW.

Q: OKAY, WHAT SIZE?

A: OH, ABOUT SIX BY EIGHT...IT'S A LARGE...

Q: ...LARGE?

A: LARGE PLATE GLASS WINDOW ON ONE SIDE, AND THERE WAS, I THINK, A SLIDING GLASS DOOR ON THE OTHER SIDE, BUT I'M NOT SURE. I DIDN'T REALLY LOOK THAT CLOSE.

Q: SO THE OFFICERS HAD A CLEAR VIEW?

A: CLEAR VIEW, YES.

Q: OKAY, WAS THE [REDACTED] INSIDE THE HOUSE LOOKING OUT AT THE OFFICERS?

A: NO, I DON'T THINK HE LOOKED AT...WHEN I WAS BACK THERE HE DIDN'T LOOK AT THE OFFICERS AT ALL.

Q: OKAY, DID YOU SEE HIM POINT THE GUN AT THE OFFICERS?

A: NO.

Q: OKAY, NOW, TELL ME WHAT YOU DID THEN...I INTERRUPTED YOU...YOU WENT BACK AROUND TO THE FRONT WHEN SERGEANT COBINE ARRIVED?

A: YES. THAT IS CORRECT.

Q: OKAY, WHAT HAPPENED THEN?

A: SERGEANT COBINE HAD HIS SHOTGUN WITH HIM. UH, HE WENT AROUND TO ASSESS THE SITUATION FROM THE BACK SIDE. I TOLD HIM HOW TO GET THERE, AND THEN HE WENT BACK. AND, UH, THERE WERE SOME CONVERSATIONS GOING ON ABOUT IF WE NEED THE S.E.T. TEAM. (INAUDIBLE)...I WENT BACK TO THE RADIO, TO MY CAR, AND WENT ACROSS THE STREET AND CALLED FOR THE S.E.T. TEAM.

Q: OKAY, YOUR CAR WAS ACROSS THE STREET? WOULD THAT STREET BE EXCELSIOR?

A: I PARKED AT THE CORNER OF EXCELSIOR AND HOLLY.

Q: OKAY.

A: BUT IT WAS PARKED ON EXCELSIOR ITSELF.

Q: OKAY. AND, YOU CALLED FOR THE S.E.T. TEAM?

A: YES.

Q: OKAY, AND THEN WHAT DID YOU DO?

A: AND THEN I WENT BACK ACROSS THE STREET AND TOOK POSITION AT THE FRONT OF THE FORD PICKUP THAT WAS PARKED IN THE DRIVEWAY.

Q: AT THAT POINT, HOW DID YOU HAVE YOUR PEOPLE POSITIONED?

A: UH, I'M NOT SURE WHERE OFFICER COBINE WAS...UH, AND I HAD SYLVIA AND POOL IN THE BACK, ALONG WITH OFFICER COBINE. I HAD DEPUTY PARTON WAS AT A BOAT AT THE CORNER OF THE GARAGE WHERE HE WAS IN FULL VIEW OF THE FRONT DOOR. PARKED IN THE FRONT WAS A FORD PICKUP WITH A CAMPER SHELL ON IT. AT THE REAR OF THAT TRUCK WAS DEPUTY KIRKPATRICK, WITH HIS SHOTGUN. I WAS AT THE FRONT OF THE PICKUP WITH MY SIDEARM.

Q: SO YOU WERE CLOSEST REALLY TO EXCELSIOR THEN?

A: YES.

Q: OKAY. AND, YOU CALLED FOR THE S.E.T. TEAM, AND THEN WHAT POSITION DID YOU TAKE?

A: AT THE FRONT OF THE PICKUP TRUCK.

Q: OKAY, AT THAT POINT HAD YOU HEARD ANY SHOTS?

A: UH, YEAH I HEARD SEVERAL SHOTS. UH, I HEARD...

Q: ...WHEN DID YOU HEAR THE FIRST SHOT? IT'D BE EASIER TO DO IT THAT WAY.

A: I DON'T WHERE I WAS AT...THE FIRST SHOT I HEARD, I WAS AT THE SIDE OF THE HOUSE.

Q: WHICH SIDE?

A: IT WOULD BE, UH, I'M NOT SURE HOW THAT RUNS...NORTH AND SOUTH.

Q: OKAY, LET'S ASSUME...

A: ...IT WOULD BE ON THE SIDE GOING TOWARDS FERN. THAT WOULD BE NORTH, RIGHT?

Q: THAT WOULD BE NORTH. EXCELSIOR BASICALLY RUNS...LET'S CALL IT FOR...EXCELSIOR WOULD RUN NORTH AND SOUTH.

A: I WOULD BE ON THE NORTH SIDE OF THE HOUSE.

Q: OKAY. AND...

A: ...THAT'S WHEN I HEARD ONE SINGLE SHOT.

Q: DID YOU SEE WHO FIRED THAT SHOT?

A: NO, BUT I HEARD, UH, DEPUTY SYLVIA SAID, HE FIRED A ROUND INTO THE FLOOR.

Q: OKAY.

A: AND AT THAT POINT I WENT BACK AROUND TO THE FRONT TO MAKE SURE THAT THE OFFICERS WERE IN POSITION, AND THEN I HEARD APPROXIMATELY FOUR OR FIVE MORE

A: SHOTS, IN RAPID SUCCESSION.

Q: OKAY, FOR THE RECORD, UH, FRANK YEAGER FROM THE DISTRICT ATTORNEY'S OFFICE HAS COME IN TO THE ROOM. OKAY, YOU HEARD ONE SHOT AND DEPUTY SYLVIA SAID HE FIRED INTO THE FLOOR.

A: MM-HMM.

Q: OKAY, AND HOW LONG UNTIL THE NEXT SHOT, THE NEXT SHOTS?

A: I DON'T KNOW HOW LONG THE TIME WAS...IT WASN'T VERY LONG AFTER THAT. FOUR OR FIVE MINUTES MAYBE.

Q: OKAY. WHAT DID YOU HEAR?

A: JUST, BAM-BAM-BAM-BAM. SEVERAL SHOTS RIGHT IN A ROW.

Q: YOU DON'T KNOW HOW MANY?

A: NO, I DIDN'T COUNT THEM. IT WAS MORE THAN FOUR.

Q: COULD YOU TELL WHETHER THEY WERE COMING FROM THE INSIDE OF THE HOUSE OR THE OUTSIDE OF THE HOUSE.

A: SOUNDED LIKE IT WAS FROM THE INSIDE.

Q: OKAY, AND DID YOU GET ANY RADIO TRAFFIC AT THAT POINT?

A: NO. (INAUDIBLE)

Q: DID YOU CALL YOUR GUYS AND ASK THEM IF THEY WERE OKAY? OR...

A: UH, NO, I THINK DEPUTY PARTON MIGHT HAVE CALLED THEM...PARTON OR KIRKPATRICK MIGHT HAVE CALLED THEM, 'CAUSE I HEARD THEM SAY THEY WERE CODE FOUR.

Q: OKAY, YOU HEARD THAT?

A: ...I COULD STILL HEAR THEM TRYING TO GET HIM TO PUT THE GUN DOWN.

Q: OKAY, YOU COULD STILL HEAR THEM TALKING TO HIM. OKAY. AND THEN WHAT HAPPENED?

A: UH, THEN I HEARD SEVERAL SHOTS, AND I WAS...AT THAT POINT I WAS STANDING NEXT TO DEPUTY KIRKPATRICK, AND I DON'T KNOW HOW MANY SHOTS WERE FIRED, BUT THERE WAS SEVERAL. AND, UH, DEPUTY KIRKPATRICK SAYS THAT SOUNDS LIKE GLASS. BUT, WHICH, I DIDN'T HEAR THE GLASS. AND THEN HE SAID, THE LIGHT JUST WENT ON, INSIDE THE HOUSE, WHERE APPARENTLY IT WAS TOWARDS THIS SIDE OF THE HOUSE, TOWARDS THE FRONT SIDE OF THE HOUSE.

Q: OKAY, SO, JUST FOR CLARIFICATION, I ASKED YOU EARLIER IF THE LIGHTS WERE ON IN THE HOUSE, AND YOU SAID YES...

A: ...YES.

Q: WERE THEY ON THEN IN A SPECIFIC PORTION OF THE HOUSE?

A: AT THE REAR OF THE HOUSE AND IN THE KITCHEN, OR THE TABLE WHICH HE WAS SITTING

A: ON, WHICH WOULD BE TOWARD THE REAR OF THE HOUSE.

Q: OKAY, IN OTHER WORDS, THE ROOM THAT THE [REDACTED] WAS IN WAS LIT.

A: YES.

Q: THEN YOU HEARD THIS THIRD VOLLEY OF SHOTS, AND THE SOUND OF GLASS BREAKING?

A: I DIDN'T HEAR THE GLASS BREAKING, DEPUTY KIRKPATRICK TOLD ME HE HEARD THE GLASS BREAKING.

Q: OKAY, AND A LIGHT CAME ON IN THE PORTION OF THE HOUSE THAT HAD PREVIOUSLY BEEN DARK? IS THAT CORRECT?

A: IT WAS LIT, BUT IT WAS NOT WELL LIT...THEY HAD SOME LITTLE PICTURE GLASS WINDOWS ON THE SIDE OF THE DOOR THAT YOU CAN KINDA LOOK THROUGH...

Q: ...OKAY.

A: AND YOU COULD SEE IT WAS A LOT BRIGHTER THERE WHERE IT LOOKED LIKE THE LIGHT CAME ON.

Q: OKAY, AND THEN WHAT HAPPENED?

A: UH...

Q: DID YOU HEAR ANY VOICES...

A: ...TRIED...

Q: ...AT THAT POINT.

A: NO, DIDN'T HEAR ANY VOICES. TRIED TO GET A HOLD OF COBINE ON THE RADIO AND I DIDN'T GET AN ANSWER, AND THAT'S WHEN I WENT AROUND TO THE BACK SIDE, TO MAKE SURE THAT HE WAS OKAY, AND I BELIEVE DEPUTY PARTON ALSO WENT BACK, AND THAT'S WHEN WE SAW THE ONE GLASS WINDOW WAS SHATTERED.

Q: THIS IS THE BIG ONE YOU DESCRIBED EARLIER?

A: THIS IS THE BIG ONE I DESCRIBED EARLIER.

Q: OKAY.

A: UH, I STEPPED THROUGH...UH, DEPUTY KIRKPATRICK WAS THERE. THE REST OF THE OFFICERS WERE INSIDE. AS I WENT THROUGH, DEPUTY KIRKPATRICK SAID, CHECK OUT THE REST OF THE HOUSE. AND SO, THAT'S WHAT I DID. I WENT THROUGH ROOM TO ROOM TO MAKE SURE THERE WAS NOBODY ELSE THERE, AND UH, THEN I CAME BACK AND I HEARD SOMEBODY SAY, RESPOND AN AMBULANCE CODE THREE, WHICH CAME BACK ON THE PORTABLE, RESPONDING AN AMBULANCE CODE THREE. AND, IT...APPARENTLY THE PORTABLES WEREN'T GETTING OUT CLEAR ENOUGH SO I WENT OUT...BACK OUT THE DOOR, ONE OF THE SIDE DOORS...THROUGH THE GARAGE AND OUT TO MY CAR, AND ADVISE THEM SEND AN AMBULANCE CODE THREE, CANCEL THE S.E.T. TEAM.

Q: OKAY, SO...AFTER YOU HEARD THE GLASS BREAKING, YOU WERE...OR YOU WERE TOLD YOU HEARD GLASS BREAKING, YOU WENT AROUND TO THE REAR OF THE HOUSE, AND THEN HOW DID YOU GO INTO THE HOUSE?

A: THROUGH THE GLASS WINDOW.

Q: THROUGH THE GLASS WINDOW. OKAY, SO THAT WAS LOW ENOUGH TO THE GROUND THAT YOU COULD JUST STEP THROUGH?

A: OH YEAH, YOU ONLY HAD TO STEP UP ABOUT A QUARTER INCH OR SO.

Q: OKAY, WHAT DID YOU SEE INSIDE WHEN YOU FIRST WENT IN?

A: I SAW DEPUTY KIRKPATRICK STANDING ON THE OTHER SIDE OF THE TABLE WHERE THE [REDACTED] WAS SITTING. AND OFFICER COBINE LOOKED LIKE HE WAS BENT OVER SOMETHING, AND I COULD HEAR NOISE AND SUCH...I DIDN'T ACTUALLY GO OVER TO SEE WHAT WAS GOING ON.

Q: AND WHY DIDN'T YOU?

A: BECAUSE HE REQUESTED I GO DOWN AND CHECK THE REST OF THE HOUSE, TO MAKE SURE THERE WAS NOBODY ELSE INSIDE THE HOUSE.

Q: AND DID YOU DO THAT THEN?

A: YES, I DID.

Q: OKAY, DID YOU FIND ANYONE ELSE?

A: NO, I DID NOT.

Q: DID YOU SEE ANY WEAPONS IN THE HOUSE?

A: YES I DID.

Q: WHAT DID YOU SEE?

A: UH, THERE WAS A SHOTGUN, UNDERNEATH THE TABLE WHERE THE [REDACTED] WAS SITTING. WHEN I CHECKED OUT THE INTERIOR OF THE HOUSE, THERE WAS ONE ROOM DOWN THE HALL AND TO MY LEFT AS I'M GOING DOWN, THAT WAS FULL OF RIFLES AND SHOTGUNS, AND I DON'T KNOW HOW MANY THERE WERE, THERE WERE NUMEROUS ONES. I CAME BACK THROUGH...BACK TO THE...IT'D BE ON THE, ACTUALLY THE FRONT ENTRANCE DOOR, IF YOU START GOING THROUGH THE FRONT ENTRANCE DOOR, THERE WAS A PISTOL LAYING ON THE FLOOR, UH, IT LOOKED LIKE A THIRTY-EIGHT.

Q: AND HOW FAR WAS THAT PISTOL FROM THE [REDACTED] POSITION?

A: FOUR OR FIVE FEET.

Q: AND HOW FAR WAS THE SHOTGUN FROM THE [REDACTED] POSITION?

A: FOUR FEET MAYBE? (INAUDIBLE)

Q: SO, AFTER YOU CHECKED THE HOUSE, WHAT DID YOU DO?

A: I WENT BACK AROUND, AND OUT THROUGH, I GUESS IT'S THE DOORWAY THAT GOES INTO THE GARAGE, AND THEN WENT BACK OUT TO MY CAR AND TOLD THEM TO SEND AN AMBULANCE CODE THREE.

Q: OKAY, AND THEN WHAT DID YOU DO?

A: AND THEN, I CAME BACK TOWARDS THE HOUSE, AND OFFICER COBINE SAID, MAKE SURE WE HAVE A DETECTIVE...AN I.D. TECH. RESPOND; FOR WHICH I CAME BACK AND RADIO'D FOR THAT...

Q: DO YOU KNOW ABOUT WHAT TIME THAT WAS?

A: NO, I DO NOT. I HAVE NO IDEA.

Q: OKAY, UH, DID ANYBODY TELL YOU WHAT HAD HAPPENED AT THAT POINT?

A: NO.

Q: OKAY. INVESTIGATOR YEAGER, DO YOU HAVE ANY QUESTIONS AT THIS POINT?

O: DID YOU SEE HOW BAD THE [REDACTED] WAS HURT?

A: NO.

O: WAS HE TALKING OR DOING ANYTHING?

A: NO, HE WAS...HE APPARENTLY WAS RESISTING. I COULD HEAR HIM, YOU KNOW, SOMEBODY SAID GET SOMETHING TO TIE HIS LEGS WITH, BECAUSE APPARENTLY HE WAS TRYING TO KICK, AND, UH, SPECIFIC WORDS THAT WERE SAID BY THE [REDACTED]...I DIDN'T HEAR WHAT HE SAID. BUT I KNOW HE WAS HOLLERING AT HIM, AND I HEAR A COUPLE OF FUCK YOU'S AND I DON'T KNOW WHAT ELSE.

Q: AND WHO SAID THAT?

A: THE [REDACTED].

Q: OKAY, DID YOU SEE ANY ALCOHOL OR DRUGS WHEN YOU WERE THERE?

A: NO.

Q: NO?

A: NO, I DON'T RECALL ANYTHING LIKE THAT.

Q: OKAY, IS THERE ANYTHING SO FAR THAT I HAVEN'T ASKED YOU THAT YOU THINK IS IMPORTANT FOR ME TO KNOW?

A: UH, AT ONE POINT, UH, HIS BROTHER SHOWED UP AND I ASKED HIS BROTHER TO GO TO THE PHONE AND CALL HIS BROTHER, THE [REDACTED] AND SEE IF HE COULD TALK HIM OUTSIDE, APPARENTLY WHICH HE DID, BUT IT DIDN'T WORK.

Q: OKAY, WHO WENT WITH HIM WHEN HE MADE THAT PHONE CALL?

A: WHO WENT WITH HIM?

Q: YEAH.

A: I DON'T BELIEVE ANYBODY DID.

Q: NO OFFICER WENT WITH HIM?

A: NO OFFICER FROM OUR DEPARTMENT.

Q: WHAT WAS THE BROTHER'S NAME?

A: I DON'T HAVE HIS NAME...OFFICER PARTON HAS HIS NAME.

Q: OKAY. WAS HE ALONE, OR WAS HE WITH SOMEONE?

A: NO, HIS WIFE WAS WITH HIM.

Q: OKAY, AND HOW DID HE KNOW TO SHOW UP THERE?

A: APPARENTLY, HE'S BEEN WATCHING THE HOUSE.

Q: SO YOU DON'T HAVE ANY INDEPENDENT KNOWLEDGE OF...

A: ...I HAVE NO IDEA HOW OR WHY HE SHOWED UP THERE.

Q: OKAY, DO YOU RECALL THE ADDRESS OF THE HOUSE.

A: [REDACTED] SOMETHING...I'M NOT SURE WHAT IT IS.

Q: OKAY, YOU DON'T SPECIFICALLY RECALL?

A: I DON'T KNOW THE SPECIFIC ADDRESS, WHEN I GOT THERE, I...

Q: DO YOU KNOW THE NAME OF THE LANE THAT RUNS DOWN BY THE HOUSE?

A: NO.

Q: OKAY.

A: I'M NOT THAT FAMILIAR WITH THAT AREA.

Q: OKAY, NOW, LET ME ASK YOU AGAIN, WHAT YOU HEARD FROM THE OFFICERS...FROM THE TIME YOU FIRST ARRIVED, WHAT DID YOU HEAR THE OFFICERS...I WOULD ASSUME THIS WOULD BE SYLVIA AND POOL, WHAT DID YOU HEAR THEM SAY TO THE [REDACTED]

A: TO PUT HIS GUN DOWN AND COME OUTSIDE.

Q: OKAY, AND ANYTHING ELSE?

A: NO.

Q: OKAY, DID THEY IDENTIFY THEMSELVES IN ANY WAY?

A: SHERIFF'S OFFICERS...

Q: OKAY, THEY DID SAY THAT?

A: YES.

Q: YOU HEARD THAT?

A: YES I DID.

Q: AND WAS THAT CLEAR?

A: I HEARD IT.

Q: OKAY, I DON'T HAVE ANY OTHER QUESTIONS RIGHT NOW, AS THIS IS THE VERY EARLY STAGE OF THIS INVESTIGATION...I MAY NEED TO TALK TO YOU AGAIN LATER, BUT, UH, FRANK DO YOU HAVE ANY OTHER QUESTIONS RIGHT NOW?

O: NO.

Q: OKAY, WE'LL TERMINATE THIS STATEMENT THEN. IT'S APPROXIMATELY, 0130 HOURS.
JANUARY 29, 1991.

GH: [REDACTED]
1-29-91/2315 hours.

SHERIFF'S DEPARTMENT HUMBOLDT COUNTY - 1200 -

1 PAGE 1 2 CASE NUMBER **01** 91-0568

ADULT ARREST JUVENILE ARREST DOMESTIC VIOLENCE

OCCURRENCE	3 CODE SECTION <u>245(d)(1) PC</u> <u>459 PC</u>	4 TITLE <u>ASSAULT WITH A DEADLY WEAPON</u> <u>BURGLARY</u>	5 CLASSIFICATION <u>FIREARM AGAINST PEACE OFFICER</u> <u>RESIDENCE</u>	6 <input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> INCIDENT	7 REPORT AREA <u>22</u>
	8 DATE & TIME OCCURRED — DAY <u>1-28-91 2143 MON</u>	9 DATE & TIME REPORTED <u>1-28-91 2143 HRS</u>	10 LOCATION OF OCCURRENCE <u>EXCELSIOR EUREKA, CA</u>		

VICTIM	11 [REDACTED] ADDRESS <u>EXCELSIOR, EUREKA,</u>					12 RESIDENCE PHONE [REDACTED]
	14 OCCUPATION	15 RACE <u>W</u>	16 SEX <u>M</u>	17 AGE <u>53</u>	13 BUSINESS / OTHER ADDRESS	
	21 VICTIM VEHICLE COLOR	22 YEAR	23 MAKE	24 MODEL	25 BODY STYLE	26 LICENSE NO.
	27 STATE	28 WHERE HOSPITALIZED		29 DATE / TIME	30 DOCTOR	31 NATURE OF INJURY
COMPLETE IF PERSONAL INJURY OR RAPE		32 MEDICAL RELEASE <input type="checkbox"/> YES <input type="checkbox"/> NO				

CODES: V = VICTIM W = WITNESS R = REPORTING PERSON ADDITIONAL PERSONS INVOLVED

OTHERS INVOLVED	33 CODE <u>R</u>	34 [REDACTED]			35 RESIDENCE ADDRESS <u>CHESTNUT CT. ARCATA,</u>	36 [REDACTED]
	37 OCCUPATION	38 RACE <u>W</u>	39 SEX <u>M</u>	40 AGE <u>26</u>	42 BUSINESS / OTHER ADDRESS	43 OTHER PHONE
	45 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <u>SYLVIA, JON</u>				46 RESIDENCE ADDRESS	47 RESIDENCE PHONE
	48 OCCUPATION <u>DEP SHERIFF</u>	49 RACE	50 SEX	51 AGE	52 DATE OF BIRTH	53 BUSINESS / OTHER ADDRESS <u>HUMBOLDT CO. SHERIFF'S OFFICE</u>
56 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <u>POOL DOUGLAS</u>				57 RESIDENCE ADDRESS	58 RESIDENCE PHONE	
59 OCCUPATION <u>DEP SHERIFF</u>	60 RACE	61 SEX	62 AGE	63 DATE OF BIRTH	64 BUSINESS / OTHER ADDRESS <u>HUMBOLDT CO. SHERIFF'S OFFICE</u>	65 OTHER PHONE

ADDITIONAL SUSPECTS

SUSPECTS	67 AKA			68 RACE <u>W</u>	69 SEX <u>M</u>	70 AGE <u>24</u>	71 [REDACTED]		
	72 [REDACTED]			77 PHONE			81 MIRANDA <input type="checkbox"/> a-YES <input checked="" type="checkbox"/> b-NO WAIVE MIRANDA <input type="checkbox"/> c-YES <input checked="" type="checkbox"/> d-NO		
	82 BUSINESS / OTHER ADDRESS			83 DRIVER'S LICENSE			STATE		
	86 AKA			87 RACE	88 SEX	89 AGE	90 DATE OF BIRTH	91 HT.	92 WT.
85 ADDRESS			96 PHONE			97 PLACE OF BIRTH	98 CITE #	99 ARREST #	
101 BUSINESS / OTHER ADDRESS			102 DRIVER'S LICENSE			STATE			
103 SAME AS #			100 MIRANDA <input type="checkbox"/> a-YES <input type="checkbox"/> b-NO WAIVE MIRANDA <input type="checkbox"/> c-YES <input type="checkbox"/> d-NO						
104 FURTHER DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, MANNERISMS, WEAPONS, ETC.)									
105 VEHICLE COLOR			106 YEAR	107 MAKE	108 MODEL	109 BODY STYLE	110 LICENSE NO.	111 STATE	
112 ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, VINYL, ETC.)				113 TOWED TO			114 HOLD <input type="checkbox"/> YES <input type="checkbox"/> NO	115 HOLD FOR WHOM	

SUMMARY	116 LOG ENTRY / SUMMARY (THREE OR FOUR SENTENCES BRIEFLY OUTLINING WHAT OCCURRED AND ESTABLISHING THE ELEMENTS)								
	<p>[REDACTED] ENTERS [REDACTED] RESIDENCE BY UNKNOWN MEANS WITHOUT THE PERMISSION OF OWNER. [REDACTED] ARMS HIMSELF WITH A FIREARM AND FIRES SEVERAL SHOTS INSIDE OF THE RESIDENCE.</p>								

ADMIN.	119 OFFICER(S) REPORTING <u>MARLER</u>	I.D. NUMBER <u>0049</u>	DATE OF REPORT <u>1/29/91</u>	120 SUPERVISOR REVIEW <u>Frank Valera</u>	DATE <u>1/29/91</u>	121 OTHER RELATED REPORTS
	122 COPIES TO: <input type="checkbox"/> CH <input checked="" type="checkbox"/> INVEST <input type="checkbox"/> PATROL <input checked="" type="checkbox"/> DISTRICT ATTORNEY <input checked="" type="checkbox"/> PROBATION <input type="checkbox"/> C.P.S. <input type="checkbox"/> OTHER					

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

- 1200 -

CODES: V = VICTIM W = WITNESS R = REPORTING PERSON

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ADDITIONAL PERSONS INVOLVED

VICTIMS / WITNESSES	504 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) COBINE STEPHEN P.					505 RESIDENCE ADDRESS			506 RESIDENCE PHONE		
	507 OCCUPATION DEP. SHERIFF		508 RACE	509 SEX	510 AGE	511 DATE OF BIRTH	512 BUSINESS / OTHER ADDRESS HUMBOLDT COUNTY SHERIFF'S OFFICE			513 OTHER PHONE 445-7505	
	518 OCCUPATION					519 RACE	520 SEX	521 AGE	522 DATE OF BIRTH	523 BUSINESS / OTHER ADDRESS	524 OTHER PHONE
	525 CODE		526 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			527 RESIDENCE ADDRESS			528 RESIDENCE PHONE		
	529 OCCUPATION		530 RACE	531 SEX	532 AGE	533 DATE OF BIRTH	534 BUSINESS / OTHER ADDRESS			535 OTHER PHONE	
	536 CODE		537 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			538 RESIDENCE ADDRESS			539 RESIDENCE PHONE		
	540 OCCUPATION		541 RACE	542 SEX	543 AGE	544 DATE OF BIRTH	545 BUSINESS / OTHER ADDRESS			546 OTHER PHONE	
	547 CODE		548 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			549 RESIDENCE ADDRESS			550 RESIDENCE PHONE		
	551 OCCUPATION		552 RACE	553 SEX	554 AGE	555 DATE OF BIRTH	556 BUSINESS / OTHER ADDRESS			557 OTHER PHONE	
	558 CODE		559 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			560 RESIDENCE ADDRESS			561 RESIDENCE PHONE		
	562 OCCUPATION		563 RACE	564 SEX	565 AGE	566 DATE OF BIRTH	567 BUSINESS / OTHER ADDRESS			568 OTHER PHONE	
	569 CODE		570 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			571 RESIDENCE ADDRESS			572 RESIDENCE PHONE		
	573 OCCUPATION		574 RACE	575 SEX	576 AGE	577 DATE OF BIRTH	578 BUSINESS / OTHER ADDRESS			579 OTHER PHONE	
	580 CODE		581 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			582 RESIDENCE ADDRESS			583 RESIDENCE PHONE		
	584 OCCUPATION		585 RACE	586 SEX	587 AGE	588 DATE OF BIRTH	589 BUSINESS / OTHER ADDRESS			590 OTHER PHONE	
	591 CODE		592 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			593 RESIDENCE ADDRESS			594 RESIDENCE PHONE		
	595 OCCUPATION		596 RACE	597 SEX	598 AGE	599 DATE OF BIRTH	600 BUSINESS / OTHER ADDRESS			601 OTHER PHONE	
	602 CODE		603 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			604 RESIDENCE ADDRESS			605 RESIDENCE PHONE		
	606 OCCUPATION		607 RACE	608 SEX	609 AGE	610 DATE OF BIRTH	611 BUSINESS / OTHER ADDRESS			612 OTHER PHONE	
	613 CODE		614 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			615 RESIDENCE ADDRESS			616 RESIDENCE PHONE		
617 OCCUPATION		618 RACE	619 SEX	620 AGE	621 DATE OF BIRTH	622 BUSINESS / OTHER ADDRESS			623 OTHER PHONE		
624 CODE		625 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			626 RESIDENCE ADDRESS			627 RESIDENCE PHONE			
628 OCCUPATION		629 RACE	630 SEX	631 AGE	632 DATE OF BIRTH	633 BUSINESS / OTHER ADDRESS			634 OTHER PHONE		

ADDITIONAL SUSPECTS

SUSPECTS	635 SUSPECT #3 (LAST, FIRST, MIDDLE)				636 AKA	637 RACE	638 SEX	639 AGE	640 DATE OF BIRTH	641 HT.	642 WT.	643 HAIR	644 EYES
	645 SUSPECT'S ADDRESS				646 PHONE		647 PLACE OF BIRTH		648 CITE #	649 ARREST #	650 MIRANDA a-YES b-NO		
	651 BUSINESS / OTHER ADDRESS				652 DRIVER'S LICENSE			STATE	653 SAME AS #		WAIVE MIRANDA c-YES d-NO		
	654 SUSPECT #4 (LAST, FIRST, MIDDLE)				655 AKA	656 RACE	657 SEX	658 AGE	659 DATE OF BIRTH	660 HT.	661 WT.	662 HAIR	663 EYES
	664 SUSPECT'S ADDRESS				665 PHONE		666 PLACE OF BIRTH		667 CITE #	668 ARREST #	669 MIRANDA a-YES b-NO		
	670 BUSINESS / OTHER ADDRESS				671 DRIVER'S LICENSE			STATE	672 SAME AS #		WAIVE MIRANDA c-YES d-NO		
	673 FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, MANNERISMS, WEAPONS, ETC.)												

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

- 1200 -

201 PAGE 3

202 CASE NUMBER 01

91-0568

M.O. / CRIME ANALYSIS	203 TYPE OF STRUCTURE <input type="checkbox"/> N/A <input checked="" type="checkbox"/> 1-Single Family Dwelling <input type="checkbox"/> 2-Other Residential <input type="checkbox"/> 3-Storage <input type="checkbox"/> 4-Industrial Mfg. <input type="checkbox"/> 5-Other Commercial <input type="checkbox"/> 6-Community / Public <input type="checkbox"/> 7-All Other Structures <input type="checkbox"/> 8-Motor Vehicles <input type="checkbox"/> 9-Other Mobile Property <input type="checkbox"/> 10-Other	204 DESCRIPTION OF AREA <input checked="" type="checkbox"/> N/A <input type="checkbox"/> 1-Residential <input type="checkbox"/> 2-Business <input type="checkbox"/> 3-Industrial <input type="checkbox"/> 4-School <input type="checkbox"/> 5-Institutional <input type="checkbox"/> 6-Parking Lot <input type="checkbox"/> 7-Recreational <input type="checkbox"/> 8-Rural <input type="checkbox"/> 9-Secluded <input type="checkbox"/> 10-Other	205 POINT OF ENTRY <input type="checkbox"/> N/A <input type="checkbox"/> 1-Front <input type="checkbox"/> 2-Rear <input type="checkbox"/> 3-Side <input type="checkbox"/> 4-Gr. Level <input type="checkbox"/> 5-Upper Level <input type="checkbox"/> 6-Unknown <input type="checkbox"/> 7-Door <input type="checkbox"/> 8-Window <input type="checkbox"/> 9-Sliding Glass <input type="checkbox"/> 10-Duct / Vent <input type="checkbox"/> 11-Adjacent Building <input type="checkbox"/> 12-Roof / Floor / Skylight <input type="checkbox"/> 13-Wall <input type="checkbox"/> 14-Garage <input type="checkbox"/> 15-Basement <input type="checkbox"/> 16-Trunk / Hood <input type="checkbox"/> 17-Wing Window <input type="checkbox"/> 18-Window Molding <input type="checkbox"/> 19-Other	206 METHOD OF ENTRY <input type="checkbox"/> N/A <input type="checkbox"/> 1-Forced <input type="checkbox"/> 2-No Force <input type="checkbox"/> 3-Attempted Force 207 METHOD USED AGAINST PROPERTY <input type="checkbox"/> 1-Key Slip <input type="checkbox"/> 2-Bodily Force <input type="checkbox"/> 3-Saw / Drill / Burn <input type="checkbox"/> 4-Channel Locks <input type="checkbox"/> 5-Pipe Wrench <input type="checkbox"/> 6-Tire Iron <input type="checkbox"/> 7-Brick / Rock <input type="checkbox"/> 8-Pry Tool <input type="checkbox"/> 9-Bolt Cutters / Pliers <input type="checkbox"/> 10-Punch <input type="checkbox"/> 11-Smashing Tool <input type="checkbox"/> 12-Wire / Coat Hanger <input type="checkbox"/> 13-Screwdriver <input type="checkbox"/> 14-Unknown <input type="checkbox"/> 15-Other	208 SECURITY USED <input type="checkbox"/> N/A <input type="checkbox"/> 1-None <input type="checkbox"/> 2-Neighborhood Watch <input type="checkbox"/> 3-Operation I.D. <input type="checkbox"/> 4-Window Decals <input type="checkbox"/> 5-Peephole / Viewer <input type="checkbox"/> 6-Audible Alarm <input type="checkbox"/> 7-Silent Alarm <input type="checkbox"/> 8-Other	210 INJURY (Crimes Against Persons Only) <input type="checkbox"/> 1-Used Force <input type="checkbox"/> 2-No Force <input type="checkbox"/> 3-Fatal <input type="checkbox"/> 4-Major <input type="checkbox"/> 5-Minor <input type="checkbox"/> 6-None <input type="checkbox"/> 7-Other
	212 INVESTIGATIVE ACTIVITIES <input type="checkbox"/> 1-Dusted for Latents <input type="checkbox"/> 2-Tool Marks Photographed <input type="checkbox"/> 3-Vehicle / Shoe Tracks Phot. <input checked="" type="checkbox"/> 4-Scene Photographed <input type="checkbox"/> 5-Victim Photographed	<input checked="" type="checkbox"/> 6-Scene Diagramed <input type="checkbox"/> 7-Neighborhood Checked <input type="checkbox"/> 8-Area Checked <input type="checkbox"/> 9-Witness(es) Contacted <input checked="" type="checkbox"/> 10-Victim(s) Contacted	<input checked="" type="checkbox"/> 11-Statements <input checked="" type="checkbox"/> 12-Det. Notified (Who <u>Lawson</u>) <input type="checkbox"/> 13-Local Teletype / Radio Bdc. <input checked="" type="checkbox"/> 11-I.D. Notified (Who <u>Billingsley</u>) <input type="checkbox"/> 15-Other	213 EVIDENCE OBTAINED <input type="checkbox"/> N/A <input type="checkbox"/> 1-None <input checked="" type="checkbox"/> 2-Diagrams <input checked="" type="checkbox"/> 3-Photos <input type="checkbox"/> 4-Fingerprints	<input type="checkbox"/> 5-Other Prints <input type="checkbox"/> 6-Vehicle Impounded <input checked="" type="checkbox"/> 7-Weapons / Tools <input type="checkbox"/> 8-Stains <input type="checkbox"/> 9-Blood / Semen	<input checked="" type="checkbox"/> 10-Clothing <input type="checkbox"/> 11-Other

NARRATIVE

ON 1-28-91 @ APPROXIMATELY 2143 HRS, RP, [REDACTED] CALLED IN AND REPORTED A POSSIBLE BURGLARY IN PROGRESS AT [REDACTED] EXCELSIOR RD, EUREKA. OFFICERS POOL, SYLVIA AND I RESPONDED WITH OFFICERS POOL AND SYLVIA ARRIVING ON THE SCENE AT APPROXIMATELY 2146 HRS. WHILE ENROUTE, DEPUTY POOL RADIO IN THAT HE WOULD NEED ADDITIONAL UNITS AS THERE WAS A [REDACTED] IN THE RESIDENCE AT [REDACTED] EXCELSIOR AND HE WAS ARMED WITH A HAND GUN AND HAD ACCESS TO A SHOTGUN. I ARRIVED AT THE SCENE AT APPROXIMATELY 2150 HRS AND WAS MET BY DEPUTY POOL WHO TOLD ME THAT THE [REDACTED] WAS IN THE REAR AREA OF THE HOUSE AND WAS IN FACT ARMED. I PROCEEDED TO THE REAR OF THE HOUSE WHERE I CONTACTED DEPUTY SYLVIA WHO POINTED TO THE [REDACTED] WHO COULD CLEARLY BE SEEN INSIDE OF THE RESIDENCE THROUGH A LARGE PLATE GLASS WINDOW. THE [REDACTED] WAS OBSERVED WITH A HAND GUN WHICH HE WAVED AROUND AND POINTED IT TOWARDS HIS HEAD.

ADMIN.	214 OFFICER(S) REPORTING <u>MARLER</u>	I.D. NUMBER <u>0049</u>	DATE OF REPORT <u>1-29-91</u>	215 SUPERVISOR REVIEW	DATE
	216 COPIES TO: <input type="checkbox"/> CII <input type="checkbox"/> INVEST <input type="checkbox"/> PATROL <input type="checkbox"/> DISTRICT ATTORNEY <input type="checkbox"/> PROBATION <input type="checkbox"/> C.P.S. <input type="checkbox"/> OTHER				

Suspect's Name

Offense

245(d)(1) PC 459 PC

I PROCEEDED BACK TO THE FRONT OF THE RESIDENCE AND INSTRUCTED DEP POOL TO ASSIST DEPUTY SYLVIA AT THE REAR OF THE HOUSE AND I WOULD INSTRUCT ARRIVING OFFICERS ON WHAT I WANTED THEM TO DO IN REGARDS TO THE SITUATION.

DEP PARTON, KIRKPATRICK AND SGT COBINE ARRIVED ON THE SCENE AND I BRIEFED THEM AS TO WHAT WAS TRANSPARING. DEPUTY PARTON TOOK A POSITION AT THE FRONT OF THE HOUSE AS WELL AS DEPUTY KIRKPATRICK SGT COBINE PROCEEDED TO THE REAR OF THE HOUSE TO THE LOCATION OF DEP SYLVIA AND POOL.

(IT SHOULD BE NOTED THAT WHILE THE ABOVE WAS TRANSPARING, DEPUTIES POOL AND SYLVIA WERE YELLING TO THE [REDACTED] TO PUT DOWN HIS GUN AND COME OUT OF THE HOUSE.)

A SHOT WAS HEARD COMING FROM WITH-IN THE RESIDENCE. A FEW MINUTES LATER FOUR TO FIVE MORE SHOTS WERE HEARD.

A REQUEST WAS MADE FOR OUR S.E.T. TEAM TO RESPOND.

WHILE AWAITING FOR THE SET TEAM SEVERAL SHOTS WERE HEARD AND DEPUTY KIRKPATRICK STATED HE HEARD GLASS BREAKING. A RADIO CALL WAS PLACED TO THE OFFICERS AT THE REAR OF THE HOUSE HOWEVER NO ANSWER WAS RECIEVED.

I THEN WENT TO THE REAR OF THE HOUSE AND LEARNED THAT SGT COBINE, DEPUTY SYLVIA AND POOL HAD ENTERED THE RESIDENCE AND REQUESTED AN AMBULANCE, CODE THREE.

THE AMBULANCE ARRIVED AND TRANSPORTED [REDACTED] TO GENERAL HOSPITAL ACCOMPIED BY DEP. KIRKPATRICK.

SEE SUPPLEMENTAL REPORTS FROM DEPUTY KIRKPATRICK AND DEPUTY PARTON.

NOTE: THE DISPATCHER HAD ADVISED ME WHILE ENROUTE TO OR AT THE SCENE THAT NO ONE HAD PERMISSION TO BE IN THE HOUSE PER OWNER [REDACTED]

Reporting Officer

MARLER

Date and Time

1-29-91 0500

Reviewed

Copies To:

Dr. No.

01-91-568

91-0568

MEMORANDUM

TO: HUMBOLDT

DATE: 1-28-91

SUBJECT: HUMBOLDT COUNTY
S.O. SHOOTING INCIDENT

FROM: DEPARTMENT OF CALIFORNIA PATROL

ON 1-28-91 MY PARTNER CHP OFFICER (ROBERT JIMENEZ # 9288) AND I WERE DISPATCHED TO ASSIST THE S.O. TO PROVIDE TRAFFIC CONTROL ON AN ARMED, BARRICADED [REDACTED] AT [REDACTED] EXCELSIOR ROAD.

WE RESPONDED AT 2220 HOURS FROM OAK STREET AND "H" STREET TO PROVIDE TRAFFIC CONTROL AT THE INTERSECTION OF HOLLY STREET AND EXCELSIOR AND ARRIVED AT THE SCENE AT 2222 HOURS.

AFTER PROVIDING TRAFFIC CONTROL FOR A BRIEF TIME, HUMBOLDT COUNTY S.O. SGT. COBINE RAN OUT OF THAT RESIDENCE FROM THE GARAGE TOWARDS THE STREET AND ADVISED THAT THEY WERE CODE 4 AND REQUESTED A FIRST AID KIT.

I RESPONDED INTO THE RESIDENCE WITH MY E.M.T. KIT AS REQUESTED THROUGH THE GARAGE ALONG WITH OFFICER JIMENEZ. UPON ENTERING THE KITCHEN AREA OF THE RESIDENCE, I SAW A WHITE MALE LAYING ON HIS BACK IN THE KITCHEN FLOOR AREA. THE [REDACTED] WAS HANCUFFED AND WAS SURROUNDED BY SEVERAL DEPUTIES WHO WERE ATTEMPTING TO RESTRAIN HIM AS HE WAS VIOLENTLY KICKING WITH HIS LEGS TOWARDS THE DEPUTIES.

THE [REDACTED] WAS YELLING OBSCENITIES AND YELLED AT ME " GET THAT FUCKING FLASHLIGHT OUT OF MY FACE ". I NOTICED THE [REDACTED] WAS BLEEDING FROM THE RIGHT LEG AREA. I WAS UNABLE AT THAT TIME TO RENDER ANY FIRST AID DUE TO HIS VIOLENT BEHAVIOR. THE [REDACTED] FEET HAD TO BE RESTRAINED BY DEPUTIES TO PREVENT HIM FROM KICKING THE DEPUTIES.

THE AMBULANCE PERSONNEL ARRIVED MOMENTS AFTER THE [REDACTED] WAS RESTRAINED AND TOOK OVER THE PRIMARY FUNCTION OF RENDERING FIRST AID TO THE [REDACTED] FOR THE INJURIES HE HAD SUSTAINED.

OFFICER JIMENEZ WAS REQUESTED BY DEPUTY D. POOLE THAT HE PHOTOGRAPH THE SCENE. OFFICER JIMENEZ TOOK APPROXIMATELY 8-10 PHOTOS OF COLOR FILM OF THE INTERIOR OF THE KITCHEN AND DINING ROOM AREA. OFFICER JIMENEZ AFTER TAKING PHOTOS GAVE THE ROLL OF FILM TO DEPUTY POOLE.

K.D. DAVIS STO 8961
R. JIMENEZ STO 9288

Robert Jimenez # 9288

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SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

=====

CASE NUMBER: 91-568

INTERVIEWER: LONNIE LAWSON, DETECTIVE

SUBJECT: 459 P.C. - BURGLARY IN PROGRESS

LOCATION: DETECTIVE BUREAU

DATE & TIME: JANUARY 30, 1991

=====

At approximately 1025 p.m., I received a call at my residence from the Sheriff's Office Dispatcher. I was told that Sgt. Marler was at Holly and Excelsior Streets in Eureka and was requesting a Detective. I asked what the problem was and was told that there had been a shooting and Sheriff's Deputies had been involved.

I arrived at the scene, [REDACTED] Excelsior Street at about 11:00 p.m. I was briefed by Sgt. Marler as to what had taken place. Marler told me the Sheriff's Office had received a 9-1-1 call of a Burglary in Progress at [REDACTED] Excelsior. Two Deputies had been dispatched to that address, he said when they arrived, he saw a man with a gun in the house. They then requested additional units.

Sgt. Marler left the Sheriff's Office and was enroute to that address when he monitored radio traffic, that a shot had been fired within the house. When he arrived, he met with Deputy Pool and Deputy Sylvia, the first two responding Deputies, who were at the rear of the house. Being briefed by them, he went back out to the front of the house, where Sgt. Cobine, Deputy Kirkpatrick and Deputy Bob Parton had arrived. Sgt. Marler stated he, Deputy Kirkpatrick and Deputy Parton remained at the front of the residence and Sgt. Cobine went to the rear.

Marler stated that the owner of the residence was in Oregon. He stated they believed the [REDACTED] in the house was his son, [REDACTED] however; [REDACTED] had no right to be in the house. Marler said they had tried to have the [REDACTED] brother call and ask him to come out, however; [REDACTED] refused to exit the residence.

Marler told me he was at the front of the house and was not present when the shooting took place. He said he could hear someone to the rear of the house ordering the [REDACTED] to put down the gun and come out of the house. He told me, a short time later, he then heard some shots being fired. He stated the [REDACTED] was shot during the incident and had been transported to the hospital. He told me Deputy Kirkpatrick had went with the

ambulance to retain the [REDACTED] clothing and obtain a blood sample from he [REDACTED] on the request of Lt. Vulich.

I observed at the the scene, Deputies Bob Parton, Tim McCollister, Mike Thomas and Pete Jimenez. Lt. Frank Vulich was in charge when I arrived. I was out front speaking to Sgt. Marler, in the driveway, when I observed Lt. Vulich and Mike Thomas come out of the house. I had Lt. Vulich walk me into the house. Inside the house in the living room was Deputies Sgt. Steve Cobine, Jon Sylvia and Doug Pool. I was told that these three Deputies were the ones who were involved in the shooting. I asked that they wait there, until I could get a clear picture of what had taken place.

I was told that Detective George Hill was enroute to assist in this investigation. I went back outside to wait his arrival. As I walked outside, I was approached by Deputy Tim McCollister, who told me he been called out for a S.E.T. Operation, however; now that the S.E.T. Operation was not needed, he was there to represent the three officers involved in the shooting, per the M.O.U., the Humboldt Deputy Sheriff's Association.

As I waited outside for Identification Technician Reggie Billingsley to arrive, I saw Lt. Vulich go back into the house. He returned a few minutes later, telling me he had answered the phone in the house and had spoke to a woman, who identified herself as [REDACTED]. He told me [REDACTED] had told him she had been at the residence earlier and had spoken to [REDACTED] in the residence. (See Supplemental Report by Lt. Frank Vulich).

I was in the process of telling Identification Technician Reggie Billingsley what I knew, when I saw Lt. Vulich, Captain Dennis DeCarli and Investigator Barry Brown from the District Attorney's Office, entered the crime scene. At this time, myself and Detective Hill had all parties leave the residence. It was decided that Detective Hill would interview the Officers involved and I would assist with the crime scene investigation.

[REDACTED] from the California Department of Justice Laboratory in Eureka was requested to respond to assist in the investigation. When he arrived, myself and I.D. Technician Billingsley conducted the investigation in the residence.

The following is a brief description of what I saw during the investigation. We first examined the gun room, which is the first bedroom to the left going down the hall. We found in the bedroom a Magnavox portable radio on the floor, with two bullet holes in it. We found a bullet hole that had went through the east wall into the living room, where it had struck the piano and dropped to the floor. Examining the door to this bedroom, we found that the dead bolt had been removed from the inside. I, then, went outside on the north side of the residence, where I found that three louvered windows leading into this bedroom had been removed and placed on the ground. Inside this window, the

owner had placed a piece of particle board. This particle board was nailed from the inside with small strips of wood, to prevent it's removal. I found that the particle board had been forcibly removed, which would give access to this room. It was my belief, at that time, that the [REDACTED] had removed the louvered windows, forced the particle board away and then climbed into the bedroom. [REDACTED] then removed the dead bolt, which gave him access to the rest of the residence.

The three louvered windows were later gathered by Deputy Billingsley to be dusted for latent fingerprints. I went back into the gun room, where [REDACTED] pointed out that there had been two locks on the lower portion of a gun cabinet in this room. These locks had been forcibly removed, which gave access to ammunition and the hand guns. By examining the bullet holes we saw in this bedroom, it was our belief that the [REDACTED] had fired at least two rounds from inside that room out. It is unclear, at this time, whether this was done while the Deputies were there or not.

Examining the remainder of the residence, I observed multiple bullet strikes to the interior of the house. It was determined by six empty casings found inside the residence, that the [REDACTED] had discharged a weapon at least six times. By examining the bullet holes, we determined at least four of these shots had been fired inside the house. We were unable to determine where the other two bullets had been fired or in what direction. I saw on the floor between the kitchen and dining room two double barrel shotguns. One of the shotguns was loaded with two live shells, the other was unloaded. The breach on the unloaded shotgun was open and there was a live shotgun shell lying on the floor near it.

In the kitchen, I saw a blue steel revolver lying on the floor. I had been told this was the handgun the [REDACTED] had at the time of the shooting. [REDACTED] examined the gun and found four live cartridges and two expended casings in the handgun. He also noted, that four of the six cartridges in the handgun had been struck by the firing pin, however, two of them had not discharged. There were several .38 special cartridges and several expended .38 special casings on the floor, near the chair where the [REDACTED] had been sitting.

Examining from where the officers had been outside, to the chair where the [REDACTED] had been seated, I estimated the distance to be between 15 and 20 feet. (See measurements by [REDACTED] for the exact distance). My investigation up to this point was to assist the Department of Justice Lab Technician, [REDACTED] (See his detailed report with the specifics of the crime scene investigation).

On Wednesday, January 30, 1991 at about 2:00 p.m., I went to Judge Neville's Court, where [REDACTED] was being arraigned. After his arraignment, he was appointed a Public Defender. Myself and Detective Hill brought [REDACTED] from the

Courtroom to the Detective Bureau, where he was advised of his Constitutional Rights per Miranda. [REDACTED] told us he would like to talk to us regarding this matter. I told him, however, he had been appointed a Public Defender and that I must check with his Public Defender before we can interview him. I talked to Mr. Connell from the Public Defender's Office and who requested that we not question his client. [REDACTED] was then taken back to the Jail.

Any other action taken by me, in this case, will be a matter of written report and submitted to the District Attorney's Office.

Detective Lonnie Lawson
LL [REDACTED]
12-31-91, 1030 hours.

Offense

245-459 PC

SUPPLEMENTAL

ON 1-31-91 I CONTACTED [REDACTED] BY PHONE. SHE TOLD ME SHE HAS KNOWN [REDACTED] FOR ABOUT FOUR (4) YEARS.

[REDACTED] SAID SHE SAW [REDACTED] THAT MORNING IN KING SALMON. SHE AND A FRIEND NAMED [REDACTED] GAVE [REDACTED] A RIDE TO THE UNEMPLOYMENT OFFICE.

[REDACTED] SAID SHE RECEIVED A CALL FROM [REDACTED] ABOUT 5:30 PM AND HE SAID HE WAS IN HIS FATHERS HOUSE.

[REDACTED] SAID SHE WENT OVER TO [REDACTED] FATHERS HOUSE ABOUT 8:30 PM. [REDACTED] WAS THERE AND DRUNK. ALSO AT THE HOUSE WAS A MAN, WHO SHE HAD NEVER MET BEFORE NAMED [REDACTED]

SHE SAID [REDACTED] WHO SHE CALLS [REDACTED] WAS VERY INTOXICATED. HE WAS DRINKING BEER AND BLACK VELVET WHISKEY. SHE SAID THERE WAS A REVOLVER AND A SHOTGUN, BOTH WERE LOADED. [REDACTED] SAID SHE UNLOADED THE GUNS AND TOLD [REDACTED] THAT IF HE DIDNT CALM DOWN SHE WOULD TAKE THE GUNS WITH HER. HE STATED THATS OK, I HAVE SEVENTEEN MORE TO PLAY WITH.

[REDACTED] SAID SHE ASKED [REDACTED] FOR SOME MONEY. HE PULLED \$3.00 OUT OF HIS POCKET AND HANDED IT TO HER. WHEN HE DID SHE SAW SOME CARTRIDGES FALL OUT OF HIS POCKET.

SHE ONLY STAYED THERE ABOUT 10 MINUTES

[REDACTED] TOLD ME SHE HAD LIVED WITH [REDACTED]

Reporting Officer

LAWSON L 0246

Date and Time

1-31-91

Reviewed

Copies To:

R. No.

01-91-0568

Offense

245-459

PC

FOR A WHILE, SHE TOLD ME WHEN [REDACTED] GOT DRUNK HE BECAME VIOLENT,

[REDACTED] SAID SHE CALLED [REDACTED] ABOUT 8:30 TO CHECK ON HIM, SHE SAID HE WAS ANGRY SO SHE ASKED SPEEK TO [REDACTED] TOLD HER [REDACTED] WAS HOLDING A GUN TO HIS [REDACTED] HEAD AND WAS SAYING HE WAS GOING TO KILL HIM. [REDACTED] SAID [REDACTED] SAID I'M LEAVING AND [REDACTED] COULD HEAR [REDACTED] SAY IN THE BACK GROUND, IF YOU TRY AND LEAVE YOU'LL BE DEAD BEFORE YOU GET TO THE DOOR.

SHE SAID [REDACTED] TOOK THE PHONE AWAY FROM [REDACTED] AND HUNG IT UP. SHE SAID SHE THEN CALLED [REDACTED] BROTHER AND TOLD HIM ABOUT WHAT HAD HAPPENED. SOMETIME LATER SHE CALLED THE HOUSE AND HAD SPOKE TO LT. KULICH.

Reporting Officer
Cawson, Lonnie

Date and Time
7-1-91

Reviewed Copies To:

Rt. No.
01-91-0568

Offense

245-459 PC

ON 2-1-91 I WAS CONTACTED BY OFFICER PAT FREEZE OF THE EUREKA POLICE DEPARTMENT. HE TOLD ME HE HAD BEEN CONTACTED BY A [REDACTED] AND [REDACTED] TOLD HIM HE HAD BEEN IN THE HOUSE WITH [REDACTED] PRIOR TO THE SHOOTING.

I CALLED [REDACTED] AT [REDACTED] HE GAVE HIS ADDRESS AS [REDACTED] CEDER ST EUREKA

[REDACTED] TOLD ME THAT ABOUT 6:30-7 PM ON MONDAY JAN 28TH HE WAS RIDING HIS BIKE ON WALNUT ST NEAR CUMEN ELEM. SCHOOL WHEN HE SAW A MAN WALKING DOWN THE SIDEWALK. A CONVERSATION STARTED BETWEEN THE TWO AND [REDACTED] WENT TO HAVE A DRINK WITH THE MAN. LATER I D AS [REDACTED]

[REDACTED] SAID [REDACTED] TOLD HIM THE HOUSE BELONGED HIS PARENTS. HE SAID THEY ENTERED THE HOUSE BY A SLIDING GLASS DOOR AT THE REAR OF THE HOUSE. AS THEY WALKED OVER THE REDWOOD DECK LEADING TO THE SLIDING GLASS DOOR [REDACTED] PICKED UP A SHOTGUN THAT WAS HIDDEN OUTSIDE.

ONCE IN THE HOUSE [REDACTED] GAVE HIM A BEER AND THEN POINTED THE SHOTGUN IN HIS DIRECTION? HE ASKED HIM NOT TO DO THAT AS HE DOESN'T LIKE GUNS.

[REDACTED] SAID THEY CONTINUED TO DRINK AND VISIT. HE SAID AT ONE POINT [REDACTED] PUT THE GUN AGAINST HIS [REDACTED] CHEEK AND TALKED ABOUT WHAT A BULLET WOULD DO TO THE HUMAN BODY.

Reporting Officer

LAWSON L.

Date and Time

2-1-91

Reviewed

Copies To:

Dr. No.

01-91 568

INTERVIEW WITH STEVE COBINE

1/29/91

HCSO 91-0568

GH - George Hill

SC - Steve Cobine

FJ - Frank Jager

TM - Tim McCollister

* * * * *

GH - It's January 29th, 1991. Uh..the time is approximately uh 0341 hours. I'm conducting an investigation under case 91-0568, reported 459 in progress which in uh, resulted in an officer involved shooting. Present in the room are uh, Mr. Frank Jager from the District Attorney's Office. Uh, Deputy Tim McCollister representing HDSO and uh, Sgt. Steve Cobine. Steve would you say your full name for the record please?

SC - Steve Patrick Cobine. C-O-B-I-N-E.

GH - Okay and what is your current rank with the Sheriff's Office?

SC - I'm a sergeant and I'm responsible for graveyard patrol.

GH - Okay what is your shift schedule with the graveyard?

SC - 2100 to 0700.

GH - Steve uh, when you came on duty tonight, when did you first become aware that there was an incident on Excelsior Road.

SC - You know we have the monitors, you know, in the uh, briefing room and we were listening to the, to uh, radio traffic and we could hear that the call, we heard the call come out.

GH - What did you hear...from the monitor, do you recall?

SC - Uh..burglary in progress at uh... [REDACTED] something Excelsior. And I remember I remarked to one of the guys I said gee that's really close to Holly Street, isn't it? Then we talked about that for a minute or two. And then uh, the phone rang...and uh, [REDACTED] says Marler's rolling code three to this. Uh....can you send another unit? So I turned around and I, I told uh, trying to remember....uh, Parton. I said Parton they need additional help out there, you better roll out there to that burglary in progress. Okay. And then I can hear on the over, on the monitor, I'm pretty sure it, we hear he's armed uh, and I heard something, I'm not, I'm trying to remember if he told me on the phone or if I heard it on the radio that uh, he, he's going to shoot the first deputy he sees. Or the first cop he sees, something like that. [REDACTED] I'm pretty sure [REDACTED] said that. So everybody clears then. And I remember uh, I put some paperwork on my desk and I went down and got in my patrol car and drove out there and I was listening to this unfold on the radio so..I get uh, to about Oak Street and I ask, well it was before that, I

said what's the best way to come in on this cause I've been in operations before where you come in the wrong way, if you got a two way street or, you know, two ways to get in and out, you come in the wrong way and you're going to take yourself out of the call, your stuck or whatever. So I ask and it was just obviously it was...really too trivial at that point because those guys were busy. So I went down uh, Campton and made the, the left Excelsior and I come up on the intersection and there I was right almost at the corner of Holly and, and uh, Excelsior. I pull up and I can see, I think it was Marler shined his flashlight at me and I turned my headlights off and I left my rear, I turned my rear uh, ambers on and I blocked the street cause I could see that was nobody out there blocking traffic and usually, in my training, that's the first thing you do is, you know, try to restrict any kind of citizen in and out of the place, you know, to keep the people out cause I'm use to SWAT tactics. And I get out of the car, the first thing I do is I took my shotgun out of the rack, I come up along the row of mailboxes there and I see uh, Patrick with his shotgun behind the truck. I see Parton hiding behind, I don't know what it was, side of the house or something, and I see Red. And I said, where is everybody? And he says well, you know, I see these guys, he said, Pool and uh, and uh, Silvia around the back. I said okay uh, and he says I guess they see him back there. He's got a gun. Okay. So..I...I go, I said well which way can I get to 'em and he said well around here and he shows me down this path along the house. Well I get, I get down there and I can see both of them on the porch..guns out, uh, Silvia's got his flashlight...and they're in the open, I'm looking at them thinking, god...I mean there just, they're in the open. And I said where is this guy, and he says he's right there in the window, he's right there in the window. And uh, I'm looking and I can't see anything because I'm at an angle to where if I look left all I see is that sliding glass door and I know, you know now...he was just farther, deeper into the house to where I just couldn't see him...so I thought, well I'm not going to dash across this porch and get shot, so I go back down around, and I, and I talk to Red, I said, we better pull some more people uh, you know what do you think and then I hear this blam. And I could hear it, it sounded like it was inside the house. And I'm, and I thought, you know, well, he probably did himself. So I come back around, I come back to the same side of the house I was at before by the porch and uh, well I'm sorry, before I get that, I hear this volley of fire. Bla, blam, blam. I don't know how many shots it was.

GH - Do you know, can you tell me about how long it was from the single shot that you heard inside the house till the volley of fire?

SC - No. I didn't, I was running around there trying to make sure people were out of the way and help was coming. So I thought, well maybe he's down, so then I come creeping back up the side of the house again. And uh, and I remember uh, coming up and saying is he down, is he down, no he's not, he's still standing there with that gun, he's waiving it around. And I'm

looking and I thought, still don't want to dash across that porch. I run back around, I go all the way back around the house and I get to a gate, that's, that's to the south side of the house. And I'm look, pushing on it, I'm looking for it and I got my light and I, you know, I don't want to shine those guys up...and I don't want to, I couldn't hop the fence or I could have but I got the shotgun and I didn't know what the layout of the house was, so I couldn't get through. So I run all the way back around the house again and as I'm crawling along the outside of the house, I hear what sounds like another shot. And then, and then there was a volley of rounds then, from our guys. I said what's happening, what's he doing, he's still up he's still got that gun. And I'm thinking, well...you know this, those guys, you know, I can see right now Silvia's light's gone dim. I can see, you know, they're nervous. They're out in the open. So I thought tell me when the guy is occupied or he's not watching. I'll dash across the porch here and I'll back you guys up. Cause I don't think either one of them had a shotgun. So, you know, it was..okay, no wait, no wait, okay, wait, wait a minute, he's coming to the door again, you know....well finally said go ahead, go, so I ran across, I think I hid behind some plant or something, nothing that would have stopped any kind of round at all. And I see him, there he is...he's, Silvia's got his light on him, he's sitting at the uh, table. And he's got...it looked like a big gun, I mean it was uh, blue steel, I thought it was a forty-four magnum. It just looked big.

GH - Handgun?

SC - Yep. Pistol. Revolver I mean. And uh, you know, the whole time I'm running around this house and getting, Jon's yelling at him, [redacted] put down the gun. Come on out [redacted] Come on out and let's talk about this. You know, don't do this...you know, come on [redacted] back and forth, back and forth, and he would every once in a while yell and scream or he'd, uh, you know uh...I think one time I'm going to kill you fuckers or something like that..so I get across the porch, I get lined up, we're watching him in there and I get on the radio again and I said Red get a hold of this guys brother and call him on the phone again, you know, maybe we can work this thing out of him, out. So we're sitting there and uh, the uh, the phone rings, and he picks it up and he yells or something, I think, throws it down, I couldn't hear what he said to his brother and he walks up, he's got that pistol and he's got it away from him, I didn't have pointed to him, uh, uh, his head yet, the gun, and he gets up to the window, I can see him clearly now with that flashlight on him, cause there was, when I think back there were no other lights on in that house, just Jon's flashlight. And uh, I'm watching him and he turns around and walks back. (unintell) I'm thinking, and both, all three of us are there hunkered down behind virtually nothing I mean Silvia's behind a bird bath that's,..you know, four inches wide and, and Pool's got zero cover and I really don't either and we're muttering under our breath, oh god, oh shit, oh Jesus, you know, turns around, comes up to the window again, he's got that pistol, you know, I've got a site beat on him and I'm watching him and

you know, the pistol, he, he, he hasn't got it out at us and he turns around and you know any time that gun went out of site with, I mean the stress factor jumped dramatically and Jon's yelling at him....put the gun down [redacted] come on [redacted] you know, he turns around and he walks back up to the glass, I think it was a third time, and he's got that gun and he, I see him bringing it down and it's coming, you know, it looks like he's swinging it down, coming from uh, I guess it was coming along towards Pool's site first, that was it, I knew that you know the glass was going to disintegrate because he was on that side, he was on the side of glass that was not completely shattered yet, and I thought...a million things going through my head but you know, what I've got here, I'm not going to be able to neutralize this guy with one round double pane sliding glass window so when he brought that gun down towards us...and he was going to point it at us...well he did, uh...that was it, and I fired a round off and the lights, it was like the lights went out, saw the (unintell) flash from the shotgun...uh,...Silvia's, I don't know if Silvia dropped his light or if he, you know, I mean shoot, and then keeping your light steady and worried about getting shot at at the same time is, you know, so I sited, you know, racked another one in, shot again, racked another one in shot again, cause I couldn't see what I was shooting at at that point, and I couldn't tell if he was returning fire or not. Racked another one in, let things set a little bit, I could see, you know, the glass was pulverized and there was dust in the air. I got up and I said, I said uh, is he moving and Jon says I don't know. And I remember coming up to the glass and I had him covered and I said Jon I can't come into the house right now with a shotgun...go in the house and I'll cover you. So he went in the house...cause we practice this stuff in training...uh, he went in the house, I covered him, Pool went in after him...uh, I think they went around to the right of the kitchen table there...and I went to the left, or I finally you know, Jon said okay come on in, so I went in....I held him at bay, he wasn't moving then...and I thought, you know he's out....and uh, Jon says where's his gun, where's his gun...and he's lying in a kind of a fetal position uh, his back was to us....his feet was towards us uh, and I see Jon...I said, I said something to him like holster up, I'll cover up...Jon holster's up, and he leans down and I see him kick that gun out of his hand cause he still had a hold of it, kicked it and scooted it along the kitchen table....and uh, Jon cuffed him up...and then he, you know, then he started fighting and kicking and....immediately after he got uh, got the cuffs on him...uh, I'm, I looked, everybody was okay, nobody else was in the house....and I, that only took a couple of seconds, I opened up the door...I tried to get out the front door and it was locked and I couldn't get out so I ran around and yelled off the garage to whoever would hear me that, ambulance code three. We rolled him over and started looking for all the holes. Uh...and then he started kicking and fighting, eventually I got the garage door open and guys came in...and that's basically it.

GH - Where was he wounded?

SC - I could see...

GH - That you could tell...

SC - I could see holes in his, you know blood on his legs, looked like he had a cut on his forehead from all that glass flying around him, you know, uh....that was, I thought was...you know, unbelievable...

GH - Uh huh.

SC - Uh....but I saw definitely blood on his legs and that was about it....shotguns....

GH - Were a lot of...blood on his...

SC - No not much blood at all...

GH - Was there any first aid that you were able to...

SC - Well that's what we were looking for was to try to see, you know, I mean lets face it when you do something like that to a guy my, my distance from him was twenty.....feet...maybe a little bit more....and we're all trained what a shotgun will do at twenty feet...but...you know I was thinking too....double pane safety glass...sliding glass door you're going to get some deflection....you know, but you're thinking ten inches, fifteen, twenty...and we looked and rolled him over on his back, nothing, rolled him over on his stomach, you know, nothing, I could see his leg bleeding, then he tries to kick me...so, so then we get a uh, Jon's holding him down, essentially sitting on the side of him and uh, we go and look for a piece of rope and Parton comes in with a...one of those things you carry for patrol, oh, forget what you call them...and wraps his ankles up..

GH - Flex cuffs?

SC - No it was...

GH - Higgins strings?

SC - Yea that's what it is....yea. And uh, then uh, uh, looked like that fire department was there and they came, and two guys came in from them before the medical techs and they're looking at him and you know, he's fighting and yelling at them, you know, fuck you...whatever...

GH - When you first got on scene, did you yell at him? Did you say anything to the suspect?

SC - Nope. Jon was doing all the talking.

GH - Okay. Did you hear anything that would give you the impression that the suspect knew you were police officers?

SC - Oh he yelled cops at one time, I'm going to kill you cops or something, somewhere, he was just off, he was, you know, yelling this and that, but I remember him saying something about that...

GH - So you felt at that time that he, he had identified you as cops, he knew what you were doing out there.

SC - Well this was out, yea see, this was...see I got there after the second volley of rounds, I mean there should have been no doubt who was outside his door. But when I was there he was yelling, you know "you cops are...." you know, "kill me, kill me" and on...

GH - Okay. I wish to go over now exactly what, when you fired...tell me exactly what happened that caused you to fire, explain to me why you fired.

SC - Well like I said the first two time he come to the window he come up to it and he had that gun in his hand, and like I said, you know, Jesus, it looked big...but he never really made any movement, I mean I was very uncomfortable with it...I mean....he pushed my threshold right to the maximum with that...and uh, I was real close...but he never brought it down, you know, I never saw that barrel come down and point at us. But that third time when he walked up to the window, he had it cocked, you could see it was cocked because when he turned sideways and Silvia had his light on him, you could see it was cocked...and uh, the third time when he walked up to that glass and he, he had it out here and he...motioned it around...and he started pointing down at, you know, at us...there's no doubt in my mind. And I knew that uh, two times before...you know, here he's behind glass and oak furniture and, and he's got all the cover...

GH - You said something and you stopped before you finished you sentence, you said there was not doubt in your mind...

SC - That I was going to neutralize the situation with that shotgun...that's why I, you know, I...that's my training.

GH - What did you think he was going to do?

SC - Him? He was going to use, he was going to take a shot at us, there was no doubt in my mind..., you know, no doubt in my mind. And it wasn't going to be at me.

GH - Is there anything so far that uh, I haven't asked you about the incident that's important?

SC - Can't think of anything.

GH - Okay. When you first had contact, visual contact with him, how was he armed?

SC - He had that pistol with him.

GH - Okay. And you, some kind of a large frame revolver?

SC - Oh yea. No doubt of that.

GH - Okay, uh you did not see him with a shotgun at that point?

SC - Uh uh.

GH - Okay. Did he ever arm himself with a shotgun that you personally saw?

SC - I was just, no but...I could hear that unfolding on the radio, you know, he's got a shotgun...he's got this, you know, he's got a rifle and of course hearing from Skip that you know, he's going to shoot the first deputy he saw...

GH - Uh huh.

SC - You know...but no, the only, the only gun I ever saw was that uh, revolver.

GH - Okay. If, did you ever actually see him fire the revolver?

SC - Uh uh. Just heard him.

GH - Okay. You could dis, determine that that was the revolver that was firing, how could you determine that?

SC - Well it was muffled. I've heard shots inside of houses before.

GH - Okay.

SC - There was no doubt he was, he was shooting inside that house. Where it was going, I don't know but...when I was there, everytime he shot people moved.

GH - Uh huh. Can you specifically remember anything that he said directly towards you guys?

SC - Oh he just, you know, like I said I think a couple of times he said fuck you and...and I, I remember one time he said I'm going to kill you cops, uh....and...he was just ranting, I mean I, I was paying more attention to what his hand was doing, like I said I wasn't...you know, Jon, you know, I thought did a great job by you know, keeping at it, of course you know when you get in a situation like that sometimes you get fixed on something like that and that's what Jon was doing I mean...he never shut up, [REDACTED] drop the gun, [REDACTED] let's talk about this, [REDACTED] you know, and, and of course I know from training and I guess Doug did too, you don't start chiming in and you know, you get three guys yelling at him, you get him confused and, and maybe he will do something really irrational....which he was doing anyway but...we all sat there and let Jon try to, you know, try to, please, you know, drop the gun.. [REDACTED].

GH - Okay what weapon were you carrying?

SC - Remington A-70 shotgun.

GH - Departmental issue? Okay how was it loaded?

SC - Buckshot, buckshot completely.

GH - How many rounds?

SC - Eight.

GH - You expended three rounds to the best of your knowledge?

SC - Right. Yes.

GH - Okay and how were you dressed?

SC - Uh, green...uh, wool, woolly color sweater, khaki shirt underneath, green pants.

GH - In other words the same way you are now.

SC - Exactly.

GH - Sheriff's patches on the side...

SC - Yep badge...

GH - Sheriff's badge....okay and a gun belt which do not have on...

SC - Uh huh.

GH - ...now is that correct?

SC - That's correct.

GH - Okay. Jager?

FJ - Did you uh, at any time hear either one of the deputies identify themselves as, as Sheriff, police?

SC - No.

FJ - Okay. Did you ever do that?

SC - No.

FJ - Have you ever been to that house before?

SC - Never.

FJ - Do you know this guy from any previous contacts?

SC - Never.

GH - Okay Steve I appreciate it, uh, appreciate your statement..we're going to terminate it now, there may be questions later on after you have had rest, I'm sure things may come to your head, uh, you know, come to your mind later on when you've had time to ponder over this, uh, as I said once I learn what's out at the scene, there may be more questions for you...appreciate it if you would stay available uh, go home of course and get some rest but generally stay available to us, we'll terminate the statement it's uh, 0402, Tuesday, January 29, 1991.

TAPE OFF

68.9 CLASSIFICATION

MARSHAL'S OFFICE

HUMBOLDT COUNTY

69. CASE NO.

S.O.
191-0568

- FELONY
- MISDEMEANOR
- NONCRIMINAL

- 1200 -

Supplemental

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

- LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

76. INVESTIGATION, DATE AND TIME

77.

78.

79.

80. PAGE NUM

1-31-91

1350 Hrs

NARRATIVE

PROPERTY REPORT

EVIDENCE REPORT

1

On 1-31-91 I was returning [redacted] to a 2nd Floor holding cell from Municipal Court, Dept. 2. [redacted] asked if I could tell Detective Lonnie Lawson that He [redacted] wanted to talk to him (Lawson). I told [redacted] that since a public defender had been appointed, the detectives may not want to talk without the public defender present. [redacted] said it was his right to talk to the detectives without the public defender. I then phoned ~~Det.~~ Detective Lawson and relayed [redacted] message. Detective Lawson came to the holding cell and took custody of [redacted]

REPORTING OFFICERS 80.1

J F Lewis

RECORDING OFFICER 80.2

TYPED BY 80.3

DATE AND TIME 80.4

ROUTED BY 80

1-31-91 1437

80.6 FURTHER ACTION

YES

NO

COPIES TO:

DETECTIVE

CII

PROBATION

PATROL

DIST. ATTN.

OTHER

SO./P.D.

OTHER

(HCSD 0631.2 Rev. 8-78)

REVIEWED BY 80.7

R D LEE

DATE 80.8

1-31-91

DATE 1/29/91	TIME 01:00	CHARGE PC 459; PC 245(A)	CA0120000	SYLVIA/CORT	D. STONE
WHERE ARRESTED EUREKA		[REDACTED]			CASE NUMBER 91-0586
I ACKNOWLEDGE THAT THE BELOW LISTED PROPERTY WAS REMOVED FROM ME AT TIME OF BOOKING		SIGNED	COURT M1	JUDGE NEVILLE, HAROLD E.	
DATE OF SENTENCE	TERM	EXPIRATION OF SENTENCE	EXPIRATION OF CREDITS		
			GOOD TIME	WORK TIME	
RELEASE DATE	RELEASE TIME	REASON FOR RELEASE - APPEARANCE DATE AND TIME 100			OFFICER'S PIN
I HEREBY ACKNOWLEDGE RECEIPT OF BELOW PROPERTY, BEING ALL OF THAT REMOVED FROM ME AT TIME OF BOOKING					
SIGNED PROPERTY:		OPER. LIC.: STATE: CA		NO [REDACTED]	
NONE TAKEN ALL CLOTHES TAKEN BY ARRESTING OFFICERS		EPD NUMBER	APD NUMBER	MEDICAL PROBLEMS GUN WOUNDS	
MONEY: [REDACTED]		VEHICLE LOCATION NONE			BAIL \$***20,000.00
HOLD [REDACTED] IDENTIFYING SCARS, MARKS AND TATTOOS					
DATE, CITY AND STATE OF BIRTH		NATIONALITY	BUILD	COMPLEXION	HOME PHONE NUMBER
[REDACTED]		CA AMERICAN	MED	FAIR	[REDACTED]
EMPLOYER		EMPLOYER PHONE NUMBER		OCCUPATION	
[REDACTED]		[REDACTED]		ROOPER	
PERMANENT ADDRESS (NOT P.O. BOX)		NAME, ADDRESS AND PHONE NUMBER OF NEAREST RELATIVE			
[REDACTED] EXCELLSIOR RD EUREKA CA 95501		[REDACTED]			
WARRANT CHECKS	NCIC - CII CHECK	LOCAL CHECK		DRIVERS LICENSE CHECK	
INITIAL	INITIAL	INITIAL		INITIAL	
LAST NAME	FIRST	MIDDLE	SEX	AGE	RACE
[REDACTED]	[REDACTED]	[REDACTED]	M	24	W
			SAME-AS NUMBER	BOOKING NUMBER	
			224588	270787	

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
BOOKING FORM

PHONE TRANSCRIPT 1-28-91

2139:05

G.R.H.

Ringling

Q - Sheriff's emergency line...

A - Yes uh, my name is [REDACTED] and I'm at (unintell) at [REDACTED] Excelsior Road...

Q - [REDACTED] Excelsior?

A - (unintell)...

Q - Okay your name is [REDACTED]

A - Yes.

Q - And it's who's house?

A - (unintell), I don't know. I live in Arcata....

Q - Possible 459 in progress... [REDACTED] Excelsior...do you have any idea who's in the house?

A - Yes it's my brother [REDACTED]

(unintell).....

(unintell)...

Phone dialing

Phone ringing

A - Hello?

Q - Hello [REDACTED]

A - Uh huh.

Q - Okay (unintell) [REDACTED]

A - Uh that would be, he's the third and I'm forth.

Q - Okay and he's at [REDACTED] Excelsior?

A - Uh huh.

Q - And it's [REDACTED] that's in the residence?

A - Yes he is. (unintell) I'm not going to go in there because the (unintell) called me and (unintell) I didn't get a last name she, I guess she dropped him off or something, he told her that he had permission to be in the house, I have no idea how he got

in the house, he shouldn't have a key...and she (unintell)

Q - How do you know he don't have permission to be in the house?

A - Because my home, is my parents, he does not live at home probably since five years ago.

Q - Uh huh.

A - It's probably been....you know out and about on his own....I mean he basically did not live there. And I know my parents would not have permission, I can tell you that right now. They're out of town, they're in Oregon right now...

Q - Well if he tells us he does have permission, a right to be there, we have no way of disputing that.

A - Well I can, I can, I can get a hold of, hey I, I know for a fact, I can get a hold of my parents out (unintell) Oregon, they got a motel up there.

Q - Okay why don't you do that...and then get a hold of us..

A - You can't do anything about it now?

Q - I'm sending somebody out there...

A - Oh, okay.

Q - ..but if you were asking the question can we do anything about it, the answer is no...until we hear from them...

A - I'm sorry...I just called [REDACTED] my girlfriend....(unintell) just hear a gunshot...

Q - Where are you?

A - I'm, I'm kitty corner from the house, I'm calling from a neighbor's house.

Q - You heard a gunshot in the house?

A - She heard a gunshot...over from that direction....it was very muffled.

Q - Get a hold of your parents and have them call us.

A - Okay. I'm going to have to look up the number and everything...

Q - Okay.

A - Okay, all right.....

* * * * *

- Sheriff's Department...

- Hi this is [REDACTED] Uh, you know I was with AT&T
[REDACTED] ..Howdy, howdy..

- How are you doing [REDACTED]

- Hey who's this?

- [REDACTED]

- [REDACTED] hey [REDACTED] ..uh, my older son just called me and said that uh, that uh, my youngest son just broke into the house...

...on the third [REDACTED].

- [REDACTED] yea that's my youngest son..and he has, does not have permission to be in that house period.

- Okay.

- He's broken in before....and he does not live there, he hasn't lived there since he was almost, well before he was 18 years old, he's about 23 or 24...

- Well then we should probably give (unintell) as a burglary then.

- Yes I will, uh what I wanted to tell you [REDACTED] is that we're out of town, we're up here in Lincoln City Oregon...

- Yea.

- And my son got a hold of me but uh, the thing I wanted to tell you is that I don't know what the hell he's up to but I've got some handguns and shotguns...

- Well he is armed with a handgun and a shotgun at this time...we are surrounding the house...it's my understanding he is intoxicated...and he's got about \$29,000 worth of warrants...

- Holly shit....

- Yea.

- Really?

- Yea.

- Okay the thing is I don't, I don't know what's mine or, I have, uh, I have forty five and thirty eights stuff in the house so I don't know, I want to, I want to tell you guys that.

- Okay you've got a forty-five and a thirty-eight....uh, uh...

- ...shotguns and rifles.....

(unintell)

- Yea, forty-five, thirty-eight, twenty-two, shotguns,...

- Yea there's a thirty, couple of thirty R sixes and a twenty five R 6 and some two twenty-two, like I said I've got a, a pretty good little stock of stuff in there.

- Yea.

- So I don't..you know, I can, I, I have my serial numbers and stuff...

....one X -1, one X-1 control one.....

(unintell)

....one X-30, one X-30 control one....

(unintell)

...one X-3, control one.....

(unintell)

....B-22 have a sergeant contact control one.....

- One X-30 I'm on 10-21 with the owner of the residence and this is to be considered a 4-5-9....the (unintell) has previously (unintell) lived there for a great number of years....and there are several hand guns in the residence or shotguns....and longguns...couple of 30-R-6's...

(unintell)

- Okay [REDACTED] what number should I reach you at?

(unintell)...

- We were getting ready to come home tomorrow morning anyway but I don't know what the hell we...what's wrong with him, I guess he flipped out pretty...

- 28,000 bucks..

- 29,000 dollars worth of warrants and uh, it's not petty stuff either...he's got some uh, uh, grand theft, uh, assault and batteries, uh resisting arrest, uh, shit, uh, a couple of drunk driving's uh,...

- We, we never see from him at all and everytime he shows up we got trouble from him.

- Yea.

- Uh, let me give you a number [REDACTED]..

- Uh huh?

.. [REDACTED]

- [REDACTED]

- Right and I'm in room [REDACTED]

- Room [REDACTED]

- Yea and I'm at Lincoln City Oregon at the Shilo Inn.

- Okay.

- I want to let you guys know what, what was in there because I don't want any of you guys getting hurt...

- Yea we appreciate it and well he, he's armed himself and uh,

- Well when my, my son called, he's the one who called (unintell) that's my older son [REDACTED]

- Yea

- So..uh, but I, it, it's totally unauthorized...

- Okay...

- You guys be careful will you?

- Yea they are...

- Okay...

- Thanks pal

- See ya...

* * * * *

Dialing....

Ringling....

- Hello?
- Hi SET team call out.
- Yea he's in San Diego with uh, (unintell)
- Okay....Thank you.
- Your welcome.
- Bye.

* * * * *

Dialing...

Ringling...

- Hello?
- Hi this is SET team call out.
- Okay. Do you want to talk to him?
- Yes please.
- Okay...
- Hello?

- Uh we have a barricaded [REDACTED] shots fired [REDACTED]
Excelsior...

- Oh...kay...I'll be down there in a little bit.
- Okay.

Dialing..

Ringling...

- Hello.
- Hi is Pete there?
- Yea he is hold on.
- Hello.

- SET team call out...barricaded [REDACTED]..shots fired.. [REDACTED]
Excelsior...

- Okay. Okay.
- Cobine on scene.
- All righty...
- Okay...
- Bye.

Dialing...

Ringling...

- Hello.
- His is Greg there?
- No Greg doesn't live here
- Oh is this [REDACTED]
- Yea, I'm sorry I'll scratch this number off the card.
- Oh that's okay.
- Bye bye.
- Bye.

dialing...

busy signal...

* * * * *

dialing...

Ringling...

- Hello.
- Timmy?
- Yea.
- SET team call out...shots fired, [REDACTED] Excelsior.
- Okay, I'll be down in a few minutes.
- Fine.

Dialing...

Ringling...

- Hello.

- Mike? This is [REDACTED]

- Yea.

- Saw, uh SET team call out...we have a barricaded [REDACTED] with shots fired. [REDACTED] Excelsior..Cobine's on scene.

(unintell)

- Yea, this guys heavily armed.

- (unintell) okay...

- All right, bye.

Dialing

Ringling

- Hello the person you called is unavailable now...please leave your message at the tone...

- This is the Sheriff's office, we have a SET team call out barricaded [REDACTED] shots fired, contact the office....

Dialing..

Ringling...

Does he want CHP assistance to help clear....

- Hello?

- This is [REDACTED] we have a SET team call out, barricaded [REDACTED] shot's fired...expedite..

- Okay..

- Okay..bye.

* * * * *

Ringling...

- Hi there.

- (unintell) for assistance...uh, [REDACTED] Excelsior, barricaded [REDACTED] with shots fired, we're going to have to seal, seal off some streets and empty some houses.

- Okay, where do you want us?

- Uh, One X-10 uh, CHP will be responding advise where you want them to respond to.

(unintell)...

- I copied Excelsior, couldn't get the other cross street...

- Let me know and I'll get 'em started.

- Okay should be about Holly and Excelsior that's uh, corner house there but uh,...

- Okay, all right.

- Kirkpartick repeat what cross street on Excelsior...

- (unintell) with [REDACTED].

- That's [REDACTED] house.

- Yea I know, how is he?

- Yea uh, he's out of town.

- But I mean how was he on the phone when you talked to him.

- Uhm, don't take any chances with his asshole son is (unintell).

- Okay.

- Okay.

* * * * *

Dialing..

Ringling

- Hello.

(unintell)...

- This is the Sheriff's Office, this is a SET team call out..a barricaded [REDACTED] shots fired...contact the office.

Dialing..

Ringling...

- Hello

- Hi is Mike there.

- Yea.

- Hello.

- This is a SET team call out, barricaded [REDACTED] shots fired..

- Okay.

- Okay.

* * * * *

Dialing

Busy signal..

Dialing...

Ringling.

- Hello?

- Greg?

- Yea.

- We have a SET team call out, thought I'd let you know. In Eureka on Excelsior Road a barricaded [REDACTED] with shot's fired.

- They don't let me play anymore [REDACTED]

- They don't let you play anymore?

- Nope.

- Oh well that's what happens when you get those bars.

- (unintell)

- Yea.

- Well I wish you all well.

- Okay.

- All right.

- Bye bye.

- Sergeant office?

- Yes Channel (unintell)

- Nothing I can talk about right now

- Okay, thank...

* * * * *

Dialing

Ringling...

- Hello

- Hi Frank this is [REDACTED]

- Hi.

- We have a SET team call out, barricaded [REDACTED] with shots fired. We're [REDACTED] Excelsior... [REDACTED] Excelsior...corner of Excelsior and Holly....

- (unintell)..one more time, the number's [REDACTED] Excelsior...is Cobine out there?

- Cobine is on scene, uhm...I've got a hold of everybody that's available for SET.

- Okay. We got uh, CHP helping us out with uh, CHP with traffic, right? Is there anybody else or...

- Uh, EPD is also responding a unit for traffic control.. We have five units uh, surrounding the house at this time...

- Anybody else?

- Pardon me?

- Do you need anybody else?

- Uh, not at this time. I haven't requested anything further.

- Okay I'll roll that way.

- Uhm...do you know, do you remember [REDACTED]

- Who?

- [REDACTED] uh, he use to be the AT&T computer man..

- Uh huh.

- ...here, uh, it's his residence. Uh, he's uh, got a heavy stockpile of firearm, he's a hunter first rate. And uhm...

- (unintell)

- Pardon me? Well it isn't [REDACTED] himself, it's his son who

burglarized the residence...and uh, another family member called it in that he'd broken into the father house..that, apparently not the first time he's done it...

- So he's the one that's in the house?

- Yea he's in the house, he has armed himself and he has fired shots uh, several shots inside the residence and then apparently shot some outside the residence and that's why I'm making the call to you.

- So right now he's in the residence by himself then?

- As far as we know he is by himself but he's got a lot of guns and ammunition in there.

- Well what about the father do we know where he is?

- The father is up in Oregon, I have a phone number where I can talk to him....

- Are, uh, you getting ready to call him?

- Oh I've talked to him...I have talked to them....

(unintell)

- Code three...

- (unintell), I'm on my way..

- Okay.

- Bye.

* * * * *

- Dispatch...

- Hi there. (unintell) at my residence for sure.

- Okay uh, we got uh, uh, shots fired uh, we're rolling an ambulance, uh, it's a SWAT team call out thing...

- Yea that should be what I'm hearing on the radio.

- Yea.

- Okay thanks [REDACTED]

- No problem...

- How so...

- Well good luck with you guys tonight.

- Yea it's crazy...

* * * * *

- Dispatch.

- Yea we still going [REDACTED]

- Well we just rolled an ambulance, we don't know if they got him or he got one of us, I don't know.

- Okay well, (unintell)

- Okay.

- Okay bye.

* * * * *

- Sheriff's Department.

- Hi this is [REDACTED] we've got a lot of gunshots across from uh, where the uh, gulch from us on Excelsior.

- Yes sir we're involved in that sir.

- Okay fine...okay that's all we wanted to know.

- Okay.

* * * * *

- Sheriff's Department.

- Hi [REDACTED] this is Randy. I'm a (unintell) are on scene?

- We are on scene. We have shots fired, uh, I don't know who is down if it's the [REDACTED] or one of our officers yet...

- Okay.

- Okay

- Okay well just come on in then.

- Yea well uh, be the traffic control and uh, I'll have somebody direct you in..

- Okay.

- Okay, all righty.

* * * * *

- Fifteen cancel, fifteen cancel...

Dialing

Uhm, call up whomever available, there's no on-call list.

Ringling...

- Hello..

- Sorry Regg it's not midnight yet...

- Tell me what's happening.

- We got a shoot out man.

- (unintell)

- It's at uh, [REDACTED] Excelsior...this was a barricaded [REDACTED] situation and they had a shoot out with out officers...okay, uh, have you heard...

- Yep. (unintell) the [REDACTED] apparently.

- Okay. Then uh, I, I'll be right in.

- Okay.

- Okay, bye.

Ringling..

- (unintell)

* * * * *

Dialing..

Ringling...

- Hello.

- Mike?

- Yea?

- Cancel we got him..

- Okay.

- He's shot...

- He's shot?

- Yep.

- Okay, shot himself?
- Noo...I don't think so, I don't know.
- All right. Thanks, Bye
- Bye

* * * * *

Dialing..

Ringling...

- Hello?
- Has Dave left yet?
- Yea.
- Okay, we're trying to cancel him.
- Oh, all right. Okay.
- Bye.

* * * * *

Dialing..

Ringling...

- Hello.
- Has Mike left?
- Yes,
- Okay thank you.

* * * * *

Ringling

...Billingsly is responding, we have 50 (unintell)?

- Hello?
- Hi has Randy left yet?
- No.
- Uh, hold him at home, it's all over.

- It's all over.
- He has been shot....
- He's been shot?
- Yea.
- What happen?
- Well I'm not sure if it's an officer involved or the guy blew himself away.
- (unintell)
- Okay. Thanks bye.
- Bye.

...why don't you give me that uh...

* * * * *

Dialing..

Ringling...

- Good even Shilo, Lincoln City.
- Room [REDACTED] please.
- Just a moment please.

Ringling.

- Hello?
- Bill this is [REDACTED]
- Hi [REDACTED]
- I think you better come home.
- Okay.
- Uh, there was a lot of shooting going on, they called an ambulance...
- Okay.
- And I don't know if uh, if it's a self inflicted wound or he was shot by one of the officers but uh, apparently he is the [REDACTED]
- Okay. Is, is he uh, do we know anymore then that or what?

- I, I don't know anymore then that because all I'm going on is the fact that they called for an ambulance and they canceled our SWAT team and everything.

- Okay. Uh, tonight or do you think I ought to wait until morning or come home now or fly out of here?

- I, I, I really don't know, I'm going to have to leave that one up to you, I, I just thought I'd let you that uh, apparently he has been shot.....

END OF SIDE ONE
SIDE TWO

Dialing

Ringling...

- Hello?

- Mr. [REDACTED]

- Yea.

- This is the Humboldt County Sheriff's Office.

- Yea.

- Uh, we have need of your services at an officer involved shooting at [REDACTED] Excelsior in Eureka.

- Okay, [REDACTED] Excelsior?

- Yes.

- Okay. Uhm....(unintell) we have an officer involved shooting?

- We have an officer involved shooting, no officer injured but the [REDACTED] is down by gunshot.

- Okay.

- Uh, we have uh a lot of shots that were fired uh, both, uh, from inside the residence by the [REDACTED] uhm, shots were fired by him through the outside of the residence and shots uh, returned from outside the residence. And they want to try to trace some of this fire and re-enact the uh, crime scene.

- Okay. Uhm...let me see [REDACTED] Excelsior, what's the uh, nearest cross street?

- Holly, it's right on the corner of Holly and Excelsior.

- Holly and Excelsior...which is near...Campton?

- Well uh, where would you be coming from?

- Uh, I'd be coming from uh, actually down near uh, Eureka, downtown Eureka.

- Okay will go up past Sequoia Park uh, onto Walnut uh, south on Walnut you go past the uh, Cutten Elementary School, and uh, you know where it will kind of make a little bend there and uh, Holly I believe it's either the first or the second street uh, to your right.

- Okay. I know where that, I think Excelsior is..

- Yea McClaskey is one of them and Holly is the other one. Yea I'm not sure which is which.

- Okay.

- Okay?

- Real good.

- Thank you.

- Uh huh.

* * * * *

DIALING

RINGING

- Yea, City Ambulance

- Do you have any word on that, this guy shot?

- Uh, haven't heard anything from the ambulance crew yet, no uh,...

- Okay...

- Was it, it wasn't the deputy that was...

- Well we don't know, we don't know. Uhm...we don't, we know it wasn't the deputy that was shot it was the [REDACTED] that was shot but we don't know if he shot himself or the deputy shot him.

- Ahh, oh, okay.

- That's what's still up in the air.

- Yea, okay, well I'll tell you what, when I hear from City

I'll let you know.

- Okay.
- All righty.
- Bye.
- Bye.

* * * * *

....rescue 1049 possible 459 in progress, [REDACTED] Excelsior. 4-3-2-8 Excelsior, (unintell) 18, request U-1049 to back. (unintell)

* * * * *

- (unintell) 1012 do we have a mail for the uh, possible owner?

Pause

- 1, 1X12?
- 1X12 - 1X12 go ahead.....

Pause...

- (unintell) did 22 respond?

- I have 22 in contact..uh, he was out on Beachwood...I verified...via 1021 (unintell) responding.

(unintell)

- 22 (unintell)...
- 21B 1F12.
- 1F12 1023, IS18, 1S22, I'm coping for my partner, possible gunshot in the house....
- 10-4 copy, code 3.
- 1S22 control, this appears to be a family situation the [REDACTED] is an [REDACTED] son of [REDACTED] the runner, the owner of the residence at [REDACTED] Excelsior...uh, according to another brother uh, [REDACTED] is not suppose to be in the residence he's attempting to contact his parents who are out of town to confirm that with us...
- S22 10-4.
- Information is that the uh, [REDACTED] has uh, been drinking and that there are a number of weapons in the

house...

* * * * *

-1F30, control 1D status check.

(unintell)

- 1F30 copy code 4.
- 1X1 control 18 uh, city units...
- 20 code 4 10-6.
- (unintell)...

Pause..

- 1F12 go to 3.
- (unintell)...
- 1F30 10-4.....
- (unintell) 22 -97.
- 1F22 to (unintell).

Unintell

- 1F18, 10-4
- Code 33 (unintell) all units code 3 3.
- (unintell)...

* * * * *

(unintell)...

- Affirmative 4-3-2-8. [REDACTED] Excelsior..

(unintell)

* * * * *

(unintell) - We got a man in the house with a (unintell) shotgun.

- That's 18 10-4, X30 increase code 3.
- 30 10-4.
- Units to (unintell) also uh, [REDACTED] code 6 mary boy.

Pause...

- 1X30 to 97.
- 1X30 97 repeating code 6 mary boy on the [REDACTED]
- control I'll be in (unintell)
- 1B 18 (unintell) code 3.

(unintell)

- Code 3 (unintell)...

(unintell)

- F18 10-4 units responding, no sirens.
- 1022 copy.

(unintell)

- (unintell)

(unintell)

- F18 you were 10-1 any other 10-5?
- ...(unintell) units respond code (unintell) at this point we got a (unintell)

- 10-4 additional units respond code 2, stand off.

* * * * *

- 1X1, 1X1 control 1.
- X1.
- (unintell) X1.
- 10-4.
- 1X30, 1X30, control 1.
- 2-20 297.
- 322 have the sergeant contact control 1.
- This is 30 go ahead.

- 1X30 I'm on 10-21 with the owner of the residence. This is to be considered a 459. The [REDACTED] has previously broken in to the residence has not lived there for a great number of years there are several handguns in the residence, shotguns and long

guns, couple of 30R6's...

- (unintell) with a gun...he's pointing it at himself and at the door. We have uh, Deputy Silvia has a visual on him at this time...and uh, we'll get back to you when I get some further.

- 10-4..

- B12 to (unintell)

(unintell)

- 18 to 97 B12 unit 3. Non emergency traffic.

Pause

-10-4 X 30...request avenue for approach for X-10.

Pause

- (unintell)...

Pause

- 1X1 1X1 control 1.

- 1X1.

- RP on 10-21 advises the [REDACTED] and his [REDACTED] have left the residence after being 594 to the residence have left down with her on horseback.

- X1 - 10-4.

- Do you want uh, [REDACTED] to come out to the road?

- Affirmative request they come out to the road.

- Uh, he hung up on me.

Pause

- Be advised of a, [REDACTED] should be on Highway 169 uh, riding down to Peckwan.

- 10-4

- Any unit advise on status on Excelsior..

- The (unintell) went to [REDACTED] residence or the [REDACTED]

Pause

- (unintell)

- All units on Excelsior switch to channel 3. Units on Excelsior switch to channel 3...

* * * * *

- Control X197...

- 1X197 code 33. (unintell).....

- 1X12 control 1A, jumping traffic on 3.

- (unintell)...

- (unintell) 12 requesting 1249 to Excelsior, assist, clear out (unintell)..

- 1012.

(unintell)

- Transmission is very weak, uh I believe he stated code 2.

Pause

- 1 to 12 control 1A.

- B12 requesting 1049 Excelsior...

Pause

- Excelsior and Holly...

Pause

- LY 529 (unintell)

- LY 592 please..

Pause

- 1X1 control 1A status check.

Pause

- Control (unintell)

- (unintell)..

Pause

- 539 (unintell) cancel

- Affirmative cancel SET team.

- Guys coming up

Pause

- 1X1 control 1A, 1086....

- 22

Pause

- Control on 1A (unintell) 1097 on Excelsior..

- 28 10-4.

Pause

- 1X12 1B 12..

- Unit 1022 requesting 1049 to be there

Pause

- B12 copy

Pause

- 1X1 control 1A status check

Pause

- 1X47 control 1A status check.

Pause

- 1B22 control 1A.....

Pause

- (unintell) all units control 1A, status check

Pause

- 1X1 control 1A status check..

Pause

- (unintell)

- 1F47 copy code 4

- All units cancel code 33 cancel code 33. All units
(unintell) cancel code 33. (unintell) cancel code 33.

- (unintell) B12 uh, (unintell) 95 if I can..

- B12....

I'm not sure of the state, I think it's California
101 northbound approach uh, Samoa Boulevard...

- B12 10-4 101 northbound approaching Samoa Boulevard.

END OF TAPE

=====

SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

=====

CASE NUMBER: 91-568

INTERVIEWER: GEORGE HILL, DETECTIVE

SUBJECT: 459 P.C. BURGLARY IN PROGRESS

STATEMENT OF: [REDACTED] [REDACTED] [REDACTED]

LOCATION: DETECTIVE BUREAU, 3RD FLOOR

DATE & TIME: JANUARY 29, 1991, 1306 HOURS

ALSO PRESENT: [REDACTED] [REDACTED]

=====

This is Investigator George Hill. Today's date is January 29, 1991. Conducting investigation under case number 91-568, it's a report Burglary in Progress, which resulted in an Officer Involved Shooting. The time is approximately 1306 hours. Present with me in my office at the Detective Bureau of the Humboldt County Sheriff's Office is [REDACTED] [REDACTED] the Fourth.

Q: Will you spell your full name for the record, [REDACTED]

A: It's a [REDACTED] [REDACTED] [REDACTED] and it's the fourth.

Q: Okay, and you live at [REDACTED] Chestnut Place, Apt. [REDACTED], in Arcata?

A: Yes, I do.

Q: And.. your telephone, [REDACTED]?

A: Yes, it is.

Q: And you're employed by Burger King?

A: Mmhm.

Q: Correct.

A: Yes.

Q: Also present, is [REDACTED], [REDACTED]

A: That's right.

Q: Correct. Uh.. [REDACTED] also, lives uh.. at [REDACTED] Chestnut Plaza, Apt. [REDACTED], in Arcata and she is employed at Burger King. Uh.. [REDACTED], I'd like for you tell me first, what's your relationship is to uh.. [REDACTED] [REDACTED]?

A: He's my younger brother.

Q: Okay and how old are you?

A: I'm twenty-six.

Q: Twenty-six.. and he is?

A: Just turned twenty-four, I think.

Q: Okay. Okay. What is.. yah.. first of all.. who owns the residences out there at...

A: Uh..

Q: ...is it [REDACTED]?

A: [REDACTED].

Q: [REDACTED]...

A: Yeah, Excelsior.

Q: Excelsior.

A: Uhm.. my parents do. It's [REDACTED] uh.. [REDACTED] Ives, the third and [REDACTED] [REDACTED], is my mother.

Q: Okay. And what is your brother's standing, as far as being.. uh.. having access to that residence?

A: Okay, has, he has no access. He had no keys. He's been.. comes over and visits every once in a while. Last time he was there, was.. Christmas, you know, for Christmas, eating Christmas Dinner. But, as for that.. (inaudible).. he has, you know, no.. keys or anyway to get into the house, legally.

Q: Okay. Why not?

A: Uhm.. because he's, you know, he's.. stolen things from us, money, different types of things. He's broken in a couple of times, before.

Q: I see. Has that been reported?

A: Uhm.. I believe it has...

Q: Mhm...

A: ...I think, I think it was, I'm not sure.

Q: So.. uh.. in your.. in your mind.. he's been totally uh.. the term would be.. eighty-sixed or he's not allowed to go in that house under any circumstances, unless he's invited there, when your parents are home...

A: Yes, that's correct...

Q: ...right? Okay. How did you become involved with the situation, last night?

A: Okay, it was a little bit after nine o'clock, I got a phone call from a girl, who said her name was [REDACTED]. And she asked me, says, is.. well, she asked me who I was and I says is this.. you know, Rusty's brother and I said, yes and...

Q: Who is [REDACTED]

A: Uhm.. [REDACTED] is.. his nickname.

Q: Okay.

A: I go by [REDACTED]

Q: Okay.

A: And (inaudible) name.

Q: Okay.

A: And she asked me.. is.. if.. he has permission to be in the house? And he.. she said that he claimed that I said he did have permission to be in the house. And I said, "No, he doesn't", he has no key or anything to get in. I said he had to of broken in. So.. you know, I talked to her, she mentioned something that he had been drinking and he been had.. had my Dad's, some of my Dad's guns out. And was waving around everything and...

Q: About what time was this?

A: A little after nine when she called me.

Q: Okay.

A: And uhm.. so I immediately after talked, getting off the phone. Well, she informed me that he had been living with them, up until two weeks ago, when I guess he.. stole some money from them.

Q: Did she tell you.. what her last name was?

A: No, she didn't, I was just.. kind a all.. I didn't even, all probably to think to ask her.

Q: Mhm.

A: So and we.. immediately got in the car and drove over and I drove past the house and I noticed were some lights outside, I assumed he was inside, so that.. still inside, cause all the lights were out and.. you know, cause we left it right...

Q: Okay, normally all the lights are out?

A: Yeah, normally are, they're all out.

Q: Okay.

A: So then I went to.. a neighbor's house and.. and then that's where I called.. uh.. 9-1-1, and.. they transferred me to the Sheriff's Department.

Q: Okay, what neighbor, do you know?

A: Uhm.. I.. I really don't know, right.. she lives kitty corner across the street from us. I don't know...

Q: Okay.

A: ...her name.

Q: What lights do you think were on in the house, when you saw?

A: Uhm.. there was a light on in the living room, a light on in the den, and there was also, a light on in the.. what.. the spare bedroom, what use to be my room and there was also, you could tell the kitchen light was on and also, the porch light and none of those were on.. earlier when we had been there that day.

Q: Okay. And duh.. did you notice anything unusual going on at the house, at that time?

A: Uhm.. that's all.. that's all, that's all I noticed...

Q: Okay...

A: ...was the lights.

Q: Okay. And what did you do, you went across the street, to use the phone?

A: Yeah.

Q: And what did you do?

A: And I.. I dialed 9-1-1 and I told them that there was a break-in and I told 'em, I'm pretty sure I told 'em, who I

thought it was and it was my brother and I gave them his.. his name and.. uhm.. he didn't have permission to the hou.. there, to be in the house and that's when they told me that I had to get a hold of my parents and them.. let the Sheriff's Department know that.. he was not allowed to be in the house and they asked who I was.

Q: Mhm.

A: And that.. they said they were gonna be sending a car and at that time.. and while I was on the phone.. [REDACTED] came in.. and said.. that she heard a shot. (inaudible)...

Q: Okay, let's...

A: ...it was kind of muffled, so it sounded like it came from inside the house.

Q: Let's switch to that then. [REDACTED] can you tell me where you were and what were you doing?

[REDACTED] Well, at the corner of Holly and Acacia, we were parked.. uh...

A: Excelsior.

[REDACTED] ...Excelsior, I mean, uh.. we were parked on Holly, by this lady's house, which is right on the corner there and we're.. you know, facing down Holly away from Excelsior, but I was watching.. the house and I heard a.. a one single muffled.. gun shot, that sounded like, get.. close range into something, wood, or.. I don't know what; but.. so I went in immediately and told [REDACTED] and he was on the phone.. talking about the...

Q: Okay, and you could tell.. that had come from the inside of the house there?

[REDACTED] Yeah. You could hear him.., I mean, it was loud enough, that you could tell where it came from. It's just that you could also, tell it was also.. shot into something...

Q: Okay.

[REDACTED] ...it wasn't.. off in the air.

Q: Okay. And did you see anybody.. come out of the house or...

[REDACTED] I saw some movement in the house, but I didn't see anybody come out of the house, no.

Q: Okay. And what did you do when she came in and told you there was a shot fired?

A: Uhm.. I told the people on the phone that.., that there had

been shot fired and.. I asked them if they were gonna send car and they said they had already sent a car. And by the time.. that's when.. they.. well, actually the first time I talked to the guy, he.. hung up and called me back at that number, because they had a bad connection. But, after.. after I talked to him, they said give my Dad a call, so I called information and got where they were staying and everything and talked to 'em and.. and after that.. then we went outside and we went across the street, by the neighbor's house.

Q: Okay. What neighbor?

A: Uhm.. well, actually.. there's nobody living there now, it's.. it's empty house and it was just sold a while ago, it's for sale.

Q: Okay, from the front door, where the boat is parked in the driveway, where were you?

A: It's be.. looking out towards the street or towards the house?

Q: Okay.

A: It'd, it'd be left.. the left.. house looking towards the house. House and that's.. a left of the boat.

Q: Okay.

A: Yeah.

Q: Okay. And.. what would you see next?

A: Uhm.. by the time we got, I.. we got out of the house, two Sheriff's cars had already arrived and so we were just, kind a just waiting there a while... while they were walking around and they.. and I heard them.. mentioning something, they saw somebody in there with a gun, that type of thing. So.. we.. I didn't really didn't see a whole lot, I just heard more that I...

Q: Okay, tell me what you heard?

A: Uhm.. I just heard them yelling.. they started yelling at him, you know, put the gun down and all this kind of stuff. And then eventually some more officers arrived and I.. that's when.. I tried, went back that lady's house to use the phone again, cause they.. one of the officer's told me, why don't you.. you know, try to call him and see if you can get him to come out; and.. the one lady that used the phone, she wouldn't answer her door. (inaudible)...

Q: Oh yeah...

A: ...yeah. So I went to another neighbor, they weren't home. So.. I went up, two doors down to the.. they're last.. the [REDACTED] house, and they let me use their phone. And.. I called him and talked to him and...

Q: Tell me exactly now, what did you say to him?

A: Uhm.. I.. I said, "[REDACTED], this is [REDACTED] I can't.. you know, I can't.. exactly remember word for word...

Q: As close as you can, I understand?

A: ...I said, "This is [REDACTED] I said, "Uhm.. some like, you know, you need to put down your guns and come outside." At first he didn't believe I was out there. He said, "You're not out there." I said, yes I am, I'm down at the [REDACTED] And he's really surprised I was there and.. and I just kept trying.. to plead with him to put the guns down and... he kept...

Q: And what was he saying?

A: He kept saying, "Oh, I can't do that, I can't do", and he would say like.. I said, "[REDACTED] you're, you're just gonna get hurt, that's gonna have..., well, that's what I want to happen, I want them to shoot me.

Q: Okay, did he.. indicate to you, that he knew they were cops outside?

A: Yeah. I'm pretty sure at that time, but by the time I got.. he knew they were out there.

Q: Okay.

A: So that's what I.. that's the impression I got...

Q: What did he say about the cops?

A: He really didn't say anything about the cops, he just kept repeating that he wanted them to shoot him and...

Q: (inaudible)...

A: ...yeah, I said, "You're gonna get shot, you're gonna get yourself killed", and he said, "That's what I want. And I wanna die." And.. and uh.. throughout this time I.. I think I called him back and he kept hanging up on me. And I dialed.. I think probably a.. four or five times, I can't.. remember exactly and I just real.. I really.. tried to talk him out of it and eh.. he just wouldn't an.. listen to me at all. And I could tell he'd.. sounds like he had been drinking pretty heavily, you know, he was slurring his words and.. he was.. wasn't making much sense and.. and every once a while you'd heard a gun shot; so, I think he was just..

shooting the gun off. Cause we heard quite a few shots.. when we.. cause we.. you know, after.. the first time.. the few times I talk to him and came back and we heard a few shots and.. the officers informed me that was him shooting.. inside.

Q: Mmhm.

A: So...

Q: Did he say anything about trying to shoot the officers?

A: No, he didn't.. he did.. he didn't mention anything about that...

Q: Mmhm...

A: ...he.. made it sound like.. but he.. excuse.. he.. I think one time he even said that.. they're gonna have to come in and get me or something like that. So, but he says that.. I say, you're just gonna.. you gonna just going end up gettin' yourself killed and he said, "Well, that's what I want", he says, "You know, I want them to kill me." So.. and then finally.. one of the officers.. this had been going on for a while and we.. so, heard more shots and things.. and [REDACTED].. [REDACTED] went and called.. called him...

[REDACTED]: Mmhm.

A: She.. after that, she went up and called...

[REDACTED] Well, [REDACTED] was awfully upset and I.. and I went back in and I didn't.. think he was thinking of uh.. of his family, I thought he was.. being selfish and I thought I should tell him that.. you.. should think about what he was doing.. and then.. you know, his own problems and.. he was young and that.. I don't know why I thought I could help, but.. I thought I could and.. he obviously was beyond any kind of.. comprehension, at that point and he said, he'd been shot, he kept saying, "Oh, I'm shot and I hurt, I'm shot, I just want you to know, I've been blankety, blank and shot and it hurts and that's all he could say and.. so I just hung up. So...

Q: Did he say that he knew who had shot him?

[REDACTED] Uhm...

A: Uhm.. the final point.. finally after this happened a little bit later.. we heard some more, you know, a few more shots, I don't.. I really can't say any.. I say.. we heard at least probably.. about fifteen shots all together, I'm not sure. And.. the officer said that we had.. we're.. you know, I.. I get.. kind a hear them yelling at him and.. I could hear.. hear him yelling something, couldn't hear what,

I could tell it was his voice and.. they.. they said, we.. we've got him talking to us, why don't you go try the calling him, see if you can.. talk to him again. And.. so I go in and I use their phone again.. and he answers the phone and.. and it was the same old thing, I said, "██████ you're gonna have to come out, you know, please put down your gun", uhm.. he started saying uhm.. I just can't do that, I just can't do.. he quit saying that.. I wanna be killed and he's asking.. but, if he.. it sounded like he went to hang up the phone and right when I heard that, he hang the phone.. I heard.. like gun shots and over the phone, I could hear some gun shots and glass breaking and it sou.. it sounds like he went to.. hang up the phone and he dropped the phone.. and, and I heard him scream, lie aahh.. like, like he was hurt or something and then...

Q: Mmhm...

A: ...and then the phone just went dead. I tried calling back and it was busy. So, after that.. I tried calling back like three times and its busy, so that's when I came out...

Q: Mmhm.

A: ...then after that, it seem to be pretty much over with. I heard 'em.. even about five minutes later, they said we got, we have him covered and then.. a couple minutes later, they said, we have him cuffed and that's when everybody went in.

Q: Mmhm. Uh.. when you first.. heard the officers trying to communicate with him, can you exc.. remember exactly what they were saying?

A: They were saying.. ████████, put out.. put down the gun and come out, with your hands up or something like that, to that effect; but...

Q: Mmhm...

A: ...they kept saying, ████████ put the gun down, so...

Q: Did they say that a lot?

A: They said that a.. quite a few times, I would say, a probably.. five or ten times, that I heard.

Q: Okay. Did you feel that.. that he should've of known that they were cops out there, then when they wanted him to come out?

A: Oh, definitely, definitely.

Q: Okay.

A: Well.. I.. I think that.. I think they even said.. mentioned something.. that they were the police, I can't exactly remember what they said, but I remember them mentioning that they were the.. you know, the police, that type of thing.

Q: Mhm. Mhm.

A: You know, so.. I can't remember word for word, but.. you know.. I.. he.. he knew, he had to of known that they were policemen out there...

■ Well, he shut off the lights...

A: Yeah, and he.. and yeah, and after.. when we first got there.. after calling.. you know, getting over there.. he turned out the lights...

Q: Oh, he did...

A: ...except for the porch lights, so.. I think.. from what I could tell from out there.. it was dark.. I don't know about the other lights in the other rooms, cause I couldn't see 'em, cause they were on the other side of the house...

Q: Mhm. Okay. What have been some of his problems that would.. lead him to do this?

A: Mmm.. I don't know.. he's just been one of these types of people that's.. he doesn't think of.. the consequences of the.. of his actions type person and.. it's just.. he's, he's uhm.. you know, he didn't real.. do very well in school, he dropped out of school and.. I assume he.. he's.. well he's even admitted that he's had different types of problems with drugs.., that type of thing and.. I know he drinks pretty heavily.. at times and he seems to be one of these type of people that get.. very violent when he's drunk...

Q: Mhm...

A: ...(inaudible), and.. we went through the, you know, the basic things of.. you know, my parents.. you know, he just.. he's stole money from us and.. you know, like and like I said before, he broke in the house a couple of times and he's just basically.. basically just warmed out his welcome at home and it's like.. and we've always let him know.. that we're there.. you know, if he wants somebody to talk or..

Q: Mhm...

A: ...do something with, or something like that, but we.. we basically cut him off, we say we're not going to give you any money, that type of thing.

Q: Mhm.

A: And is what's really strange is that.. Sunday, the day before, he called me at work and wanted to borrow twenty dollars from me.

Q: Mhm.

A: And I told him, no, and he was very adamant about borrowing and I said, no, I'm sorry I can't do that. And he said, well, it was worth a try and then I find out.. did that.. afternoon?

█: (inaudible).

A: I guess it was Monday morning, I found out that he had borrowed.. twenty dollars from my grandmother, that she had lend him some money.

Q: Mhm.

A: And so.. and then he called me.. the same the day that this happened, he called me about.. three, I had just got home about three o'clock.. started telling me.. asking for some advise about a job or something.. about.. he said he had been working for some guy under the table and.. and whether he should.. get a job, he was seen with █ (inaudible) with uhm.. over the table and I told him that's what he should do, that type of thing and he said, oh, I'll call you back and let you know how it went. Well, he called back and said, he had told.. his bosses and.. he.. who's name he said was █ I don't know his last name. Said that he'd told them, that.. he was gonna go ahead and.. go to the.. you know, go for an interview at this other job...

Q: Mhm...

A: ...and he said, I just want a let you know and that was the last time I heard from him.

Q: Mhm.

A: And then.. you know, it was like at nine o'clock, that's when that girl called, letting me know what was going on, so.

Q: Do you have the feeling that girl was in the house, at that time?

A: Yes.., uhm.. no, she, she.. J.. I don't, I don't know if she, she, she said, she had been over there. So.. I, at first, I thought maybe she had dropped him off or something like that. Later, after I got home, he had, he had left us a number for a message when he called, to borrow money, the other day.. and I called that number, after I got back.. and it was that.. █ name.

Q: It was.

A: And I asked her.. and she said, she told me that.. she had.. uhm.. he had called her up and said, to come over to his parent's house and she went over there. And that's when she saw that he had the guns and everything and she said there was some other guy named, [REDACTED] that she didn't.. have any idea who it was, I don't know if you.. heard anything about that, but.. the guy seem to be pretty scared, cause [REDACTED] waving guns around and that kind of thing, so.. uhm.. so, finally she left and.. she said she called, that's when she called me, as soon as she got back, she said...

Q: Mhm.

A: ...she called me right away. And that's.. and then she said she also tried to call him a couple more times, you know, and that's, you know, and she was the one who suggested, she said, you better call the police, you know,...

Q: Mhm.

A: ...there's something wrong with him.

Q: Did you give [REDACTED] phone number to any of the officers at the scene?

A: No, I didn't, I didn't have it at the time, see and I didn't realize that phone number was her number until I got back home.

Q: Do you have that number with you now?

A: Do you know it?

[REDACTED] [REDACTED]. But, she called.. the house...

A: Yeah, she said, she said she called...

[REDACTED]: ...and talked to an officer.

A: ...the.. house and talked to an officer.

Q: Yeah, I.. I..

A: Okay...

Q: ...recall that one of the officers talked to her, I.. of course, haven't got all the reports...

A: Yeah...

Q: ...in yet.

A: ...yeah, she said they were gonna to have her come down today and get a statement or something to...

Q: So, uh.. and, but you don't know what relation she was to him?

A: I have a feeling that.. he had been kind a dating her or seeing her off and on; and that she was.. she, she's the one that he'd been living with, up until a couple a weeks ago.

Q: Okay, do you know a [REDACTED] uh.. [REDACTED] From Avalon Street?

A: No, but.. I think.. he had been living there, on and off, I think. Is that out in Ridgewood, I think?

Q: Mhm.

A: Yeah. He'd.. he'd mentioned.. something about living out in Ridgewood there for a while, but I'd never heard that name before.

Q: Do you have any idea why he would want to die?

A: I don't know, he just.. well, he said.. I think as he said, he kept mention something like, I'm in a lot of trouble and that type of thing, you know, and he, and he kind a said he had nothing to live for, you know, I's.. I had screwed up my life, that basically.. that type of thing. Uhm...

Q: How long before this incident, did he tell you that?

A: That was, that was the first.. that night was the first time that he really said that.

Q: Oh...

A: I mean, one time.. he told my parents that he tried to [REDACTED] [REDACTED] and, but.. he couldn't do it. But, that's the last thing he had, he had a friend really close to him, [REDACTED] [REDACTED]...

Q: Mhm...

A: ...a couple of years ago, I don't know if you know who [REDACTED] [REDACTED] was? But, it happened that.. it was a really close friend of his and I think that.. he said that.. the time that he said he tried to [REDACTED] [REDACTED], he couldn't do it because he thought of what it did to [REDACTED] [REDACTED]'s family.

Q: Mhm.

A: So.. but that's, those are really the only two times he's ever.. really ever talked to it.

Q: Mmm...

A: But.. you know, the.. yesterday when he talked to me.. on the phone, he was really apologetic for asking me for money and.. he says, I know I've screwed up and all this kind of stuff and.. it was, it was, it was weird now, you know, now that I think about, it's almost like he was.. trying to ask for.. forgiveness, forgiveness...

Q: Mhm...

A: ...type thing. It was.. really strange.

Q: Mhm.

A: You know and.. I know, it just doesn't get like me with an odd feeling and then.. to get that call and.. have this happen.

Q: Mhm.

A: But I.. and another thing too, is that I realize.. also, after I talked to my father.. that.. the den.. the den door, where guns are kept.. my Dad said he had, had that locked. And that you knew, the officer said that he'd, you guys showed me that he had undone that from the inside. And so he'd been, obviously, been in there before.. about eleven-thirty that morning, because when we went over there; we went over there about eleven-thirty or twelve to feed the cat and she noticed that.. the.. den door was open, so.. she talked to her, she thought that was strange, but.. you know, I noticed it was opened too, but then she mentioned later that it was kind of strange that my Dad wouldn't lock the door and it didn't dawn on me that.. he would've locked it and I.. I didn't notice...

Q: (inaudible)...

A: ...that it was not.. locked earlier when I'd get over there in the week.

Q: When your Dad uh.. when you finally got a hold of your Dad, what did he say about your brother being in the house?

A: He told me, he says uhm.. well, I told him that they want.. him to call and he said, well, you.. I'll, I'll.. I'll call them back.. and I'll tell them that he's not to be in the house. So.. he.. was definitely.. guess.. he was.. he said.. you, you call 9-1-1; I said, I already have.

Q: Okay. And did you become aware.. at all after that situation that your Dad did actually call the uh.. Sheriff's Office?

A: Yes. One of the guys said.. I think one of the Sheriff's Department...

■ Said your Dad on his way...

A: ...yeah, said my Dad's on the way...

■ They said...

A: ...they said, yeah.

Q: Okay.

A: Yeah.

Q: So they knew that they got to...

A: Yeah...

Q: ...him, okay. Any thing that I haven't asked you, either one of you, that you thinks important for me to know? I'm on.. obviously interested in knowing what would want him to ■■■■■ ■■■■■ in this way, what would, what would draw him to do it.. and uh.. anything else that you could remember that the officers said to him?

A: That's basically, you know, I.. that.. you know, the officers that were doing the talking, were on the other side of the house,...

Q: Mhm....

A: ...behind the house.

Q: Were they talking loud enough, that you could hear them?

A: I could, I could hear 'em say, "■■■■■ put the gun down and come out", that's...

Q: Okay...

A: ...basic what they kept saying, ■■■■■ put the gun down, I kept hearin' them say that.

■: They said it loud...

A: Yeah,...

■ ...a lot of...

A: ...lot of times.

■: I mean,...

Q: This is before the shooting started?

A: Well...

■ No...

A: ...he.. well, the shooting.. he'd been shooting on and off, the whole time.

Q: Mmhm...

A: You know, I'd say quite a few times.

Q: How many rounds do you think he fired, before the volley, the first volley of rounds?

■ Probably five, maybe four...

A: Yeah. See, and I.. I really couldn't tell which.. you known, if you guys were shoot.. if, if they were shooting at him or he was shooting at them or what.

Q: Mmhm.

A: So I wasn't sure. So.. and ■ said that she.. they all sound the same to me, but.. she said towards the end.. she heard two shots.. that sounded like they were a larger caliber.

■ Yeah. And shot off and out.

A: Yeah...

■ Not much.. that might've been the officers outside, which maybe what it sounded (inaudible)...

A: Yeah.

■ ...too, I don't know, but...

Q: Okay.

A: And those were...

Q: (inaudible)...

A: ...two of the last shots that we heard, too, I think.

L: Mmhm.

A: So, but.. those, so.. the last shots I heard, I think were on.. was when.. I was on the phone.. talking to him. So.. I didn't.. so after that, I don't think I heard anymore shots.

Q: Uh.. do you have standing in the house, you have a keys...

A: Oh yeah, I have...

Q: ...you're allowed in and out (inaudible)...

A: ...a key...

Q: ...uh...

A: ...yes.

Q: Uh.. did you uh.. have any problem with the officers going in and.. doing an investigation there...

A: No.

Q: ...(inaudible)...

A: No.

Q: Okay.

A: No, they just let me know that.. and I.. you know, I.. let him use the key.. to get in the front door, so they get the stretcher in and everything and.. and they said that you're gonna have to.. way out, cause this is a crime scene and we have tah...

Q: Mhm...

A: ...you know, they said, be in after, re-create what happen...

Q: Yeah...

A: ...that type of thing, so.

Q: Okay. And [REDACTED].. anything else you have to say?

[REDACTED] Well.. we might mention that.. that neighbor lady came over today and said that.. her name was [REDACTED].. it's [REDACTED]. [REDACTED]...

A: Oh yeah...

[REDACTED]: ...and she said that she saw [REDACTED] jump the fence about five o'clock.. yesterday.

A: Yesterday, yeah.

[REDACTED] So.. he apparently had been in the house and called us from there in the after...

A: Yeah, that's.. yeah, he called...

[REDACTED] (inaudible)...

A: ...me about six o'clock and I.. I assumed he called us from there. I didn't think so, at the time.. but now that she,

you know, I knew he was in the house before...

Q: Okay, and she saw...

A: ...earlier....

Q: ...him jump the fence, is the fence in the back?

A: Right.

Q: Kind a tall fence?

A: Yeah.

█ Next to the driveway.

A: Mhm.

Q: Okay and where does Mrs. █ live?

A: She lives.. okay, looking towards the front of our house, there's a house in the front, she lives in the.. little house in the back that's connected to a trailer.

Q: Okay.

A: So on that little lane.

Q: Anything else.. from either one of you?

A: That's about all I can...

Q: Lin...

A: ...think of.

Q: Okay, we'll terminate the statement then, it's uh.. 1330 hours, uh.. Tuesday, 1-29-91.

GH: █
1-30-91, 1430 hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

SUPPLEMENTARY OFFENSE REPORT - TAPED STATEMENT

CASE NUMBER: 91-0568
INTERVIEWER: INVESTIGATOR LAWSON
STATEMENT OF: [REDACTED] [REDACTED] [REDACTED]
DATE & TIME: JANUARY 31, 1991,
SUBJECT: 245 PC/459 PC
LOCATION: DETECTIVE BUREAU (TELEPHONE INTERVIEW)

Q: This is Detective Lawson, can I help you?

A: Hi, this is [REDACTED] [REDACTED].

Q: Yes, I wanted to talk to you...

A: You called me earlier...

Q: Pardon me?

A: I was told that you called me earlier.

Q: Yeah. I wanted to talk to you about [REDACTED] [REDACTED].

A: Uh-huh.

Q: Um, from what I'm being told, I'm one of the investigators working on the shooting that took place the other night...

A: Uh-huh.

Q: And what I was told by Lieutenant Vulich is that you had called while we were there.

A: Uh-huh.

Q: And what I was told was that Lieutenant Vulich said you had called while we were there.

A: Yeah, I called.

Q: Yeah. And I just wanted to see what you could tell me, he, Lieutenant Vulich told me that you had been there uh,

earlier in the evening?

A: Yeah. I tried to make him leave the house.

Q: Could you just kinda tell me again what, what took place,
[REDACTED]

A: Okay, well, he was drinking really heavily, Black Velvet, and he was falling all over the place, and the music was blaring, so I turned the music down, and he had a rifle and a thirty-eight in the living room and they were loaded, so I unloaded them, and then he was gonna give me all the money that he had to take my friend's daughter to school, and so he emptied his pocket and it was full of bullets too, so I took those away from him, and then he had this really weird guy with him, "[REDACTED] I don't know his last name or anything, but, and so, then, [REDACTED] said I should leave to (inaudible) and I made him put the guns away and then I left, and then I called, went to [REDACTED] and I called, [REDACTED] um, [REDACTED] is his name, he goes by [REDACTED] I called his brother, and told him what was going on.

Q: I see. What, how long have you known [REDACTED]

A: Oh, let's see, my son is four, now, and I met him when he was, when my son was eight months old, so three years, a little over three years.

Q: Almost four years?

A: Yeah.

Q: Okay. Um, what time did, did you get over there that night?

A: I got home at nine o'clock.

Q: Okay, what time did you get over, did you go over to the house where he was at?

A: Oh, I'd say about a quarter after eight, eight-thirty.

Q: Okay, and he was already drunk?

A: Yes.

Q: And he was drinking Black Velvet, you said?

A: Yep.

Q: Was he mixing it with anything?

A: Coke.

Q: Coke? Um, do you know when he went into the house?

A: He called me at five-thirty, six o'clock, and he was there then.

Q: Okay. You don't know how long he'd been in the house up until that point?

A: No, I don't.

Q: Do you know [REDACTED] last name?

A: I had never seen him before until that night.

Q: Was he...

A: He told me that [REDACTED] met him on the way back from the store.

Q: [REDACTED]

A: Uh-huh.

Q: Okay. Um, do you know, uh, so you don't know how he got into the house, do ya?

A: Through the sliding glass door.

Q: Through the sliding glass door? How do you know that?

A: That's what he said.

Q: Okay, that's what he told you?

A: Yeah.

Q: Okay. And you saw only one rifle, and one handgun then, when you were there?

A: Yeah.

Q: Okay. And you're sure it was a rifle, or could it've been a shotgun?

A: Well, I guess it could've been a shotgun. Yeah, it had two barrels.

Q: Two barrels?

A: Yeah.

Q: Okay. And they were loaded?

A: Yep.

Q: Did you unload them, you said?

A: Uh-huh.

Q: The shotgun, too?

A: Yep.

Q: What'd you do with it after you unloaded it?

A: I put it back on the floor where he had it.

Q: Okay. And what about the handgun?

A: I did the same thing with that. I just put it back down.

Q: Okay.

A: And then he, I told him, I asked him to put it away and he went in the room where they were at and put them away but he goes, if, I said, "If you don't put them away I'm just gonna hide 'em from you," and he said, "Well, go ahead and do it, I have seventeen more to play with."

Q: Okay. Was he doing any drugs that you know of that day?

A: No. As far as I know he doesn't even do any.

Q: Okay. Now he called you from that house around five or five-thirty?

A: No. Five-thirty or six. Because I was just getting ready to wash dishes for dinner.

Q: Did he ask you to come over?

A: Yes.

Q: Okay, and then you just went over there?

A: Well, I wasn't planning on it.

Q: Uh-huh.

A: We were in the area, and so I wanted to stop by and see how bad his house was, 'cause I didn't want anything to happen to the house.

Q: Okay. And you say we, who do you mean "we?"

A: [REDACTED], was with me. But she stayed out in the van. She didn't come in.

Q: Oh. How long were you there?

A: Ten minutes. Maybe.

Q: Okay. Um, But he, he told you that he got in through the sliding glass door?

A: Yeah.

Q: Okay. I'm trying to think of anything so I don't, you know, we don't have to go through this again. I need your full name, [REDACTED].

A: [REDACTED] [REDACTED] [REDACTED].

Q: Spell your middle name.

A: [REDACTED]

Q: Spell your last name for me.

A: [REDACTED]

Q: How old are you, [REDACTED]

A: Twenty-three.

Q: And your birthdate, please?

A: [REDACTED] [REDACTED] [REDACTED].

Q: Okay. I think I have, no I don't your address, what is your address?

A: [REDACTED] [REDACTED] King Salmon Avenue, Number [REDACTED].

Q: Okay. That's in King Salmon?

A: Yeah.

Q: Are you working somewhere, do you...

A: No, I'm not.

Q: Okay. So let me see if I got this right, then, and you can get off the phone, about five-thirty or six he called you, wanted you to come over, and you didn't go, but you're in the area, so you decided to stop and see what the condition of the house was?

A: Yes.

Q: What made you think that the condition of the house was bad?

A: Because I know how he is when he's drunk. He likes violence when he gets drunk.

Q: How do you know that?

A: I lived with him.

Q: Oh, alright. Alright.

A: Yeah, he didn't have any other place to go when my four-year old was a baby, so he stayed with us...

Q: And it wasn't real pleasant, huh?

A: No.

Q: When was the last time you saw him before that night?

A: Um, that morning.

Q: That morning. Where did you see him?

A: At [REDACTED].

Q: At [REDACTED]. What's [REDACTED]?

A: [REDACTED], the people I live with, [REDACTED] [REDACTED].

Q: Can you spell the last name?

A: [REDACTED].

Q: Oh, [REDACTED], I'm sorry. Okay. He was over at [REDACTED] you said.

A: Yeah.

Q: How was he getting around? Did he have a car?

A: Nope.

Q: He was walking?

A: Yep.

Q: Do you, when did he leave [REDACTED] then?

A: Um, early that morning. They went to Eureka for something, I think it was, yeah, we took him into Eureka, and dropped him off.

Q: Okay. Where'd you drop him off at?

A: Was it Monday that happened? Or was it on a weekend? I don't even remember what day it was.

Q: I, you know, I don't either. The twenty-ninth.

A: Okay. So yeah, we dropped him off at unemployment.

Q: Okay. And then later on he called you?

A: Yeah.

Q: And, when you got there he was already intoxicated?

A: Oh, big time.

Q: How do you know he was drinking Black Velvet?

A: Because it was sitting on the table with the lid off.

Q: The kitchen table?

A: No, the dining, in the dining room area.

Q: By the dining table?

A: Yeah.

Q: That big oak table that's in there?

A: Yeah.

Q: Okay.

A: And there was a can of coke open, sitting there.

Q: Okay.

A: And he opened the bar, and I asked him not to drink, and he opened the bar, and he goes, "Well I have all this to drink too," and then he fell back against it, and...

Q: Did he discharge any of those guns while you were in there?

A: No.

Q: Okay. And you, he had bullets in his pocket, you said?

A: Uh-huh.

Q: How did you know he had bullets in his pocket?

A: Because, um, he had about three dollars in change in his pocket, and I asked him if I could have it, and so he pulled everything out of his pocket, and it ran all over the dining room table, and his, pocket was full of bullets, too.

Q: And you say, was he sitting in the living room or the dining room by the table when you were there?

A: When I got there he was in the living room.

Q: Alright. And that's where you last saw the guns, was in the

living room?

A: Uh-huh.

Q: Okay. Did you go in any other portion of the house?

A: No.

Q: Part of the house? Okay. I don't think that we, so you left about ten minutes later, when you left [REDACTED] was still with him, and he was drunk...

A: Uh-huh. And then I called, after I called [REDACTED] [REDACTED]'s brother, I called him, and then I called to find out what they were doing, and [REDACTED] had the gun to [REDACTED] head.

Q: Who told you that?

A: [REDACTED] did. I talked to [REDACTED] on the phone.

Q: Do you have his phone number?

A: No, I don't. I've never seen him before in my life.

Q: You mean in the house, he had...

A: In the house.

Q: What time did you call?

A: Oh, about nine-thirty. It was just before [REDACTED] got there. Right before you officers got there, whoever got there first.

Q: Okay. Alright. I think [REDACTED] got there first, er, is that his name?

A: [REDACTED] wasn't there then.

Q: [REDACTED] wasn't there?

A: No. I'd asked [REDACTED] and [REDACTED] said that [REDACTED] was there by himself when he got there.

Q: Okay.

A: And then [REDACTED] hung the phone up, when I was talking to [REDACTED] and so I called back, and I asked [REDACTED] what he was doing and he said he was gonna kill him, and then [REDACTED] said, "I'm leaving," and [REDACTED] told him, I could hear [REDACTED] telling him that if [REDACTED] walked out the door he'd be dead before he got to the door.

Q: Okay. Now, what time was, was that you called?

A: Oh, it was about twenty after nine, nine-thirty.

Q: Okay. Between nine-twenty and nine-thirty, and who answered the phone, [REDACTED]?

A: [REDACTED] did, and I asked him if I could to [REDACTED] because [REDACTED] was sober.

Q: Yeah, okay. And you did, what did, you never met [REDACTED] before?

A: No.

Q: Can you describe him for me?

A: About six-two, real short hair, kinda dish-water blonde.

Q: Okay. Uh, white guy?

A: Yep.

Q: About how old?

A: Oh, twenty-five, twenty-six.

Q: Okay. Middle twenties?

A: Yeah.

Q: Okay. What was he wearing?

A: Um, jeans, and a blue jacket with red on, right by the shoulders.

Q: Okay. [REDACTED] if I need anything else, I'll give you a call. I think this'll probably cover it. Thank you very much for calling me back.

A: No problem.

Q: Bye-bye.

A: Bye.