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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

GRAND JURY No. 3 PROCEEDINGS

Case No. 102

Conducted by:

Todd Jackson, Deputy District Attorney

- - -

June 3, 2019

- - -

(3:36:30)

- - -

DA Case Nos. 2403060-1 and 2403060-2

PPB Cse No. 19-138195

Katie Bradford, CSR 90-0148
Court Reporter
Portland, Oregon
(503) 267-5112

Proceedings recorded on digital audio recording;
transcript provided by Certified Shorthand Reporter.

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1 Death Investigation
2 Deceased: Jeb Collin Brock
3 Incident Date: 4-29-19
4 Incident Location: 13136 Southeast Center Street
5 Portland, Oregon
6 DA Case Nos. 2403060-1 and 2403060-2
7 PPB Cse No. 19-138195
8 Grand Jury No. 3, Case No. 102

9 * * *

10 (Volume 2, Monday, June 3, 2019, 10:38 a.m.)

11 P R O C E E D I N G S

12 (Whereupon, the following proceedings were
13 held before Grand Jury No. 3:)

14 MR. JACKSON: Okay. We're on the record.

15 I am Deputy District Attorney Todd Jackson.
16 We're appearing before Grand Jury No. 3. This is
17 Grand Jury Case No. 102 for DA Case Nos. 2403060-1 and
18 -2, the death investigation following the use of
19 firearms by police which caused the death of
20 Mr. Jeb Brock on April 29th, 2019 in the City of
21 Portland.

22 This is Day 2 of the presentation. We'll
23 start with our first witness, Dr. Michele
24 Stauffenberg.

25 If you could stand right here and raise your

Examination of Michele Taylor Stauffenberg

1 right hand.

2 **MICHELE TAYLOR STAUFFENBERG**

3 Was thereupon called as a witness; and, having been
4 first duly sworn, was examined and testified as follows:

5 EXAMINATION

6 BY MR. JACKSON:

7 Q You can have a seat.

8 Could you please --

9 A All right.

10 Q -- state and spell your name.

11 A Michele Taylor Stauffenberg, M-i-c-h-e-l-e,
12 T-a-y-l-o-r, S-t-a-u-f-f-e-n-b-e-r-g.

13 Q Okay. Doctor, what is your occupation?

14 A I am a deputy state medical examiner
15 for Oregon.

16 Q And what does that mean?

17 A That means that I'm a -- a medical examiner,
18 a forensic pathologist. I'm a medical doctor who
19 performs autopsies in order to determine the cause and
20 manner of death in cases that are sudden or unexpected
21 or due to trauma, poisoning or other injuries.

22 Q And how do you become a forensic
23 pathologist?

24 A Well, it requires medical school because a
25 medical examiner is a medical doctor. That's followed

Examination of Michele Taylor Stauffenberg

1 by training in pathology as a specialty and then
2 subspecialty training in forensic pathology.

3 So in the pathology residency, we learn all
4 the different things that a pathologist does and then
5 we can spend an extra year beyond our training
6 learning to be a forensic pathologist.

7 Q And what is your educational background?

8 A I have a bachelor of science degree from the
9 University of Texas at Dallas. I graduated in 1992
10 summa cum laude and then I attended medical school at
11 University of Texas Southwestern Medical School in
12 Dallas. And I graduated in 1996 with my MD degree.

13 I trained in pathology also in Dallas at
14 Parkland Hospital and that was a five-year residency.
15 And then I moved to Georgia and trained for a year
16 in forensic pathology at the Fulton County Medical
17 Examiner's Office.

18 Q And how many years have you actually been
19 practicing medicine as a forensic pathologist?

20 A I finished my training in 2002, so I've been
21 a forensic pathologist ever since then.

22 Q And was that in Oregon or in Georgia or in
23 other places as well?

24 A It's mostly in Georgia. I worked full time
25 at the Fulton County Medical Examiner's Office until

Examination of Michele Taylor Stauffenberg

1 -- when did I leave there? -- 2016. And then from
2 2016 to 2017, I also worked in the neighboring county
3 in Georgia and I also did some part-time work in
4 Lubbock, Texas.

5 I moved here in November of 2017 and I've
6 worked at this office -- it's over in Clackamas --
7 ever since 2017.

8 Q And what is the office in Clackamas -- what
9 are their responsibilities in terms of forensic
10 pathology and autopsy performance?

11 A Part of that building is the State Medical
12 Examiner's Office. And so cases that would fall under
13 the medical examiner's jurisdiction that need an
14 examination, such as an autopsy or an external
15 examination or blood drawn for toxicology testing, are
16 brought to that office so that a medical doctor
17 trained in forensic pathology can do that examination.

18 Q Okay. And how many -- just estimate, how
19 many autopsies have you performed in your career?

20 A Oh, I can give you a number. I've performed
21 personally 3,885 autopsies and external examinations.
22 And I've also supervised 1,189 exams performed by
23 residents and students.

24 Q Have you testified in court in your capacity
25 as a forensic pathologist in the past?

Examination of Michele Taylor Stauffenberg

1 A Yes, I have.

2 Q And approximately how many times have you
3 done that?

4 A 224.

5 Q Okay. Turning now to this case --

6 A Mm-hmm.

7 Q -- did you perform an autopsy on the body of
8 Jeb Brock on May 1st of 2019?

9 A Yes, I did.

10 Q And where was that autopsy performed?

11 A That was performed at our office in
12 Clackamas.

13 Q Who was present for the autopsy?

14 A Well, you, for one. Let's see, who else
15 have we got? We have Detectives Vince Cui, Travis Law
16 and Kelly Van Blokland of the Portland Police Bureau
17 and Todd Jackson of the Multnomah County District
18 Attorney's Office.

19 Q And what was the purpose of performing an
20 autopsy in this case?

21 A In this case, it's to document the cause and
22 manner of death as well as -- as detailed an
23 examination of the injuries of the body as we can get.

24 Q And would it be standard procedure following
25 an officer-involved shooting that an autopsy would

Examination of Michele Taylor Stauffenberg

1 be conducted?

2 A Yes.

3 Q And why is that?

4 A Well, for one thing, if a person dies
5 because they've been shot by another person, whether
6 it's a police officer or somebody else, our office
7 will perform an examination, usually an autopsy, in
8 order to document those details of the wounds. So
9 this would've been done whether it was a police
10 officer or somebody else.

11 Q You mentioned some terms, cause and manner
12 of death, that you determine in the course of your
13 professional duties. Can you explain what those
14 terms mean?

15 A Yes, I'll start with cause of death. Cause
16 of death is whatever condition or event, such as an
17 injury, starts the fatal chain of events. So it's not
18 the last thing, it's the first thing. So in this
19 case, if somebody is shot, then their cause of death
20 would be gunshot wound.

21 Manner of death is a -- a description of the
22 circumstances that resulted in death. And for that,
23 we get a choice of five different categories. We can
24 call it homicide if death was caused by another
25 person; suicide if death was caused by the person

Examination of Michele Taylor Stauffenberg

1 themselves; accident if it's due to accidental means;
2 and natural if it's due to natural causes.

3 But sometimes we can't neatly fit it into
4 one of those four categories and so we can also use
5 undetermined.

6 Q Okay. And, in this case, after you
7 performed the autopsy on Jeb Brock, did you reach a
8 conclusion about the cause and manner of death?

9 A Yes, I did.

10 Q What was it?

11 A The cause of death is gunshot wounds of head
12 and chest and the manner of death is homicide.

13 Q And is your finding of homicide as the
14 manner of death a legal conclusion under the criminal
15 law?

16 A No. It doesn't necessarily have anything to
17 do with -- with the law or with charging anybody for
18 anything. Homicide, for our purposes, just means that
19 the gunshot was fired by another person, not by the
20 decedent, himself. So, in this case, the gunshot was
21 fired by a police officer.

22 Q Okay. Turning now to the actual examination
23 you performed, did you measure the height and weight
24 of the deceased?

25 A Yes, I did. He was 74-and-one-half inches

Examination of Michele Taylor Stauffenberg

1 in length. That means six feet, two-and-a-half
2 inches. And he weighed 193 pounds.

3 Q And could you kind of take us through some
4 of the standard procedures that you'll go through when
5 you conduct an autopsy?

6 A Yes. An autopsy starts when I first view
7 the body, so we'll open the body bag and I get a
8 chance to look at what's the body wearing, how is he
9 positioned, can I see any injuries as he lies here.

10 We have photography done at the time, so
11 there will be pictures of what the body looks like
12 when -- when I first see it. And then I look at any
13 clothing that's on the body to see if there are any
14 holes. I look at the skin once the clothing is
15 removed to see if those holes match up with wounds on
16 the body.

17 Another thing I'm looking for with clothing
18 is sometimes there's soot or gunpowder that gets
19 deposited on the clothing, which would indicate how
20 far away the gun is when it was fired. I can also
21 look for those things on the skin.

22 Once I've got the body undressed and I've
23 examined it before washing, I'll wash the body and get
24 a really good look at all surfaces of the skin to see
25 if there are any injuries I can document.

Examination of Michele Taylor Stauffenberg

1 And then the body is opened. We use a
2 Y-shaped incision that allows -- allows me to see all
3 of the organs. And then they're removed so that I can
4 look at each one. And I'm looking for any evidence of
5 an injury or an abnormality or a blood collection that
6 would indicate the cause of death.

7 Q All right. And, in this case, could you
8 take us through -- well, did you follow those
9 procedures in this case?

10 A Yes.

11 Q And could you take us through your findings?

12 A Yes. Looking at his clothing, he was
13 wearing -- let's see. He has a -- a T-shirt that's
14 arranged on the torso and the shoulders and there was
15 a hole in the -- roughly the center of the -- the
16 chest of the shirt. And that more or less
17 corresponded to a wound on his chest.

18 He was wearing a black-and-white bandanna
19 around his neck. His hands were covered with paper
20 bags in order to protect evidence. He had on a pair
21 of dark-olive slacks with the button fastened at the
22 waist, but the zipper was opened. He had a belt
23 through the belt loops and the belt was opened.

24 He had a book of matches, a black cigarette
25 lighter and some coins in the pockets of his pants;

Examination of Michele Taylor Stauffenberg

1 also a bus pad -- a bus pass. He has a pair of
2 bright-blue boxer briefs underneath his -- his pants
3 and three socks on his feet, two on the right and one
4 on the left.

5 He also had an ankle monitor around his
6 ankle. And that's it. That's where -- that's it for
7 his clothing.

8 Q Okay. And once you removed the clothing,
9 did you examine the body and then ultimately wash the
10 body and examine it again?

11 A Yes. I examined the body, looked for any
12 injuries. I always like to look at it first before I
13 wash it in case there is soot on the skin 'cause I
14 don't want to wash that off inadvertently and miss it.
15 But there was nothing to see, so I washed the -- the
16 rest of the blood off the body so that I could get a
17 good look at the skin and the wounds.

18 Q So there wasn't any of that soot or
19 gunpowder or anything like that that you were able to
20 see on the clothes or the skin prior to washing?

21 A That's right.

22 Q Okay. Once the body was washed, aside from
23 the wounds that we'll talk about in just a minute, was
24 there anything else unusual about it?

25 A Other than wounds, no.

Examination of Michele Taylor Stauffenberg

1 Q Okay. So then moving now to the wounds that
2 you documented, what did you find?

3 A Well, first of all, there were two gunshot
4 wounds. He had one gunshot wound that was on the left
5 side of his forehead. It was kind of a wide wound, a
6 big oval-shaped wound. It had a circular marking on
7 the side towards the middle.

8 And then out to the side, there were tears
9 that were going to the left. So it -- it kind of --
10 kind of looked like maybe a comet or something like
11 that, so round at one end and tears at the other end.

12 The wound on the head went through the skin
13 and into the skull. And it made a big enough hole
14 that I could see through the skull and see the brain
15 underneath.

16 Q And you're pointing on your forehead here,
17 but just for our record, where was that hole that
18 you've described actually located?

19 A It's on the left forehead, one and one-half
20 -- or, no. Three inches from the top of the head and
21 one-and-three-quarter inches left of the
22 anterior midline.

23 Q Okay. And is that another word for kind of
24 the center of the face?

25 A Yes.

Examination of Michele Taylor Stauffenberg

1 Q Yeah.

2 A Yes --

3 Q Okay.

4 A -- the midline of the face.

5 Q Okay. What else did you find?

6 A He also has a second gunshot wound on the
7 chest. The wound on the chest is on the right side a
8 little high on the chest. It goes through the skin of
9 the upper chest, upper-right chest, and it goes
10 through the chest cavity.

11 Both of these bullets ended up on the back
12 of the body. So on the head, we -- I could feel the
13 bullet on the back -- the left -- the left side of the
14 back of his head. The other one was about at the
15 level of the right shoulder blade.

16 Q After you identified those, what appeared to
17 be bullet injuries --

18 A Mm-hmm.

19 Q -- or gunshot wounds --

20 A Yes.

21 Q -- are you able to track the path of the
22 gunshot wound through the body?

23 A Yes. As part of the internal examination,
24 when I open up the -- the chest and do that part of
25 the examination, I was able to track that the bullet

Examination of Michele Taylor Stauffenberg

1 went through the second rib on the right.

2 It goes through the upper part of the right
3 lung and allows about 1500 milliliters of blood and
4 blood clot to accumulate in the right chest around the
5 lung. So picturing, say, a two-liter soda bottle,
6 this would be like one-and-one-half liters, so not
7 quite as much as would fill a two-liter soda bottle,
8 but less than that.

9 A person ordinarily has about five liters of
10 blood, period. So it's a pretty significant amount of
11 blood that's now in his chest instead of circulating
12 and carrying oxygen to all of his cells.

13 In opening his head to look at that track,
14 that track went through the brain and it was kind of
15 -- made kind of a shallow, superficial track through
16 the left side of the brain.

17 And it went through the skull in front right
18 under the entrance hole, went through the brain and
19 went through the skull in the back and came to rest
20 just behind the left ear. So I was able to see that
21 track as well.

22 Q And as you're looking at these tracks, are
23 you able to tell kind of trajectories of the bullet as
24 it travels through the body?

25 A I generally describe the -- describe this as

Examination of Michele Taylor Stauffenberg

1 a direction because I can't necessarily tell exactly
2 with precision how far left or right the bullet
3 travels. So it's, you know, left versus right, front
4 versus back, top versus bottom.

5 So, in this case, we've got a gunshot wound
6 to the head that's going front to back, it's going
7 downward and it's going slightly right to left. The
8 one on the chest is going also front to back, but it's
9 -- it has very little movement from side to side or up
10 or down. It's more or less straight from front to
11 back.

12 Q Okay. And those directions you've just
13 described, is that -- or are they listed presuming the
14 body is in a particular position?

15 A Yes. I -- I always describe those pathways
16 as if the person is standing in anatomic position, so
17 standing up with their feet together pointing forward,
18 their arms out to the sides with their thumbs pointing
19 out to the sides, their head facing front.

20 And so since most people don't stand in this
21 position to get shot, but I don't know what position
22 they're in, I have to use that as a frame of
23 reference.

24 Q Okay. So if, for example, someone was
25 laying down or moving around in a dynamic scene, those

Examination of Michele Taylor Stauffenberg

1 directions may not be accurate as to what actually
2 happened, but from an anatomically standing position,
3 that's how they would be described?

4 A That's correct.

5 Q Okay. What other wounds did you observe on
6 the body?

7 A Well, he had a -- a bruise on his left
8 thigh. This was a -- a big, round bruise that had an
9 abrasion on the surface of the skin. And the abrasion
10 was a circle. You know, it -- as if you take a -- a
11 narrow glass and twist it on the surface of the skin,
12 something that makes something round. So the middle
13 isn't filled in, just the edges. And so there's an
14 abrasion and there's a bruise.

15 Q That was on the left thigh?

16 A That was on the left thigh.

17 Q Were you able to see how far between the hip
18 and the knee it was? Was it more toward the knee or
19 more toward the hip?

20 A This was more towards the hip. It was --
21 let's see. I don't have a description of how far
22 up or down, but it was closer to the hip. It was
23 one-and-a-half inches in diameter and -- and that's
24 the entire bruise. And then the abrasion was
25 inside that.

Examination of Michele Taylor Stauffenberg

1 Q What other wounds, if any, did you observe?

2 A He has a number of very superficial cuts.
3 He has a whole group of superficial cuts on the right
4 side of his neck that all go this direction from upper
5 -- upper right to lower left. And then he has a group
6 of superficial cuts on the left side of his neck that
7 go from upper left to lower right.

8 He has some cuts on the front of both of his
9 arms, most of them very superficial. They're just
10 barely deep enough to draw blood and there's just a
11 little bit -- bit of blood oozing from those cuts, but
12 none of them is deep enough that he would die from
13 them.

14 Q Okay. And is that --

15 A GRAND JUROR: I'm sorry. Which arm?

16 THE WITNESS: Oh, both.

17 A GRAND JUROR: Both arms.

18 THE WITNESS: He's got -- he's got cuts on
19 both arms.

20 A GRAND JUROR: Thank you.

21 THE WITNESS: Yeah.

22 BY MR. JACKSON:

23 Q And is that what you mean when you use the
24 term "superficial" or does it have a different
25 meaning?

Examination of Michele Taylor Stauffenberg

1 A No. Superficial means it doesn't go very
2 deep into the skin. It would be very similar to a
3 scratch, if someone were scratched with something
4 sharp like a -- a rose thorn or something like that.
5 It looks a lot like that.

6 Q Were you able to tell anything about the
7 object or implement that would've caused those cuts as
8 you described?

9 A No. They looked like they were caused by a
10 sharp edge, so anything that would have a sharp edge
11 such as glass or a knife or something similar that has
12 a -- a cutting surface to it would be a potential
13 source of those injuries.

14 Q Kitchen knife?

15 A Sure.

16 Q Okay. So of the wounds that you just
17 described, were you able to identify which, if any,
18 were lethal?

19 A Yes. The two gunshot wounds are each
20 potentially lethal in and of themselves.

21 Q And can you tell anything about how quickly
22 he would have died as a result of those gunshot
23 wounds?

24 A That's often hard to say. With a -- a
25 gunshot wound to the head, that is a -- a potentially

Examination of Michele Taylor Stauffenberg

1 instantaneous or rapid death. Any damage to the brain
2 can bring about death very rapidly.

3 A -- a gunshot wound of the chest or
4 anything that makes a person bleed is going to take in
5 the neighborhood of minutes to bring about death. As
6 long as you've got a hole big enough for blood to get
7 out of it, it takes as long as it takes for the heart
8 to pump that much blood out of the circulation and
9 into that chest cavity.

10 Q And so I'm assuming because of the way
11 you've just described this that -- when you're talking
12 about the heart pumping the blood out, that would've
13 been the chest gunshot wound?

14 A Yes.

15 Q That that would've been occurring?

16 A Yes. The one in the -- in the chest,
17 there's damage to the lung. The lung has really large
18 blood vessels running through it and the entire
19 cardiac output has to go through the lungs, so half of
20 it in the right, half of it in the left. That's a lot
21 of blood. And so the -- when the heart pumps, then
22 blood's going to come out of that lung into the space
23 around it.

24 Q And while the body is pumping the blood out,
25 can it still function and move around?

Examination of Michele Taylor Stauffenberg

1 A Yes, potentially. As long as the brain's
2 not injured, a -- a person would be able to walk, talk
3 until they've lost enough blood that they would become
4 lethargic and pass out.

5 Q You said that process can take minutes
6 depending --

7 A It can take minutes, yes.

8 Q Okay.

9 A Mm-hmm.

10 Q In the course of conducting an autopsy, is
11 it common to take a sample of bodily fluid for drug
12 and alcohol testing?

13 A Yes. We typically take a blood sample and
14 we'll take urine if we can get it.

15 Q Okay. And was that done in this case?

16 A Yes.

17 Q What samples were obtained?

18 A Let's see. We were able to get blood and
19 urine and those were sent to the State Forensic
20 Laboratory for drug and alcohol testing.

21 Q Was that testing done?

22 A Yes.

23 Q What were the results?

24 A He had methamphetamine on board at
25 0.28 milligrams per liter. He had amphetamine, which

Examination of Michele Taylor Stauffenberg

1 is a metabolite of methamphetamine, less than
2 0.010 milligrams per liter. And he also had ethanol,
3 which is drinking alcohol. And that was at
4 13 milligrams per deciliter.

5 Q And what is the legal limit for alcohol
6 under that label?

7 A Under these units, the legal limit would be
8 80 milligrams per deciliter. So --

9 Q For driving?

10 A Right, for -- for driving.

11 Q Okay. You said that the amphetamine is a
12 metabolite of the methamphetamine. What -- what does
13 that mean?

14 A That means that as methamphetamine
15 circulates in the body, the body starts to break it
16 down. And so the first breakdown product is
17 amphetamine, which acts just like methamphetamine. So
18 even though it's not methamphetamine anymore, it still
19 does the same thing to the body.

20 MR. JACKSON: Okay. Doctor, those are the
21 questions that I have for you.

22 Do the grand jurors have any questions?

23 A GRAND JUROR: Could you translate a little
24 bit for a layman the -- the drug -- the -- the amount
25 of drugs in his system?

Examination of Michele Taylor Stauffenberg

1 THE WITNESS: Yes. The amount of
2 methamphetamine that was detected is an amount that
3 would be considered higher than nontoxic.

4 A GRAND JUROR: So it wasn't toxic?

5 THE WITNESS: It -- it's -- well, it's --
6 it's potentially toxic, yes.

7 A GRAND JUROR: So it's toxic. Relatively
8 high?

9 THE WITNESS: Yes. It's not necessarily
10 enough that I would look at that number and say, "Oh,
11 that's a drug overdose." But if I had no other
12 injuries and I had a methamphetamine level of .28,
13 then I would say, "Well, I haven't got anything else.
14 He probably died from the methamphetamine."

15 A GRAND JUROR: Okay.

16 A GRAND JUROR: What about the alcohol?

17 THE WITNESS: The alcohol is very low. This
18 is a -- a very small amount of alcohol.

19 MR. JACKSON: Are there any other questions?

20 I don't see any.

21 Okay. Thank you very much, Doctor.

22 A GRAND JUROR: Thank you --

23 THE WITNESS: All right.

24 A GRAND JUROR: -- Doctor.

25 MULTIPLE GRAND JURORS: Thank you.

Examination of Travis Gover

1 that they work as if, you know, they're designed from
2 the factory with -- looking for modifications or if
3 anything's broken.

4 We do what we call gunshot residue proximity
5 testing. So if there's shots that are fired in close
6 proximity to -- it could be clothing, could be an
7 inanimate object. We can do tests to try and
8 determine the -- the approximate range the test --
9 that the shot was fired from.

10 We also do what we do -- call comparison
11 work. So we examine fired bullets, fired cartridge
12 cases and try to identify if they've been fired from a
13 particular firearm or not.

14 We also do what we call serial number
15 restoration. If the serial number is obliterated from
16 a firearm or another object, we have chemical methods
17 as well as magnetic methods, we can try and restore
18 the serial number so we can read it and report it.

19 Q Okay. And how long have you been with the
20 Oregon State Crime Lab?

21 A I've been there for a little over 20 years.

22 Q And have you been in your current position
23 for that entire time?

24 A Almost 19, 19-and-a-half years of that has
25 been as a firearms examiner. I started off with our

Examination of Travis Gover

1 integrated ballistics identification system in the
2 firearms section, so it gave me a good foundation for
3 the job I'm doing now.

4 Q What is your educational and training
5 background for your position?

6 A Education is I have a bachelor of science
7 degree in biology, so it's basically a -- a science
8 degree, so a science foundation.

9 And for my training, I attended what was
10 called the National Firearm Examiners Academy. It's a
11 year-long training course that the Bureau of Alcohol,
12 Tobacco and Firearms puts on. It involves basically
13 four months of doing research on, you know,
14 microscopy, firearms manufacture, tool manufacture,
15 the comparison process in the first four months.

16 And then the next four months actually is
17 spent living in D.C. training with the Bureau of
18 Alcohol, Tobacco and Firearms in their laboratory, you
19 know, doing all the practical, you know, exercises and
20 studying and also visiting manufacturers, firearms
21 manufacturers, to see how the guns were made.

22 And the last few months is spent in our --
23 back in our home lab doing research project and also
24 doing assignments.

25 Q Okay. And is the Oregon State Crime Lab

Examination of Travis Gover

1 certified for the type of analysis that you've
2 just described?

3 A Yes. So we're certified through a -- a
4 group called ANAB. It's a -- an international
5 accrediting body, so we generate procedures and they
6 come in behind and make sure that we're following what
7 we say we're going to be doing, so --

8 Q And are those procedures generally accepted
9 in the scientific community?

10 A Yes, they are.

11 Q Okay. Did you have an opportunity to
12 examine two Glock semiautomatic pistols, two cartridge
13 cases and two bullets that were purportedly used to
14 cause the death of Jeb Brock?

15 A So my -- my role in this -- so I didn't
16 actually examine the firearms. I reviewed the report
17 and everything. But with the comparison process, an
18 analyst goes through, compares the bullets to --
19 unknown bullets to knowns that we get from the sample
20 firearm on a comparison microscope.

21 When that analyst draws a conclusion, a
22 second qualified analyst comes in and verifies that --
23 that -- that conclusion on the microscope. In this
24 particular case, I'm the verifying analyst. The --
25 the analyst who was the primary is on vacation this

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1 week, so I'm basically testifying to his -- his report
2 and the results of his report.

3 Q And was the analyst who conducted the
4 underlying analysis Dan Alessio?

5 A That's correct.

6 Q And has he worked with you at the Oregon
7 State Crime Lab?

8 A Yes. He was hired about nine months after I
9 was initially. And I think he was hired in -- right
10 at the end of 1999, too.

11 Q Okay. And have you had a chance to review
12 the report -- or analytical report that he generated
13 dated May 13th, 2019?

14 A Yes, I have.

15 Q Could you take us through, generally
16 speaking, when you receive firearms for analysis, what
17 do you do?

18 A So when we receive a firearm for analysis in
19 a case like this, we go through and the -- we're
20 checking the safeties on this particular type of
21 firearm. These firearms are Glocks. They have a -- a
22 safety built into the trigger.

23 So we'll note whether or not that this
24 safe -- trigger safety is operating like it should
25 when it was, you know, shipped from the manufacturer.

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1 So with the report will come out -- if there's
2 anything that's found that's, you know, questionable,
3 that'll be reported.

4 If we go -- if we go through the -- our
5 analysis of the firearm, we test-fire it to make sure
6 it's actually operable. The report is going to simply
7 say that the test -- the firearm was test-fired and
8 found to be operable. That's our way of saying that
9 we didn't find anything unusual in our examination of
10 the particular firearm.

11 Q Okay. And, in this case, the Oregon State
12 Crime Lab received two Glock pistols?

13 A That's correct.

14 Q And what were the serial numbers on those?

15 A So one of the serial numbers received was
16 XTA027. And a second Glock semiautomatic pistol that
17 we received was KDD650.

18 Q Okay. And were both of those guns
19 test-fired?

20 A Yes.

21 Q And what were the results?

22 A So each was test-fired. Let's see. Where
23 is it? So we -- it was -- they were test fired using
24 some of the exhibit ammunition that was submitted with
25 it. And each of the -- the firearms was found to be

Examination of Travis Gover

1 operable, so --

2 Q Okay. And then did you also receive two
3 nine millimeter Luger-caliber cartridge cases?

4 A Yes, we did.

5 Q Could you explain what those are?

6 A So before describing the actual, you know,
7 fired cartridge casing, I'm going to back up a little
8 bit and just give you some general terminology that we
9 use. One is the cartridge. It's the unfired
10 component.

11 It's consisting of four, basically, pieces.
12 One is the bullet, which is the actual projectile that
13 goes down the barrel and downrange. Second is the
14 cartridge case. Third is the -- the gunpowder within
15 the -- the cartridge case. And the fourth is what we
16 refer to as a primer, which is basically at the base
17 of the cartridge case, it holds a small amount of
18 explosive compound.

19 And when the firing pin of the -- of the
20 firearm hits that, causes a little explosion, flashes
21 through a hole, ignites the powder, generates pressure
22 and that's what pushes the bullet down the barrel.
23 Those are the four components.

24 So the two pieces that we received were
25 nine-millimeter Luger-caliber cartridge cases, so

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1 that's just the fired cartridge case by itself after
2 it's been fired in a firearm.

3 Q Okay. And did you also receive two bullets?

4 A Yes, we did. So, received two bullets and
5 if you -- if you look at the report, one of them says,
6 ".38/nine-millimeter caliber." So that description is
7 basically saying .38 as a -- as a family. It's like
8 saying Chevrolet.

9 The nine millimeter is -- is kind of also
10 the same. And you can -- they -- they basically have
11 the same diameter. So there's a bunch of different
12 cartridges out there that have the same diameter
13 bullet.

14 So if we can't differentiate down to, you
15 know, exactly which one it is, we'll refer to it
16 within that family of -- of bullet sizes.

17 So one of them is a .38/nine millimeter --
18 slash nine-millimeter caliber and the other one was
19 damaged up enough, it looks like, where we couldn't
20 really determine, you know, what family it fell into.

21 Q Okay. And how is it actually documented in
22 the report?

23 A So with -- with ours, we have our lab
24 exhibit numbers. So our Lab Exhibit No. 5 is one
25 fired .38/nine-millimeter caliber bullet weighing

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1 145.1 grains. Grains is one of those measurements
2 that firearms uses pretty much by itself.

3 It's -- we're kind of -- firearm's kind of
4 out there on its own and nobody really knows why they
5 still use it, but they do. And, second, our Lab No.
6 Exhibit 6 is four lead and copper bullet fragments
7 weighing a total of 99.5 grains, is how they're
8 described.

9 Q Okay. Now, first, I want to ask you about
10 comparing cartridge casings to -- back to an actual
11 firearm. How do you do that?

12 A Okay. So when -- after we've test-fired the
13 firearm, for us, we'll go out and we'll -- we have
14 a -- a firing range and we have a water tank that we
15 shoot into. That way, we can collect fired bullets in
16 a pristine condition as well as the cartridge cases.

17 So after we've done that test-fire, we have
18 our known samples. We know which gun they came from.
19 We keep them separate and fire them at separate times
20 if they're the same type of firearm.

21 So we'll take those, basically, known
22 specimens back into our lab area where we have two
23 or three what we call comparison microscopes. So
24 it's -- you can imagine you have, you know, the -- the
25 microscope you used in high school, just set of

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1 optics, one stage. Well, our microscopes are a little
2 bit more specialized. We have two stages side by side
3 and one set of optics.

4 Q Hmm.

5 A So those two stages come up into what we
6 refer to as an optical bridge. So it, basically,
7 allows both -- you know, both images to come up and be
8 seen in one field of view, almost like on a split
9 screen. So we have a line in the center of our -- our
10 screen.

11 So it magnifies any of the detail on the
12 cartridge cases or on the bullets and we can see
13 that -- that detail side by side with each other. So
14 with cartridge cases, as I was mentioning earlier with
15 the firing process, the gunpowder is burned inside
16 that cartridge case.

17 It's pushing the bullet down the barrel
18 with pressure. But at the same time, it's pushing the
19 cartridge case back into the firearm into an area we
20 refer to as the breach face. So within that breach
21 face, there is machined marks that we've been able
22 to show through research that are unique to that
23 particular firearm.

24 So those marks are being imprinted on the
25 base of the cartridge case; or, depending on the --

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1 how the firearm works, they may be, you know, pushed
2 into it and then they may be sheared off, you know,
3 and creating, you know, other, what we refer to as,
4 striated marks.

5 So these are the marks that we're looking at
6 under the comparison microscope. We're magnifying
7 these using what we refer to as side lighting or
8 oblique lighting, so the lighting's coming from the
9 side. And all those striations, if we have them in
10 the right orientation, will actually enhance so we can
11 see them much easier.

12 So then once we've got them up on the
13 microscope and we've got them in our field of view, we
14 can rotate them around and orient them in the same
15 orientation and actually line up any detail that has
16 been imprinted or imparted from the firearm to those
17 cartridge cases. And we can determine if a cartridge
18 case was fired in that particular firearm.

19 Q And how is it that a particular firearm, if
20 it's constructed through an assembly line process with
21 the same machine, presumably, making firearm after
22 firearm after firearm, that these machine marks, as
23 you've described, would be unique to that particular
24 firearm?

25 A Okay. So what -- what we've shown -- or --

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1 and I say, "we." There's a -- an association that
2 I belong to referred to as the Association of
3 Firearm and Toolmark Examiners.

4 It's basically firearm examiners from around
5 the world who are a member of one association that
6 meet -- have a meeting -- annual meeting, which is
7 where Dan Alessio was last week. And, basically, we
8 present all that research and the ongoing research
9 that we're still doing.

10 So in the past, we've done what we refer to
11 as consecutively manufactured firearm studies. So
12 we've managed to get some barrels from some
13 manufacturers that have been made one right after the
14 other, same with the -- the slides for the
15 semiautomatic pistols.

16 You have the breach faces that were machined
17 with -- consecutively. What's it's shown is that,
18 through that machining process, at a microscopic
19 level, the -- the cutting edge -- you talk about a --
20 a metal cutting edge cutting, basically, another
21 hard metal.

22 A -- at a microscopic level, that sharp
23 cutting edge is changing as it's making a cut. So
24 after it cuts one and moves on to the next one, that
25 cutting surface has changed just enough to render the

Examination of Travis Gover

1 next cut unique and so on down the line.

2 Another part of the process that, basically,
3 renders a firearm unique is through use and abuse.
4 You know, it's dropped, damaged, something else, hard
5 metal comes in contact with the breach face, it's
6 going to impart marks randomly that, basically, can't
7 be reproduced, you know, just out of -- out of chance.
8 So that adds to the uniqueness of the firearm --
9 particular firearm.

10 And it's kind of the same way with the
11 barrels. We've done consecutively manufactured
12 studies where you take what we refer to as a barrel
13 blank, which might be a piece, you know, six feet,
14 eight feet long. One tool basically cuts down through
15 that middle of that barrel creating the rifling.

16 And then they take that and they chop it up
17 into sections and they create however many firearms
18 they can out of it. So they've -- we've taken
19 consecutively manufactured pieces, so, you know, two
20 pieces that were cut right from one, you know, piece
21 of bar stock and followed them all the way through the
22 assembly process until they were finished, received --
23 retrieved test-fired bullets from them and compared
24 those bullets to each other to see how much agreement
25 there is and then also then to look at two bullets

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1 fired from, you know, one particular firearm to see
2 the level of agreement.

3 And the -- the level of agreement is
4 considerably different between the two different
5 firearms, so it shows that there's uniqueness and it
6 also gives us a baseline to base our comparisons
7 off of.

8 Q Okay. And when you say, "agreement,"
9 essentially meaning --

10 A The striated marks --

11 Q -- whether they match?

12 A The -- yes. The striated marks is what
13 we're looking for and the level of agreement between
14 the different firearms and the same firearms.

15 Q Okay. If you look up on the board here,
16 what -- what do we see?

17 A It looks like -- well, I can see the serial
18 number on the side of the slide, but that's one of the
19 Glock semiautomatic pistols that we examined,
20 the XTA027.

21 Q Okay. And this -- and this is labeled in
22 the photograph as "Officer Gonzalez Glock 17" --

23 A Okay. Yes.

24 Q -- "with a chambered round"? Is that what
25 it says?

Examination of Travis Gover

1 A Yes.

2 Q Okay. Could you describe for us where in
3 this firearm some of those things you just described
4 actually are occurring?

5 A I can. If I can --

6 Q You can come on up.

7 A -- much easier than trying to -- here we go.

8 So when I refer to the breach face area that
9 the cartridge case is going to make contact with, it's
10 not easy to see. But down inside -- this is what we
11 refer to as the ejection port. So that breach face is
12 basically the back side of this cutout on the slide.

13 So when this is closed up, the cartridge,
14 when it's sitting in the chamber, is going to be
15 supported by that back-side breach face area when it's
16 loaded up, when it's closed up and loaded. So it'd be
17 basically loaded into the chamber here. The slide
18 will be forward supporting the back end of that.

19 So when the firearm's fired, bullet goes
20 down the barrel downrange. But all that pressure, at
21 the same time, is pushing backwards into the cartridge
22 case, which is pushing on that breach face area.

23 And that allows it -- in this particular
24 type of firearm, the barrel and the slide will stay
25 actually locked together for about an eighth to maybe

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1 a quarter of an inch, maybe not even that far.

2 And then this barrel will actually drop
3 down 'cause it -- a mechanism inside unlocking and
4 allowing that slide to, basically, continue backwards
5 and extracting any -- basically, ejecting the
6 cartridge case out of the firearm.

7 Q And then is this a semiautomatic --

8 A This is a --

9 Q -- handgun?

10 A Yeah. This is what is referred to as a
11 semiautomatic pistol.

12 Q So what does that mean?

13 A So with a semiautomatic pistol, we have a --
14 a feeding source for ammunition, which is referred to
15 as a magazine. The magazine may hold 17,
16 18 cartridges, and is actually inserted up in through
17 the bottom of the grip.

18 So in this configuration, how it's sitting
19 with the slide locked open, if the magazine were to go
20 up inside -- and there's a release on the other side
21 of the slide -- once it's let go, that -- basically,
22 that slide, this piece right here, is going to move
23 forward under spring tension.

24 And it's going to strip that first cartridge
25 off the top of that magazine and it's basically going

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1 to load it up into the chamber. So when the firearm
2 is fired -- and we just went through that process of
3 bullet goes downrange, cartridge case basically pushes
4 back, causes that to lead to that extraction/ejection.

5 So once that cartridge case is extracted and
6 ejected, this slide is all the way back. And under
7 spring tension, it's going to move forward again,
8 stripping off the next cartridge and moving it into
9 the chamber to be fired.

10 So once the trigger is pulled again, that
11 cycle -- what we call the cycle of fire repeats itself
12 until that magazine is empty. And, at that point, the
13 piece pushes up and it locks the slide backwards.

14 Q How is that different than an automatic
15 weapon?

16 A So with an automatic or a full automatic,
17 you have the same type of -- they make actually a full
18 automatic -- full automatic version of one of these,
19 which is not imported into this country. But once you
20 pull the trigger and you hold the trigger, that
21 process is going to continue without -- until the
22 trigger is released.

23 So a semiautomatic firearm, you pull the
24 trigger. It goes -- it shoots one time. It has what
25 they call the disconnect. It disconnects the firing

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1 mechanism. So, actually, it loads in so the trigger
2 has to be reset each time before it can be fired
3 again. Full automatic, pull the trigger, it keeps
4 going until the trigger is released or it's empty.

5 MR. JACKSON: Okay. Are there any questions
6 about that?

7 I don't see any.

8 Thank you. You can have a seat.

9 BY MR. JACKSON:

10 Q So when the cartridge cases that were
11 recovered from the scene were compared to the
12 test-fired cartridge casings from the two
13 semiautomatic pistols, Serial No. XTA027 and KDD650,
14 what did you find?

15 A So what was found is that our -- our Lab
16 Exhibit No. 3, which is one fired nine-millimeter
17 Luger-caliber cartridge case, was identified as
18 being fired in our Lab Exhibit 1, which is a Glock
19 semiautomatic pistol, Serial No. XTA027.

20 And then our Lab Exhibit No. 4, which is the
21 second fired nine-millimeter Luger-caliber cartridge
22 case, was identified as being fired in our Lab
23 Exhibit 2, which is the nine-millimeter Luger-caliber
24 Glock, Serial No. KDD650.

25 Q And so what does that, essentially, mean?

Examination of Travis Gover

1 A So one cartridge case was fired from one
2 Glock. The second cartridge case was fired from the
3 other Glock semiautomatic pistol.

4 Q Okay. In terms of the analysis of the
5 actual bullets, themselves, what did you find there?

6 A So in that, one of the exhibits -- it was
7 Exhibit 6, which was the -- so the four lead fragment
8 -- lead and copper bullet fragments and Exhibit --
9 Exhibit 6, I think, was one larger copper fragment,
10 which is the majority of the jacket of the bullet,
11 that was identified as being fired in the Exhibit 1
12 Glock semiautomatic pistol, Serial No. XTA027.

13 Q Okay. And just for our reference, your
14 Exhibit 1, which is XTA027 --

15 A Yes.

16 Q -- if we look on the screen, that's
17 identified in this photograph as Officer Gonzalez's --

18 A Okay.

19 Q -- semiautomatic --

20 A Yes.

21 Q -- pistol? Okay. And then the other
22 semiautomatic pistol that you and Mr. Alessio
23 examined, if we look on the screen, that's Serial
24 No. XDD650?

25 A I believe it's KDD, if I'm not mistaken.

Examination of Travis Gover

1 Q I'm sorry. KDD, yeah.

2 A Yes.

3 Q You're right. KDD650. And what is that
4 labeled as in this photograph?

5 A That'd be Sergeant Mooney.

6 Q Sergeant Mooney's Glock 17?

7 A Correct.

8 Q Okay. So you talked about the four lead and
9 copper bullet fragments matching to Exhibit 1 --

10 A Correct.

11 Q -- which was XTA027. What about the other
12 bullet that was received?

13 A So the other bullet that was received was
14 compared to both -- it would be our Exhibit 1,
15 I think, was Gonzalez and our Exhibit 2, Sergeant
16 Mooney's, Glock. And was inconclusive, basically,
17 because of a -- due to a lack of that individual
18 detail I referred to earlier from being fired down the
19 bullet -- fired down the barrel.

20 So not -- it's not 100 percent of the time
21 that we're going to receive marks that we can use when
22 a bullet is fired down a barrel, so there are times
23 when there's going to be a lack of detail or an
24 absence. And that's just because the firearm was --
25 the way it was manufactured doesn't necessarily, you

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1 know, produce those marks.

2 So -- so, at that point, from a scientific
3 standpoint, we can't say it was fired in a firearm or
4 if it wasn't fired in a firearm. We have a -- an
5 inconclusive result, so --

6 Q And what are the -- the different
7 conclusions that you can come to at the end of your
8 analysis?

9 A So for -- we basically have an
10 identification, which we ID a bullet or cartridge case
11 as being associated to a particular firearm. We have
12 exclusion where we can say a bullet or cartridge case
13 was not fired in a particular firearm.

14 And then we have also the inconclusive,
15 which is that we can't determine whether or not that
16 particular, you know, bullet or cartridge case was
17 fired in a firearm in question.

18 Q Okay. So the cartridge cases, themselves,
19 you were able to match to the particular firearm. The
20 bullet, one of them, you were able to match and the
21 other was inconclusive?

22 A That's correct.

23 MR. JACKSON: Okay. All right. Those are
24 the questions that I have. Do you folks have any
25 questions? I don't see --

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1 A GRAND JUROR: I do, but I have to --

2 MR. JACKSON: Oh.

3 A GRAND JUROR: -- figure out how to ask it.
4 This is -- I feel like this is kind of an overlapping
5 question between -- between what you've done and then
6 what the medical examiner did.

7 THE WITNESS: Yeah.

8 A GRAND JUROR: Is it possible -- like, do
9 you know which casings or bullets took the -- the two
10 different shots? Does that make sense? Like, can
11 you, with the cartridges, at least, say, like, this
12 shot from this gun was to the head and this one was to
13 the chest?

14 THE WITNESS: That, I don't know. We don't
15 get that information, necessarily. At least I didn't.
16 I couldn't -- sometimes it's on the envelope, which I
17 may have documented. I could see.

18 MR. JACKSON: I may be able to ask a
19 follow-up question that we can get an answer to that
20 for you.

21 A GRAND JUROR: Okay.

22 BY MR. JACKSON:

23 Q But, Mr. Gover, in Dan Alessio's May 13,
24 2019 report, does he list what specific Portland
25 Police Bureau property receipts and item numbers those

Examination of Travis Gover

1 items that were analyzed were listed under?

2 A Yes.

3 Q What are they?

4 A So our -- our Exhibit 1, which is the
5 Gonzalez Glock, the XTA027, relates to Portland Police
6 Bureau Property Receipt A109073. And those are the
7 Items 1 through 5, which includes all of his magazine
8 and his -- his ammunition.

9 Q Can you stop for just one minute? I think
10 she's writing it down.

11 A GRAND JUROR: Mm-hmm.

12 THE WITNESS: Okay.

13 BY MR. JACKSON:

14 Q Yeah.

15 A Okay. The second Glock semiautomatic
16 pistol, which I believe is Sergeant Mooney, Serial
17 No. KDD650, was Portland Police Bureau's Property
18 Receipt No. A109075, Items 1 through 5. So our
19 Exhibit 3 bullets, which was identified to Sergeant --
20 or cartridge case -- sorry -- was identified to
21 Gonzalez, the XTA027. That's --

22 Q Sorry. That -- Exhibit 3 --

23 A Is a cartridge case.

24 Q -- was a cartridge case --

25 A Yes, cartridge case.

Examination of Travis Gover

1 Q -- that was matched back to
2 Officer Gonzalez's --

3 A Right.

4 Q -- firearm? Okay.

5 A And that is -- receipt number for that
6 is A135008.

7 Q Item 1?

8 A Item 1.

9 Q Okay.

10 A The second cartridge case, which is our
11 Laboratory Exhibit 4, which I -- that was identified
12 to the KDD650 serial-numbered Glock, receipt number
13 is A135008, Item 2.

14 Our exhibit -- the Laboratory Exhibit 5,
15 which is the one fired .38 nine-millimeter-caliber
16 bullet is the Property Receipt A121456, Item 1. And
17 our Lab Exhibit 6, which is the four lead and copper
18 bullet fragments, is Agency -- or what we refer to as
19 Property Receipt No. A121456, Item No. 2.

20 MR. JACKSON: Okay. We can ask a follow-up
21 question of Detective Law where those items were
22 actually located and documented in the property
23 receipts. Are there any other questions for
24 Mr. Gover?

25 I don't see any.

Examination of Travis Law

1 Thank you very much, sir.

2 THE WITNESS: Okay. Thank you.

3 MR. JACKSON: And why don't we take our
4 morning break? We can go off the record.

5 (Recess taken, 11:33 a.m. - 11:38 a.m.)

6 MR. JACKSON: Okay. We're back on the
7 record following our morning break. We're here with
8 our next witness, Detective Law.

9 **TRAVIS LAW**

10 Was thereupon called as a witness; and, having been
11 first duly sworn, was examined and testified as follows:

12 **EXAMINATION**

13 BY MR. JACKSON:

14 Q You can have a seat.

15 A Thank you.

16 Q And could you please state and spell
17 your name.

18 A Travis Law, T-r-a-v-i-s, L-a-w.

19 Q Okay. And you testified yesterday -- I'm
20 sorry -- Friday --

21 A Friday.

22 Q -- in this case, right?

23 A That is correct.

24 Q Lead detective for the officer-involved
25 shooting investigation?

Examination of Travis Law

1 A Correct.

2 Q Detective, in the course of your
3 investigation, did you compile all of the property
4 receipts documenting items of evidence that were
5 obtained from the crime scene?

6 A I did, yes.

7 Q And also from the body of Mr. Brock during
8 the autopsy?

9 A That's correct.

10 Q And, specifically, if you could look at
11 Property Receipt A135008, Item 1, what is that
12 identified as?

13 A It is identified as a nine --
14 nine-millimeter shell casing. And it is from the
15 items that I removed from the laundry, as I mentioned
16 during my earlier testimony, that was found in the
17 bedroom.

18 Q Okay. And is that description you just
19 described actually on a different property receipt
20 that is cross-referenced from A135008?

21 A Yes.

22 Q And what is that property receipt number?

23 A A159636.

24 Q Okay. On A135008, Item 2, what is that?

25 A That is the nine-millimeter shell casing

Examination of Travis Law

1 that was found on the bed.

2 Q Okay. And, again, is that listed in --
3 cross-referenced to a different property receipt where
4 that description is?

5 A It is. It's A159636.

6 Q Okay. Now moving to Property Receipt
7 No. A121456, Item 1 --

8 A Yes.

9 Q -- what is that?

10 A That was the spent bullet removed from
11 Mr. Brock's right back at autopsy.

12 Q Okay. And A121456, Item 2?

13 A That was the spent bullet removed from
14 Mr. Brock's head at autopsy.

15 Q Okay. And were there also bullet fragments
16 and pieces of the copper jacketing that were recovered
17 from the crime scene that belonged to that bullet?

18 A Yes.

19 Q Where were those located?

20 A Ah, give me one moment.

21 Q I just mean in the crime scene itself, do
22 you remember where they were actually located?

23 A In the bedroom, yes.

24 Q Okay. Do you remember which parts of
25 the bedroom?

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1 A There was some bullet fragments on the bed,
2 itself, and then there was some -- as shown in a
3 picture during my earlier testimony, there was a paper
4 bag with a -- a black shoe. And on top of the shoe,
5 there were some fragments.

6 Q Okay. The copper jacketing?

7 A Copper jacketing.

8 MR. JACKSON: Okay. Does that answer your
9 question about where those particular items were
10 located within the crime scene?

11 A GRAND JUROR: Yes.

12 MR. JACKSON: Okay. Are there any other
13 questions about that?

14 I don't see any.

15 BY MR. JACKSON:

16 Q Okay. Detective Law, when you testified
17 earlier, you said that there was a GPS monitor that
18 was identified on Mr. Brock's ankle.

19 A Correct.

20 Q Did you investigate that and determine which
21 company that GPS monitor had come from and what the
22 data contained in the GPS monitor was?

23 A Yes, I did. It was Vigilnet,
24 V-i-g-i-l-n-e-t. I contacted a representative from
25 that company and they provided me a report concerning

Examination of Travis Law

1 the data points or locations that -- of that bracelet.
2 It was installed on April 26, 2019 at 2:44 p.m.

3 Q Okay. And were you able to identify from
4 the data on what dates and when Mr. Brock arrived at
5 the address 13136 Southeast Center Street and when he
6 left that address?

7 A Yes, I was.

8 Q So from the time that the GPS monitor was
9 put on on April 26, 2019 at 2:44 p.m., when did he
10 first arrive at 13136 Southeast Center?

11 A He arrived on 4-27, so the next day, at
12 9:25 a.m. He left that same day at 1:12 p.m., left
13 the residence; returning again later that same day at
14 1:48 p.m., and then left the residence again on the
15 27th at 6:39 p.m.

16 Q And did he come back at any point during the
17 rest of April 27th, 2019?

18 A No. He did not return until April 28th at
19 12:39 p.m.

20 Q Okay.

21 A Left again approximately eight hours later
22 on the 28th at 8:21 p.m., and then returned to the
23 residence again at 9:04 p.m. And then left the
24 residence at 10:15 p.m. on the 28th.

25 MR. JACKSON: Are we going too fast --

Examination of Travis Law

1 THE WITNESS: I'm sorry.

2 MR. JACKSON: -- for the note taking?

3 We're okay.

4 BY MR. JACKSON:

5 Q All right. So April 28th, 2019, 10:15 p.m.,
6 he left the residence?

7 A Correct.

8 Q And when did he return?

9 A He returned to the residence on April 29th
10 at 1:48 a.m., which would have been several hours
11 prior to this incident.

12 Q Okay. And what time did the actual first
13 9-1-1 call come in to dispatch?

14 A 4:14 a.m.

15 Q On April 29th?

16 A That is correct.

17 MR. JACKSON: Okay. Are there any questions
18 about that?

19 I don't see any.

20 BY MR. JACKSON:

21 Q Detective, in the course of your
22 investigation, did you obtain -- or did you learn that
23 multiple 9-1-1 calls were made arising out of this
24 incident?

25 A Yes. There were three 9-1-1 calls made from

Examination of Travis Law

1 the residence at 13136 on Center. And those residents
2 were Delbert Littlejohn, Betty Littlejohn and Amber --

3 Q Amber --

4 A -- Stevens.

5 Q -- Stevens? Okay. And did you obtain those
6 recordings from the Bureau of Emergency Communication?

7 A I did, yes.

8 Q All right. Have you listened to them?

9 A I have.

10 Q Do they appear to be the recordings that
11 were captured of those 9-1-1 calls made by Delbert
12 Littlejohn, Amber Stevens and Betty Littlejohn?

13 A Yes.

14 MR. JACKSON: Okay.

15 (**TRANSCRIBER'S NOTE:** Audio recording
16 played, 11:45 a.m., as follows:)

17 9-1-1 DISPATCHER: 9-1-1.

18 (**TRANSCRIBER'S NOTE:** Audio recording
19 stopped, 11:45 a.m.)

20 THE WITNESS: So the first recording you're
21 going to hear is from Delbert Littlejohn.

22 (**TRANSCRIBER'S NOTE:** Audio recording
23 played, 11:46 a.m., as follows:)

24 DELBERT LITTLEJOHN: I've been stabbed.

25 I -- I need help.

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1 9-1-1 DISPATCHER: Where you at?

2 DELBERT LITTLEJOHN: 13136 Southeast
3 Center Street.

4 9-1-1 DISPATCHER: All right. And --

5 DELBERT LITTLEJOHN: I've been hit in the
6 head -- I've been hit --

7 9-1-1 DISPATCHER: Who --

8 DELBERT LITTLEJOHN: -- with a hammer --

9 9-1-1 DISPATCHER: (Indiscernible) --

10 DELBERT LITTLEJOHN: -- stabbed in the leg.
11 I'm bleed -- I'm bleeding. I -- I -- I need help,
12 please.

13 9-1-1 DISPATCHER: We have some help on the
14 way out there. Who did this to you?

15 DELBERT LITTLEJOHN: (Indiscernible) hear --
16 hear the yelling?

17 9-1-1 DISPATCHER: Mm-hmm.

18 DELBERT LITTLEJOHN: (Indiscernible) come
19 on. Please hurry.

20 9-1-1 DISPATCHER: How old are you, sir?

21 DELBERT LITTLEJOHN: Come on. I'm 47. Come
22 on. I got blood running down my leg.

23 9-1-1 DISPATCHER: (Indiscernible).

24 DELBERT LITTLEJOHN: My head's bleeding.
25 Come on.

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1 9-1-1 DISPATCHER: The help is coming.
2 DELBERT LITTLEJOHN: (Indiscernible),
3 please.
4 9-1-1 DISPATCHER: The help is coming right
5 now. If you can --
6 DELBERT LITTLEJOHN: (Indiscernible).
7 9-1-1 DISPATCHER: -- I want you to get a
8 clean, dry cloth and apply (indiscernible) --
9 DELBERT LITTLEJOHN: Well, I can't. I --
10 I --
11 9-1-1 DISPATCHER: -- direct pressure
12 to where --
13 DELBERT LITTLEJOHN: Oh, my God.
14 9-1-1 DISPATCHER: -- you're bleeding from.
15 Just put your hand on --
16 DELBERT LITTLEJOHN: My hands are on my leg.
17 I've been stabbed.
18 9-1-1 DISPATCHER: Okay. All right. Just
19 put your hand --
20 DELBERT LITTLEJOHN: (Indiscernible) hammer.
21 9-1-1 DISPATCHER: -- on top of it then,
22 okay? Just hang on.
23 DELBERT LITTLEJOHN: I do.
24 9-1-1 DISPATCHER: I got help coming.
25 DELBERT LITTLEJOHN: I got it running down

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1 my -- oh, my God. It's running down my face.

2 Hey, I need a towel.

3 You hear that yelling?

4 9-1-1 DISPATCHER: Are you inside a vehicle
5 or outside on foot?

6 DELBERT LITTLEJOHN: No, I'm in a house --
7 I'm -- I'm in a backyard.

8 9-1-1 DISPATCHER: Oh, okay. And is it
9 13136 Southeast Center?

10 DELBERT LITTLEJOHN: Yes, come on.

11 9-1-1 DISPATCHER: Who stabbed you?

12 DELBERT LITTLEJOHN: The back of my leg
13 is bleeding. I've been stabbed in the calf on my
14 left leg.

15 9-1-1 DISPATCHER: Well, who stabbed you?

16 (Indiscernible yelling in the background.)

17 9-1-1 DISPATCHER: Who was it who stabbed
18 you, sir?

19 DELBERT LITTLEJOHN: We've been stabbed
20 in here.

21 9-1-1 DISPATCHER: I understand that, sir.
22 There's help coming right now.

23 DELBERT LITTLEJOHN: No, but look. My --
24 my cousin --

25 9-1-1 DISPATCHER: What I'd like to do --

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1 DELBERT LITTLEJOHN: -- got stabbed in
2 the neck.

3 9-1-1 DISPATCHER: Your cousin also got
4 stabbed in the neck?

5 DELBERT LITTLEJOHN: Yes, it was -- come on.
6 My aunt's on the phone calling (indiscernible).

7 9-1-1 DISPATCHER: Is he still conscious?

8 DELBERT LITTLEJOHN: (Indiscernible). Oh,
9 my God.

10 9-1-1 DISPATCHER: Is your cousin conscious?

11 DELBERT LITTLEJOHN: Please. My aunt's
12 calling you guys right now.

13 9-1-1 DISPATCHER: I understand that, sir.
14 There's a lot of help coming 'cause she already
15 called. What I'd like for you to do, please, is tell
16 me, who is it that stabbed you?

17 DELBERT LITTLEJOHN: Jeb Brock.

18 9-1-1 DISPATCHER: Where is Jeb?

19 DELBERT LITTLEJOHN: My -- my -- my
20 uncle's son.

21 9-1-1 DISPATCHER: Okay. Where is he at
22 right now?

23 DELBERT LITTLEJOHN: He's in the house.

24 9-1-1 DISPATCHER: Where in the house? Do
25 you know?

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1 DELBERT LITTLEJOHN: Yeah, I don't know.

2 I -- I -- he's in the back, I guess. I don't know.

3 9-1-1 DISPATCHER: Okay.

4 DELBERT LITTLEJOHN: Oh, I need some towels.

5 9-1-1 DISPATCHER: How old is Jeb?

6 DELBERT LITTLEJOHN: I don't know. I really
7 don't know. Oh, my God. Oh --

8 9-1-1 DISPATCHER: Just approximately.

9 Like, in his 20s or --

10 DELBERT LITTLEJOHN: Oh --

11 9-1-1 DISPATCHER: How is your cousin doing?
12 Is he conscious?

13 DELBERT LITTLEJOHN: I don't know. He's
14 (indiscernible) his neck and -- there's the blood all
15 over the floor. Oh, my God.

16 9-1-1 DISPATCHER: Where -- where'd he go?

17 DELBERT LITTLEJOHN: I don't know. I think
18 he's still in the back.

19 9-1-1 DISPATCHER: In the backyard or in the
20 back of the house?

21 DELBERT LITTLEJOHN: In the -- in the house.

22 9-1-1 DISPATCHER: Okay.

23 DELBERT LITTLEJOHN: Oh. Yeah. The first
24 thing, he came in with -- hit me in the top of the
25 head with a five-pound mini sledge and then he started

Examination of Travis Law

1 stabbing.

2 9-1-1 DISPATCHER: Okay.

3 DELBERT LITTLEJOHN: I don't know if he's on
4 drugs or (indiscernible).

5 9-1-1 DISPATCHER: Does he live there?

6 DELBERT LITTLEJOHN: He -- he would -- see,
7 I've -- I've been gone to Madras for a few days.

8 9-1-1 DISPATCHER: Okay.

9 DELBERT LITTLEJOHN: Oh, my God.

10 9-1-1 DISPATCHER: Do you know if Jeb
11 lives there?

12 DELBERT LITTLEJOHN: I just got back
13 yesterday. Huh?

14 9-1-1 DISPATCHER: Does he live there at the
15 house? Do you know?

16 DELBERT LITTLEJOHN: Ah, no. I don't know.
17 I -- no.

18 9-1-1 DISPATCHER: Okay.

19 DELBERT LITTLEJOHN: I got back -- I got
20 back yesterday and he was here.

21 9-1-1 DISPATCHER: All right. I'm going to
22 hang on the line with you. We got a whole bunch of
23 people on the way. Just bear with me here.

24 DELBERT LITTLEJOHN: All right. Oh, oh.
25 Attempted Murder, man. It's not a Measure 11. It's

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1 both.

2 9-1-1 DISPATCHER: I need to tell the police
3 where Jeb is, okay?

4 DELBERT LITTLEJOHN: I think he's still in
5 the back end of the house.

6 9-1-1 DISPATCHER: Can you -- I know
7 everybody's kind of hysterical. I know there's a
8 whole bunch of stuff going on, but we need to ask --
9 ask that lady who's screaming where Jeb is. Police
10 need to know.

11 DELBERT LITTLEJOHN: But I -- I got a --

12 9-1-1 DISPATCHER: Ask where Jeb is.

13 DELBERT LITTLEJOHN: I don't feel like
14 (indiscernible), so --

15 9-1-1 DISPATCHER: Say, "Where's Jeb?"

16 DELBERT LITTLEJOHN: I don't feel like
17 (indiscernible).

18 9-1-1 DISPATCHER: Okay. Are you talking to
19 the police --

20 DELBERT LITTLEJOHN: I -- my --

21 9-1-1 DISPATCHER: -- or are you talking
22 to me?

23 DELBERT LITTLEJOHN: Oh, no, I'm talking
24 to you.

25 9-1-1 DISPATCHER: Okay. So ask

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1 those people --

2 DELBERT LITTLEJOHN: (Indiscernible) people
3 out here.

4 9-1-1 DISPATCHER: -- where Jeb is.

5 DELBERT LITTLEJOHN: I don't -- I don't --
6 I -- I -- I --

7 9-1-1 DISPATCHER: The -- the help can't
8 come in to you guys until we isolate him as a threat.

9 DELBERT LITTLEJOHN: Well, see, I don't know
10 what he -- what he -- what he's doing, but there's
11 people outside screaming.

12 9-1-1 DISPATCHER: So everyone -- okay. If
13 you can, I need you to ask somebody where Jeb is.

14 DELBERT LITTLEJOHN: (Indiscernible). Look
15 at the blood.

16 9-1-1 DISPATCHER: Don't worry too
17 much about --

18 DELBERT LITTLEJOHN: (Indiscernible) --

19 9-1-1 DISPATCHER: -- the blood. Just
20 keep --

21 DELBERT LITTLEJOHN: -- squatter house
22 (indiscernible).

23 9-1-1 DISPATCHER: -- keep pressure --
24 keep pressure on yours. I got the world coming to
25 help you, man.

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1 DELBERT LITTLEJOHN: (Indiscernible).

2 9-1-1 DISPATCHER: But we can't come in
3 that house --

4 DELBERT LITTLEJOHN: I'm -- I --

5 9-1-1 DISPATCHER: -- without knowing --

6 DELBERT LITTLEJOHN: -- I'm sorry.

7 (Indiscernible).

8 9-1-1 DISPATCHER: Yes, it's okay.

9 DELBERT LITTLEJOHN: (Indiscernible).

10 9-1-1 DISPATCHER: I know. I know. It's
11 okay. But listen. We can't --

12 DELBERT LITTLEJOHN: I'm (indiscernible) --

13 9-1-1 DISPATCHER: -- get in the house --

14 DELBERT LITTLEJOHN: -- I -- I don't mean to
15 be (indiscernible).

16 9-1-1 DISPATCHER: -- until we -- you're --
17 you're fine. I'd -- I'd do the same thing if I was

18 stabbed. But I'm saying we can't go in the house

19 until we know where Jeb is. So if possible --

20 DELBERT LITTLEJOHN: (Indiscernible).

21 9-1-1 DISPATCHER: Okay. He -- he --

22 DELBERT LITTLEJOHN: I'm going to --

23 9-1-1 DISPATCHER: -- he might have left on
24 foot or in a vehicle?

25 DELBERT LITTLEJOHN: I have no idea. He's

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1 probably -- I don't know.

2 9-1-1 DISPATCHER: All right.

3 DELBERT LITTLEJOHN: But he's here in

4 the house.

5 9-1-1 DISPATCHER: Okay.

6 DELBERT LITTLEJOHN: I'm -- I'm -- I'm -- I

7 got to go in the room and get my other slipper. Oh.

8 Oh, my God. Just -- what a freaking -- blood all over

9 the bed.

10 9-1-1 DISPATCHER: How old are you?

11 DELBERT LITTLEJOHN: 47. I'm going -- okay.

12 I'm -- I'm going -- the -- the -- the -- the -- I got

13 the EMS here or whatever, I guess. I don't know.

14 9-1-1 DISPATCHER: Okay. Are the

15 police there?

16 DELBERT LITTLEJOHN: Uncle John's been

17 stuck.

18 9-1-1 DISPATCHER: Where did Uncle John

19 get stabbed?

20 DELBERT LITTLEJOHN: I don't know.

21 9-1-1 DISPATCHER: Are those the police?

22 DELBERT LITTLEJOHN: I don't know.

23 (Indiscernible background yelling.)

24 9-1-1 DISPATCHER: (Indiscernible).

25 DELBERT LITTLEJOHN: (Indiscernible) in the

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1 bedroom with a baby.

2 (TRANSCRIBER'S NOTE: Audio recording
3 stopped, 11:51 a.m.)

4 BY MR. JACKSON:

5 Q Is that where the call ends?

6 A Yes.

7 Q Did you also obtain a 9-1-1 call initiated
8 by Amber Stevens?

9 A I did.

10 (TRANSCRIBER'S NOTE: Audio recording
11 played, 11:51 a.m., as follows:)

12 9-1-1 DISPATCHER: 9-1-1. What's the
13 address of your emergency?

14 AMBER STEVENS: Somebody just got stabbed --

15 (TRANSCRIBER'S NOTE: Audio recording
16 stopped, 11:51 a.m.)

17 BY MR. JACKSON:

18 Q Is this the call?

19 A It is.

20 (TRANSCRIBER'S NOTE: Audio recording played
21 in open court, 11:51 a.m., as follows:)

22 9-1-1 DISPATCHER: 9-1-1. What's the
23 address of your emergency?

24 AMBER STEVENS: Somebody just got stabbed in
25 my house. I don't know what's happening --

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1 9-1-1 DISPATCHER: Well --

2 AMBER STEVENS: -- (indiscernible) in
3 the room.

4 9-1-1 DISPATCHER: -- what address are you
5 at?

6 AMBER STEVENS: 13136 Southeast Center
7 Street. I don't know what's happening. They're
8 trying to --

9 9-1-1 DISPATCHER: That --

10 AMBER STEVENS: -- get him out of the room.

11 9-1-1 DISPATCHER: That was 13136 Southeast
12 Center?

13 AMBER STEVENS: Yes.

14 9-1-1 DISPATCHER: Is that a house
15 or apartment?

16 AMBER STEVENS: House.

17 9-1-1 DISPATCHER: All right. And so
18 inside, someone got stabbed?

19 AMBER STEVENS: Yes.

20 9-1-1 DISPATCHER: Okay. One moment,
21 please. Don't hang up the phone, okay?

22 (Screaming.)

23 9-1-1 DISPATCHER: Don't -- are you
24 still there?

25 (Screaming.)

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1 9-1-1 DISPATCHER: Are you still there?

2 AMBER STEVENS: My baby's right there. My
3 baby's right there. Please, my baby is right there.
4 My baby is right there. Oh, God, please.

5 9-1-1 DISPATCHER: The -- we have -- we --
6 we have the police and medical starting that way now.
7 So do you know --

8 AMBER STEVENS: My baby. Please, please,
9 please.

10 9-1-1 DISPATCHER: Who -- who stabbed the
11 person?

12 AMBER STEVENS: (Indiscernible).

13 9-1-1 DISPATCHER: Who -- who -- who got
14 stabbed? What happened?

15 AMBER STEVENS: I don't know. Please
16 (indiscernible), please.

17 9-1-1 DISPATCHER: Okay.

18 AMBER STEVENS: Please.

19 9-1-1 DISPATCHER: So the --

20 AMBER STEVENS: (Indiscernible).

21 9-1-1 DISPATCHER: -- suspect is still
22 inside?

23 AMBER STEVENS: Please help me.

24 9-1-1 DISPATCHER: Can you -- can you go
25 someplace safe?

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1 AMBER STEVENS: No, I can't. He's in the
2 room. (Indiscernible) my baby. Please help me.

3 9-1-1 DISPATCHER: Where's -- okay. Can you
4 go to a -- a safer place so I can ask --

5 AMBER STEVENS: No, I can't. He --

6 9-1-1 DISPATCHER: -- you questions?

7 AMBER STEVENS: No, I can't.

8 9-1-1 DISPATCHER: Okay. So what's
9 the condition --

10 AMBER STEVENS: (Indiscernible) --

11 9-1-1 DISPATCHER: -- of the person that
12 got stabbed?

13 AMBER STEVENS: -- (indiscernible) somebody
14 (indiscernible) out here right now. Please. Please,
15 please, please send somebody out here.

16 (Indiscernible yelling in the background.)

17 9-1-1 DISPATCHER: All right. And what's
18 your first name?

19 AMBER STEVENS: Please, the baby is right
20 here. Please. (Indiscernible). Please, my baby is
21 right here. (Indiscernible).

22 9-1-1 DISPATCHER: Right now, can you
23 hear me?

24 AMBER STEVENS: (Indiscernible).

25 9-1-1 DISPATCHER: What's your name?

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1 AMBER STEVENS: (Indiscernible).
2 (Indiscernible yelling in the background.)
3 UNIDENTIFIED SPEAKER: (Indiscernible).
4 9-1-1 DISPATCHER: Hi. Can you hear me?
5 JEB BROCK: I'm about to die.
6 9-1-1 DISPATCHER: So --
7 UNIDENTIFIED SPEAKER: (Indiscernible).
8 AMBER STEVENS: My baby, my baby. Help.
9 9-1-1 DISPATCHER: Hi. We have a lot of
10 help going that way if someone can hear me.
11 AMBER STEVENS: (Indiscernible).
12 9-1-1 DISPATCHER: Can -- can somebody hear
13 me? Can someone hear me? The police are walking
14 up now.
15 UNIDENTIFIED SPEAKER: (Indiscernible) that
16 cop (indiscernible).
17 AMBER STEVENS: Yeah.
18 UNIDENTIFIED SPEAKER: (Indiscernible).
19 AMBER STEVENS: I can't (indiscernible).
20 UNIDENTIFIED SPEAKER: (Indiscernible).
21 9-1-1 DISPATCHER: Hi. Can someone hear me?
22 Is someone there?
23 AMBER STEVENS: (Indiscernible).
24 UNIDENTIFIED SPEAKER: (Indiscernible).
25 9-1-1 DISPATCHER: Hi. Can somebody hear

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1 me? Do you guys see the police?

2 UNIDENTIFIED SPEAKER: (Indiscernible).

3 9-1-1 DISPATCHER: Is somebody there?

4 UNIDENTIFIED SPEAKER: (Indiscernible).

5 AMBER STEVENS: Okay.

6 UNIDENTIFIED SPEAKER: (Indiscernible).

7 AMBER STEVENS: (Indiscernible).

8 9-1-1 DISPATCHER: Can somebody hear me?

9 (TRANSCRIBER'S NOTE: Audio recording
10 stopped, 11:58 a.m.)

11 BY MR. JACKSON:

12 Q Is that the end of the call?

13 A Yes.

14 Q Did you also obtain a call made by
15 Betty Littlejohn?

16 A Yes, I did.

17 Q Before we listen to this call, are there a
18 number of things of note to pay attention to that you
19 heard when you listened to this call?

20 A Yes.

21 Q And what are those things?

22 A At approximately 2 minutes and 24 seconds,
23 it sounds as if she tells -- or someone says, "Kill
24 him." At 2 minutes and 31 seconds, it sounds that the
25 police are on scene and somebody's asking, "Where is

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1 he at?" At 4 minutes and 59 seconds, there are police
2 commands audible in the background.

3 Approximately 6 minutes and 28 seconds, you
4 can hear a baby in the room crying.

5 At 6 minutes and 39 seconds, less-lethal
6 rounds are fired.

7 At 6 minutes and 40 seconds, there are
8 commands to, "Drop the knife or you'll be shot."

9 At 6 minutes and 51 seconds, a less-lethal
10 round is fired.

11 At 7 minutes and approximately 6 seconds, a
12 baby is crying.

13 And at 7 minutes and 45 and 46 seconds, two
14 gunshots are heard.

15 And at 8 minutes and 33 seconds, Amber
16 Stevens is heard in the room.

17 A GRAND JUROR: Before you do that, can I
18 ask a question about it?

19 THE WITNESS: Yes.

20 A GRAND JUROR: So in the 9-1-1 call we just
21 heard, what caused that call to terminate? Did -- did
22 it hang up from the phone or was --

23 THE WITNESS: I believe that phone -- it was
24 disconnected on the caller's end. So --

25 A GRAND JUROR: Okay.

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1 THE WITNESS: -- the phone was laying on
2 the bed.

3 A GRAND JUROR: So --

4 THE WITNESS: Yeah, I -- I --

5 A GRAND JUROR: -- who knows?

6 THE WITNESS: -- somebody touched it.

7 I'm --

8 A GRAND JUROR: Okay.

9 THE WITNESS: -- surmising that's
10 what occurred.

11 A GRAND JUROR: Thank you.

12 (**TRANSCRIBER'S NOTE:** Audio recording
13 played, 12:00 p.m., as follows:)

14 9-1-1 DISPATCHER: 9-1-1.

15 BETTY LITTLEJOHN: I need police quick.

16 9-1-1 DISPATCHER: At what address?

17 BETTY LITTLEJOHN: Quick. I got a -- a -- a
18 crazy man here --

19 9-1-1 DISPATCHER: Okay.

20 BETTY LITTLEJOHN: -- killing everybody.

21 9-1-1 DISPATCHER: Hold on. Is this 13136
22 Southeast Center?

23 BETTY LITTLEJOHN: I can't hear you.

24 9-1-1 DISPATCHER: Is this 13136 Southeast
25 Center?

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1 BETTY LITTLEJOHN: (Indiscernible).

2 9-1-1 DISPATCHER: They're on the way

3 already, okay?

4 BETTY LITTLEJOHN: Oh, hurry. I -- 13136

5 Southeast --

6 9-1-1 DISPATCHER: So --

7 BETTY LITTLEJOHN: -- Center.

8 9-1-1 DISPATCHER: Okay. The --

9 BETTY LITTLEJOHN: Quick.

10 9-1-1 DISPATCHER: I understand. I'm

11 telling you that we're already headed that way.

12 BETTY LITTLEJOHN: I cannot hear you.

13 9-1-1 DISPATCHER: Okay. Well, walk away

14 from what's going on so you can hear me.

15 BETTY LITTLEJOHN: Oh, well, he's crazy and

16 here, he's stabbing everybody.

17 9-1-1 DISPATCHER: Walk -- walk away from

18 him, okay?

19 BETTY LITTLEJOHN: We can't. We can't. The

20 house -- he's doing it to everybody.

21 9-1-1 DISPATCHER: Okay. You can't -- you

22 can't get out of the house?

23 BETTY LITTLEJOHN: Oh, quick.

24 9-1-1 DISPATCHER: You can't -- you can't

25 get out of the house? Who is he?

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1 BETTY LITTLEJOHN: Hello?

2 9-1-1 DISPATCHER: Who is he? Who is he?

3 What is his name?

4 (TRANSCRIBER'S NOTE: TV in the background.)

5 9-1-1 DISPATCHER: Ma'am, are you there?

6 (Indiscernible yelling in the background.)

7 9-1-1 DISPATCHER: Ma'am, are you still

8 there?

9 BETTY LITTLEJOHN: Hello?

10 9-1-1 DISPATCHER: Yeah, I am still here

11 (indiscernible).

12 BETTY LITTLEJOHN: Please. The --

13 9-1-1 DISPATCHER: Ma'am --

14 BETTY LITTLEJOHN: -- (indiscernible) a

15 crazy man. Please.

16 9-1-1 DISPATCHER: Ma'am, telling -- telling

17 us to hurry does absolutely nothing. I --

18 BETTY LITTLEJOHN: What?

19 9-1-1 DISPATCHER: -- already told you we're

20 coming as fast as we can.

21 BETTY LITTLEJOHN: I cannot hear you.

22 9-1-1 DISPATCHER: Walk somewhere that you

23 can hear me.

24 BETTY LITTLEJOHN: He's (indiscernible).

25 Oh, my God. He's (indiscernible).

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1 9-1-1 DISPATCHER: Walk somewhere that you
2 can hear me. Get away from him.

3 LANA EIDE: (Indiscernible) call 9-1-1.

4 BETTY LITTLEJOHN: (Indiscernible) the
5 police.

6 LANA EIDE: Call 9-1-1.

7 BETTY LITTLEJOHN: I'll call 9-1-1. Come
8 here.

9 DELBERT LITTLEJOHN: Call help.

10 BETTY LITTLEJOHN: Come here.
11 (Indiscernible).

12 (Indiscernible yelling in the background.)

13 BETTY LITTLEJOHN: Come and talk to him.

14 (Indiscernible yelling in the background.)

15 UNIDENTIFIED OFFICER: Get in the room and
16 stay -- okay. Stand over there.

17 BETTY LITTLEJOHN: He's stabbing everybody.

18 UNIDENTIFIED OFFICER: Ma'am,
19 (indiscernible), please. We're trying to figure this
20 out, okay?

21 BETTY LITTLEJOHN: Oh, my God. That's -- my
22 house is full of blood. (Indiscernible) my grandson,
23 Jeb Brock, J-e-b, Brock.

24 UNIDENTIFIED OFFICER: Okay.
25 (Indiscernible).

Examination of Travis Law

1 BETTY LITTLEJOHN: Dear God, what happened?

2 UNIDENTIFIED OFFICER: Ma'am, I know.

3 (Indiscernible) be here soon. (Indiscernible) on the
4 way.

5 BETTY LITTLEJOHN: Take that crazy man away
6 forever.

7 UNIDENTIFIED OFFICER: I know.
8 (Indiscernible).

9 BETTY LITTLEJOHN: Come in my house and --
10 (Indiscernible yelling in the background.)

11 UNIDENTIFIED OFFICER: Sir, (indiscernible).
12 Out, out, out. Where is he at?

13 DELBERT LITTLEJOHN: I don't know.

14 UNIDENTIFIED OFFICER: Where is he at?
15 (Indiscernible).

16 BETTY LITTLEJOHN: (Indiscernible) out of
17 the way.

18 UNIDENTIFIED OFFICER: (Indiscernible) in
19 there with a baby.

20 BETTY LITTLEJOHN: (Indiscernible).

21 (Indiscernible yelling in the background.)

22 BETTY LITTLEJOHN: He's stabbing everybody.
23 (Indiscernible).

24 UNIDENTIFIED OFFICER: Where is he?

25 BETTY LITTLEJOHN: Well, he left, I guess.

Examination of Travis Law

1 I don't know where -- he ran out wherever he went.
2 He's so crazy that he won't let people (indiscernible)
3 everybody in the room.

4 (Indiscernible yelling in the background.)

5 BETTY LITTLEJOHN: What happened,
6 sweetheart?

7 (Indiscernible yelling in the background.)

8 BETTY LITTLEJOHN: My God. You better go to
9 the hospital.

10 (Indiscernible yelling in the background.)

11 BETTY LITTLEJOHN: God, well, what made him
12 go crazy?

13 (Indiscernible yelling in the background.)

14 OFFICER BURNS: Do you know where he went?
15 Do you know where he went?

16 BETTY LITTLEJOHN: No, I don't -- I -- what
17 time is it?

18 OFFICER BURNS: Ma'am, sit back down for me.
19 Sit back down for me. Sit back down, okay? It'll be
20 okay. Sit back down for me, okay?

21 BETTY LITTLEJOHN: I want to get some shoes.

22 OFFICER BURNS: Okay. We're not --

23 BETTY LITTLEJOHN: (Indiscernible).

24 OFFICER BURNS: We're not getting shoes
25 right now. We're looking for this guy

Examination of Travis Law

1 (indiscernible).

2 BETTY LITTLEJOHN: (Indiscernible).

3 UNIDENTIFIED OFFICER: Ma'am, go over
4 there now.

5 BETTY LITTLEJOHN: Don't push me.

6 UNIDENTIFIED OFFICER: Now. Get over there.

7 BETTY LITTLEJOHN: Well, I don't give a
8 shit.

9 (Indiscernible yelling in the background.)

10 UNIDENTIFIED OFFICER: Drop the knife
11 (indiscernible). Back up. Drop the knife.

12 (Indiscernible yelling in the background.)

13 UNIDENTIFIED SPEAKER: Mom, I've got you.
14 (Indiscernible) got you. Please.

15 BETTY LITTLEJOHN: Better call an ambulance.
16 He stabbed everybody.

17 (Indiscernible yelling in the background,
18 baby crying.)

19 UNIDENTIFIED SPEAKER: (Indiscernible).

20 BETTY LITTLEJOHN: What, honey?

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 BETTY LITTLEJOHN: I can't hear you.

23 UNIDENTIFIED SPEAKER: (Indiscernible).

24 (Indiscernible yelling in the background.)

25 UNIDENTIFIED OFFICER: All right. We're

Examination of Travis Law

1 going to get you help as soon as possible, okay?

2 BETTY LITTLEJOHN: (Indiscernible) the baby.

3 My God. He went crazy, Jon.

4 (TRANSCRIBER'S NOTE: Audio recording
5 stopped, 12:09 p.m.)

6 BY MR. JACKSON:

7 Q Okay. Detective, does the call continue as
8 the police now start moving victims out of the house
9 to the ambulances?

10 A Yes.

11 MR. JACKSON: Okay. Do the grand jurors
12 want to hear the rest of the call?

13 A GRAND JUROR: How long is it?

14 THE WITNESS: I -- I think it's a total of
15 15 minutes and we're a little over halfway through.

16 A GRAND JUROR: Yeah.

17 MR. JACKSON: You'd like to hear the rest of
18 it? Sure. Okay. We'll keep playing it.

19 A GRAND JUROR: No?

20 A GRAND JUROR: Sure.

21 (**TRANSCRIBER'S NOTE:** Audio recording
22 played, 12:10 p.m., as follows:)

23 BETTY LITTLEJOHN: (Indiscernible).

24 AMBER STEVENS: (Indiscernible).

25 BETTY LITTLEJOHN: Walk easy on that blood,

Examination of Travis Law

1 please. Oh, it's everywhere.

2 (Indiscernible yelling in the background.)

3 BETTY LITTLEJOHN: Don't go in there,

4 please. (Indiscernible) the motorhome.

5 UNIDENTIFIED OFFICER: Ma'am, ma'am, ma'am,

6 ma'am.

7 AMBER STEVENS: I'm just going to the

8 motorhome. I don't want to be here.

9 UNIDENTIFIED OFFICER: No. I want you to
10 stay right here, please.

11 BETTY LITTLEJOHN: (Indiscernible)

12 the motorhome.

13 UNIDENTIFIED OFFICER: I want you -- I know
14 you're scared. I want you to stay (indiscernible).

15 BETTY LITTLEJOHN: He ain't going nowhere.

16 UNIDENTIFIED OFFICER: Okay.

17 (Indiscernible).

18 BETTY LITTLEJOHN: He was (indiscernible).

19 UNIDENTIFIED OFFICER: I understand.

20 UNIDENTIFIED SPEAKER: (Indiscernible).

21 BETTY LITTLEJOHN: Can we call an ambulance?

22 UNIDENTIFIED OFFICER: (Indiscernible).

23 BETTY LITTLEJOHN: Can we call an ambulance?

24 (Indiscernible yelling in the background.)

25 OFFICER BURNS: Sir, are you able to stand?

Examination of Travis Law

1 BETTY LITTLEJOHN: (Indiscernible).

2 UNIDENTIFIED SPEAKER: (Indiscernible).

3 (Indiscernible yelling in the background.)

4 BETTY LITTLEJOHN: (Indiscernible) all of
5 a sudden.

6 (Indiscernible yelling in the background.)

7 BETTY LITTLEJOHN: Can we call an ambulance?

8 OFFICER BURNS: We have multiple outside,
9 ma'am. (Indiscernible).

10 BETTY LITTLEJOHN: (Indiscernible).

11 OFFICER BURNS: I know. There's a --
12 there's an ambulance outside (indiscernible).

13 AMBER STEVENS: Okay.

14 OFFICER BURNS: I know. I know.
15 They're coming.

16 BETTY LITTLEJOHN: (Indiscernible) there's
17 blood (indiscernible).

18 OFFICER BURNS: No, it -- it'll be --

19 BETTY LITTLEJOHN: (Indiscernible).

20 (Indiscernible yelling in the background.)

21 BETTY LITTLEJOHN: Where's (indiscernible)?

22 AMBER STEVENS: I don't know. Go with her.

23 (Indiscernible yelling in the background.)

24 (TRANSCRIBER'S NOTE: Audio recording
25 stopped, 12:12 p.m.)

Examination of Travis Law

1 MR. JACKSON: All right. At the request of
2 the grand jury, we'll stop it there.

3 BY MR. JACKSON:

4 Q Detective, does the call go on in that
5 similar manner to its conclusion?

6 A Yes.

7 MR. JACKSON: Okay.

8 A GRAND JUROR: Can we tell whether or not
9 that is the -- the moaning of most pain, is that
10 Jon Littlejohn -- or Jon --

11 THE WITNESS: It is Jon, yes.

12 A GRAND JUROR: Okay.

13 BY MR. JACKSON:

14 Q Jon Brock?

15 A Correct.

16 A GRAND JUROR: Brock. Beg your pardon.
17 That's it.

18 MR. JACKSON: Yeah. Are there any other
19 questions of Detective Law about either the GPS data,
20 the firearms we went through or these 9-1-1 calls?

21 A GRAND JUROR: Now, you, for the purpose of
22 the record, raised your hand and did the raised
23 fingers at one point. And you believe that's the
24 two nine-millimeter shots --

25 THE WITNESS: That is correct.

Examination of Travis Law

1 A GRAND JUROR: -- at that point? Okay.

2 A GRAND JUROR: Did you -- I have a
3 follow-up question for that. Did you have a timestamp
4 for the non-lethals as well? Because I don't believe
5 I heard those --

6 THE WITNESS: Yes.

7 A GRAND JUROR: -- on this part.

8 THE WITNESS: And the two timestamps for
9 the less lethal, the first one was at 6 minutes and
10 39 seconds. The second one was at 6 minutes and
11 51 seconds approximately.

12 Keep in mind you really have to listen to it
13 with headphones on to pick up the faint sound of the
14 40-millimeter launcher with all the other --

15 A GRAND JUROR: Yeah. I think I heard one,
16 but I don't think I heard the other one.

17 A GRAND JUROR: Okay. Then I have -- just
18 have -- can you list the times again? So the first
19 non-lethal was at what time?

20 THE WITNESS: The first --

21 A GRAND JUROR: Or the timestamps?

22 THE WITNESS: -- non-lethal is at
23 approximately 6 minutes and 39 seconds.

24 A GRAND JUROR: Okay. The next one?

25 THE WITNESS: The second non-lethal is at

Examination of Travis Law

1 approximately 6 minutes and 51 seconds.

2 A GRAND JUROR: And then when were the two
3 shots fired in the call? At what timestamp?

4 THE WITNESS: At approximately 7 minutes and
5 45 seconds and --

6 A GRAND JUROR: Okay.

7 THE WITNESS: -- 7 minutes and 46 seconds.

8 A GRAND JUROR: Okay. Thank you.

9 BY MR. JACKSON:

10 Q And, Detective, this is just your opinion
11 based on what you're hearing. There's no way to
12 confirm that those are the exact timestamps for those
13 events, just what it sounds like to you on the 9-1-1
14 call?

15 A That's correct.

16 Q Based on your training and experience?

17 A And familiarity of the case and everything,
18 yes.

19 MR. JACKSON: Okay. Did you want to hear
20 that again? We can --

21 A GRAND JUROR: No, thank you.

22 MR. JACKSON: -- zero in on
23 those particular --

24 A GRAND JUROR: I don't think so.

25 MR. JACKSON: All right.

Examination of Travis Law

1 A GRAND JUROR: So I don't know --

2 MR. JACKSON: Yes.

3 A GRAND JUROR: -- if you can tell us this,
4 but is there information or data on the GPS, when he
5 left and came back, where he went?

6 THE WITNESS: And we're talking about on
7 the 29th?

8 A GRAND JUROR: Yeah, between 10:15 and
9 1:40 a.m.

10 THE WITNESS: Yeah. I believe there was one
11 address that it said he -- he may have gone to. Are
12 you wanting to know what that address is?

13 A GRAND JUROR: Yeah, I was just curious
14 if it --

15 A GRAND JUROR: Or if you know anything
16 about that address, what its --

17 THE WITNESS: I don't know anything about --

18 A GRAND JUROR: -- purpose might be.

19 THE WITNESS: -- that address, but it
20 appears to be a residence.

21 A GRAND JUROR: Okay.

22 THE WITNESS: Would you like the address?

23 A GRAND JUROR: No.

24 THE WITNESS: Okay.

25 MR. JACKSON: Okay. Any other questions? I

Examination of Michael Gonzalez

1 don't see any. Okay. So why don't we go off the
2 record for our lunch break?

3 * * *

4 (Noon Recess taken at 12:15 p.m.)

5

6 ***AFTERNOON SESSION***

7 (The following proceedings were held before
8 Grand Jury No. 3, 1:28 p.m.):

9 MR. JACKSON: Okay. We're back on the
10 record following our lunch break. We'll start with
11 our next witness, Michael Gonzalez.

12 If you could stand right here and raise your
13 right hand.

14 **MICHAEL GONZALEZ**

15 Was thereupon called as a witness; and, having been
16 first duly sworn, was examined and testified as follows:

17 **EXAMINATION**

18 BY MR. JACKSON:

19 Q You can have a seat.

20 Could you please state and spell your name.

21 A Yeah, it's Michael Gonzalez, M-i-c-h-a-e-l,
22 G-o-n-z-a-l-e-z.

23 Q All right. And where are you employed?

24 A With the Portland Police Bureau as a
25 police officer.

Examination of Michael Gonzalez

1 Q How long have you been a police officer?

2 A A little over two years now.

3 Q And, sir, is your appearance before the
4 grand jury this afternoon voluntary?

5 A No.

6 Q It is --

7 A UH...

8 Q It is not voluntary?

9 A What voluntary?

10 Q You coming in here to talk about this
11 incident from --

12 A Oh, yes.

13 Q -- April 29th.

14 A Yes.

15 Q Are you voluntarily doing that?

16 A Yes.

17 Q Okay. Were you subpoenaed or in other --
18 any other way compelled to come in here and provide
19 a statement about the incident?

20 A I was not subpoenaed, no.

21 Q Okay. Were you otherwise compelled to come
22 in and do this?

23 A No.

24 Q Okay. And you understand, at any point, if
25 you wish to end this, just let me know and we will

Examination of Michael Gonzalez

1 stop asking questions?

2 A Okay.

3 Q Okay. So, first of all, how old are you?

4 A I just turned 26 on Saturday.

5 Q Okay. And what's your education background?

6 A I have a bachelor's of sociology from
7 Newberry College in South Carolina and I have an
8 associate's from Clark College in Vancouver,
9 Washington.

10 Q And when did you become a police officer?

11 A March 30th of 2017.

12 Q Okay. And was that kind of right out of
13 school, got into police?

14 A Essentially. About a -- probably about a
15 year after I graduated college.

16 Q Okay. And have you always been a police
17 officer for the Portland or did you work for other
18 agencies before?

19 A Always with Portland, yeah.

20 Q Okay. Can you take us through, briefly,
21 some of the training that you received when you became
22 a police officer?

23 A Yeah. So as soon as I got hired, I went to
24 the basic academy down in Salem. I believe that was
25 16 weeks. When I completed that, I came back to the

Examination of Michael Gonzalez

1 Portland Police Bureau and they put on an advanced
2 academy, which I believe went on for ten weeks. And
3 we got CERT certifications through that as well.

4 Q Okay. Do you remember what some of
5 those were?

6 A Yeah, CIT training, which is crisis
7 intervention training.

8 Q What does that have to do with, crisis
9 intervention training?

10 A Talking to people that are in crisis,
11 whether it be mental health, drug-related crises, I
12 guess, just anything involving -- it's interpersonal
13 communication between someone that's going through
14 something that's out of the norm for that person,
15 essentially.

16 Q Okay. And how to kind of interact with
17 those folks when they're --

18 A Yeah.

19 Q -- in that state?

20 A And certain techniques, what to look for,
21 those type of things.

22 Q Okay. What other certifications did
23 you receive?

24 A Field sobriety test certification,
25 certifying with a firearm, certifying with the Taser,

Examination of Michael Gonzalez

1 things of that nature.

2 Q Okay. Were investigations and then
3 also scenario train -- scenario-based training part
4 of that?

5 A Yeah. Well, a lot of scenario-based
6 training with different types of instances, from your
7 cold burglary to active shooter to just a disturbance
8 where you kind of have to ask questions and kind of
9 get the gist of what's kind of going in that scenario.

10 Q Okay.

11 A So a wide variety.

12 Q And how are you evaluated as you go through
13 that training process?

14 A You are -- basically, you have people who
15 are employed with the Portland Police Bureau that
16 oversee the entire scenario and critique you. Once
17 the scenario is done, they'll let you know what their
18 critiques are, what you could do better, what you did
19 good, those type of things.

20 If you do anything heinous, they're going to
21 address it right away, or something that's not safe,
22 they'll address it right away to you and let you know
23 that it's -- that it's not the way to do things,
24 things like that.

25 Q Okay. And did you successfully complete all

Examination of Michael Gonzalez

1 of that programming and training?

2 A Yes, I did.

3 Q And what happens once you come out of the
4 academy and the advanced academy?

5 A I went straight to patrol. And you're on
6 what's called the FTEP program where you ride with a
7 coach for a certain amount of time. You'll switch
8 coaches. You'll advance in phases where you get to do
9 more things, whether it be driving more, taking over
10 calls more, things of that nature.

11 Q Okay. And how long does that period last?

12 A It's from the time you're hired to 18 months
13 after you're hired, if you don't get held back in
14 phase. So it's about a year that I'm with a coach,
15 essentially.

16 Q Okay.

17 A Yeah.

18 Q And then the other six months is actually in
19 training in the academies --

20 A Yes.

21 Q -- and things?

22 A Yes.

23 Q Okay. And did you successfully complete the
24 period of time as -- the FTEP program, as you referred
25 to it, or through --

Examination of Michael Gonzalez

1 A Yes.

2 Q -- that probationary period?

3 A A field training program, yes, I did.

4 Q Okay. And so do you remember when it was
5 that you actually became a full Portland Police patrol
6 officer without a coach or anything else like that?

7 A When I went Phase 5, which would be -- when
8 you're on your own, you're still in FTPEP. You kind of
9 have a coach to kind of -- I'm not too sure exactly
10 the date. Maybe -- I know I was off probation
11 September 30th, so probably six months before that.

12 Q Okay.

13 A Yeah.

14 Q All right. And September 30th of which --

15 A 2018.

16 Q 2018.

17 A Yes.

18 Q Okay. And what shift were you assigned to?

19 A After probation, I was assigned to East
20 Precinct night shift as a patrol officer.

21 Q And what are the hours of East --

22 A 10:00 --

23 Q -- Precinct --

24 A 10:00 p.m. --

25 Q -- Precinct night?

Examination of Michael Gonzalez

1 A 10:00 p.m. to 8:00 a.m.

2 Q Okay. And you worked that shift since?

3 A Yes.

4 Q Okay.

5 A Yes.

6 Q And before we go into the events of
7 April 28th into the 29th, were you placed on a
8 communication restriction order as a result of this?

9 A Yes, I was.

10 Q And have you abided by that?

11 A Yes, I have.

12 Q Okay. So moving now to -- the shift, you
13 said it starts at 10:00 p.m. and goes to 8:00 a.m. --

14 A Mm-hmm.

15 Q -- right? So on April 28th of 2019, did you
16 come on shift at 10:00 p.m.?

17 A Yes, I did.

18 Q And was there anything unusual going on
19 during that day leading up to the shift starting?

20 A No, just a pretty normal day. I got a
21 workout in and suited up ready for work.

22 Q Okay. Had you consumed any alcohol or drugs
23 or illicit substances or otherwise that would affect
24 your ability to do your job or your judgment prior to
25 starting your shift?

Examination of Michael Gonzalez

1 A No.

2 Q What about at any point during your shift?

3 A No.

4 Q Okay. Can you take us through kind of your
5 routine when you're coming on at 10 o'clock to start?

6 A Yeah. So I usually -- I generally get to
7 work about an hour before shift. I grab a patrol
8 vehicle. I put my bags and such inside the car.

9 And then I take my time getting dressed,
10 make sure I have everything squared away before shift,
11 check my mailbox, check e-mails, respond to e-mails if
12 I need to. Then I go in the roll call room and
13 I'll -- I'll talk to coworkers before roll call
14 starts.

15 Q And what is roll call?

16 A Roll call is where the shift gets together.
17 We talk about important information that pertains to
18 us as police officers, important information, whether
19 there be wanted people that we should be looking for
20 or officer safety stuff or be on the lookout for this
21 car, that kind of deal.

22 Q Okay.

23 A And administrative staff as well.

24 Q And is some or all of that information
25 coming from the officers that are coming off of the

Examination of Michael Gonzalez

1 previous shift?

2 A It's usually -- it comes from the sergeants,
3 but it's -- it's Bureau-wide information that we have
4 a general, centralized area where we submit all this
5 stuff. And then sergeants will go through and look
6 for the most important stuff to discuss at roll call.

7 Q Okay. And how long does roll call
8 usually take?

9 A It can take anywhere from five minutes to
10 35 minutes depending on what we're talking about.
11 Sometimes we'll debrief calls that we had the night
12 before to see what we could do better. Sometimes
13 we'll talk about things that happened out of state,
14 big mass shootings, those kind of things.

15 Q Okay. And then once roll call is done, what
16 do you do then?

17 A I get in my patrol call, I sign -- or patrol
18 car, sign in and go take calls and begin my shift.

19 Q Okay. And is that what you did on
20 April 28th, 2019?

21 A Yes.

22 Q And prior to receiving the call for service
23 at 13136 Southeast Center Street, did you have any
24 other calls of note that you remember from the shift?

25 A No. I had a -- a pretty serious DV, but it

Examination of Michael Gonzalez

1 wasn't anything that I hadn't seen before and I was
2 writing a good report for it that I just finished
3 before the call came out.

4 Q When -- when this call came out?

5 A Yes.

6 Q Okay. Do you remember where you were when
7 you first heard the call?

8 A 117 and Division.

9 Q I'm sorry?

10 A 117 and Division.

11 Q Okay.

12 A Yeah.

13 Q And when you're out on patrol, are you in
14 full uniform, badge displayed?

15 A Yes. And I'm driving a fully marked patrol
16 vehicle as well.

17 Q And did you have a partner?

18 A I did not.

19 Q By yourself?

20 A Yes.

21 Q And is the patrol vehicle an SUV or is it
22 a -- a car or --

23 A It's a Ford Explorer SUV.

24 Q Okay.

25 A Mm-hmm.

Examination of Michael Gonzalez

1 Q So you're at 117 and --

2 A Division.

3 Q -- Division just finishing up the report
4 from this other call and this one --

5 A Well, I --

6 Q -- comes out?

7 A -- already finished it. I just left the
8 contact office and I was at 117 and Division.

9 Q Okay.

10 A Yeah.

11 Q And so what do you remember first hearing
12 about this call?

13 A 978, 977, those are the districts that they
14 were assigned for dispatch to the 132nd and Center
15 address on a report of someone stabbed. And that's
16 the -- all the information that was given at that
17 time.

18 Q Okay. And those numbers you just listed,
19 what -- what are those numbers?

20 A They're basically district numbers. So 971
21 and 972, there's a certain geographical or -- I don't
22 know. Like, a Geo) --

23 Q Geographical?

24 A Geographical. There's the word.

25 Q Yeah.

Examination of Michael Gonzalez

1 A Area that they're assigned to. And when
2 calls come out in that district, they're assigned to
3 take those calls when they're available. On this
4 particular day, I was District 987.

5 Q Okay. And is the address that came out for
6 this stabbing call in your patrol district?

7 A No.

8 Q So did you decide to respond?

9 A Yes, I did.

10 Q Why?

11 A Generally, you never know what you're going
12 to get with stabbing calls. There could be a large
13 crime scene that the primary officers need help with.
14 There could be witnesses to interview. Sometimes they
15 can be a lot to handle for just two officers, so I
16 will attach myself to these calls just to help out
17 coworkers.

18 Q Okay. So you hear this call come out. It's
19 a stabbing. There's not much other information. Did
20 you start responding immediately?

21 A I attached myself immediately and just
22 started drifting that way waiting for officers to give
23 a staging location, kind of get some more
24 information --

25 Q Okay.

Examination of Michael Gonzalez

1 either drive off or run off, so I knew that 136th was
2 the closest main road to that address, so I opted to
3 go up Division to 136th and travel southbound from
4 there just in case there was a car that was taking off
5 from the scene and we got a description of it, I could
6 attempt to stop it and deal with it accordingly.

7 Q Okay. Did further updates come out over the
8 radio about the nature of the call?

9 A Yes.

10 Q What were they?

11 A I believe there was a second caller stating
12 there was a second victim involved as well as that the
13 suspect was still inside the home. And then another
14 caller came in and the dispatcher said, I believe,
15 that they could hear an active disturbance happening
16 inside.

17 Q How did that change your response to this
18 call or your thinking about this call, if it did at
19 all?

20 A I was thinking that this is an active
21 situation and there was an active disturbance and
22 people were getting stabbed, essentially. So we don't
23 have all the time in the world to come up with the
24 best plan in the world, so sometimes you just have to
25 go in and not necessarily do it on the fly, but come

Examination of Michael Gonzalez

1 up with quick, effective plans with what you have.

2 So once I heard that there was a second
3 victim involved and that the suspect was still inside,
4 I opted to, instead, go to the -- not the staging
5 location, but 132nd and Francis, which is just north
6 of the target location, and walk up on foot in an
7 invisible capacity to get eyes on, to use my ears, to
8 tell other officers what's kind of happening so we can
9 decide whether we want to slow down or if we need to
10 speed things up.

11 Q And have you responded to other stabbing
12 calls in your career?

13 A Yes, I have.

14 Q And how, if at all, was this one different
15 than those as it's unfolding and you're getting
16 these updates?

17 A Multiple callers, multiple victims and the
18 suspect may still be inside. There was a sense of
19 urgency that we need to get there and -- and handle
20 the situation.

21 Q Okay. So you said you parked about a block
22 north of the target location --

23 A Mm-hmm.

24 Q -- and walked in on foot.

25 A Mm-hmm.

Examination of Michael Gonzalez

1 Q Were other officers already on scene?

2 A I believe when I looked -- when I turned
3 onto 132nd, I looked down to 132nd and Powell and I
4 saw another officer at the staging location. Like I
5 said, we didn't know what we had yet.

6 I was going to go there to get eyes on to
7 let them know if we needed to -- if we needed people
8 there now or if we can kind of slow up and come
9 with -- come up with a better plan to handle the
10 situation.

11 Q Okay. As you approached the house, what do
12 you remember?

13 A As soon as I parked, I didn't see anything.
14 I opened the door and I'm about a block away and I
15 heard several, what appeared to be, females screaming.
16 I sprinted towards 132nd and Center and took out my
17 flashlight and began to observe what I believed was
18 the target address. And there was multiple people
19 outside, lots of screaming and yelling.

20 Q Okay. And, Officer, if you look up at the
21 board here, do you see this is Southeast Center
22 and 132nd?

23 A Mm-hmm.

24 Q And this pin drop on the house on the
25 corner?

Examination of Michael Gonzalez

1 A Mm-hmm.

2 Q Could you come up to the board and kind of
3 point out how you were coming in and where you were
4 seeing some --

5 A Yeah.

6 Q -- of these things happening?

7 A So I'm on 132nd just north of the target
8 address. I've blacked out my car. I turned off
9 my headlights and my rear lights so no one could
10 see me coming up, parked a block away, exited the
11 patrol vehicle.

12 I heard yelling, so I sprinted out here in
13 the dark and could see, like, three -- three-ish
14 people out -- out front. I took out my flashlight and
15 illuminated a subject, male, who was on the ground
16 right in front of the target house.

17 He appeared to be a white male, but,
18 honestly, I -- he had so much blood on his face, I
19 could not tell what race he was. He was screaming at
20 me for help.

21 There was an elderly lady right outside the
22 front door, like, probably about in her 70s, yelling
23 at me as well saying they needed help and another
24 lady, maybe in her mid 30s, screaming for help as
25 well. I honestly couldn't tell you what she was

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1 yelling, she was so hysterical.

2 Q Okay. Thank you. You can --

3 A Yeah.

4 Q -- have a seat here. So as you're coming up
5 and your flashlight illuminates this person who was on
6 the ground in front of the house, what's going through
7 your mind when you see that?

8 A The fact that he was down -- he appeared to
9 be in critical condition. There was yelling going on
10 inside the house as well as the two females outside.
11 Again, I have no idea who the suspect is at this
12 point, so I'm kind of -- I'm still observing.

13 I kind of pie -- it's called -- the term
14 "slicing the pie," I kind of walk a distance away from
15 the house to kind of see who's behind cars, who's in
16 the house, 'cause the door was open, to try and gather
17 more information.

18 Q And can you describe for us what -- what
19 you're seeing in front of the house? I mean, were
20 there cars there? Were there no cars there or --

21 A There was -- there was a trailer. To the
22 best of my -- there was a trailer in the driveway
23 where the 35-year-old female was standing. There was
24 two other cars maybe in the driveway.

25 There may or may not have been a car right

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1 next to the guy that was bleeding in the face. But
2 it was very dark except for the porch light that was
3 on and my light.

4 Q Okay. So were there streetlights around or
5 anything illuminating the area that you remember?

6 A That -- I don't really remember. I know it
7 was dark. That particular area that time of night is
8 very, very dark. There's not a lot of streetlights.

9 Q Okay. And is this a -- a part of town
10 that you're actually familiar with from your other
11 patrolling duties?

12 A Yeah. I've gone for calls and service in
13 that -- not that exact area, but around that area.
14 I've had people run from me where I have to set up
15 perimeters in that area, so I have to know the --
16 the -- the area pretty well and cars, et cetera.

17 Q Okay. So you're kind of taking this in.
18 You see you've got one person --

19 A Mm-hmm.

20 Q -- down and you've got multiple people
21 screaming and you've also -- you're hearing sounds of
22 a disturbance inside the house. What did you do then?

23 A I believe I put over the radio that there
24 was an active disturbance happening before I started
25 pieing to try and let people know, like, "Hey, I might

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1 need you guys here now." I unholstered my duty weapon
2 'cause --

3 Q Why did you do that?

4 A I had no idea where this -- this -- I had no
5 idea, one, who the suspect was, where he was at, or
6 she. And I have multiple people yelling at me and I
7 have a bunch of people inside the house. It was for
8 my safety and the safety of them 'cause I -- again, I
9 have no idea where this person's at.

10 Q Okay.

11 A And I needed to gather more information so I
12 know.

13 Q And how did the fact that you actually had
14 seen this person that appeared to be gravely injured
15 already play into the analysis?

16 A Well, the call came out that someone was
17 stabbed and I have a person who appears to be in
18 critical condition right in front of me. So at the
19 very least, someone was attacked with some sort of
20 weapon that I don't know of.

21 Q Okay.

22 A And I don't know where they're at.

23 Q Okay. So what did you do then?

24 A I began asking questions about, "Hey,
25 where's -- where's he at? Where's he at? Where's he

Examination of Michael Gonzalez

1 at?" They --

2 Q Do you remember who you were asking?

3 A I -- I was asking all of them. I attempted
4 to ask the guy that was on the ground. He was -- he
5 was worried about getting help, which I don't blame
6 him 'cause he was in pretty bad condition.

7 The elderly female said that they needed
8 help, but they didn't know where he was at. And then
9 the other female that was by the trailer, I -- I
10 couldn't understand a word she was saying.

11 Q And was that because of a language barrier
12 or just the way she was --

13 A She was --

14 Q -- talking?

15 A -- very hysterical.

16 Q Oh, okay.

17 A I -- I -- and there's -- there was so much
18 going on at once that I could only -- I wasn't going
19 to take my time to really digest what she was telling
20 me 'cause I had a lot more to deal with at that point.

21 Q Okay. And just looking at this guy, did his
22 injuries appear life threatening to you?

23 A I -- I wouldn't -- I don't know if they were
24 life threatening because it was just his face that was
25 bloody. I mean, there -- it could be if it was the

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1 neck, yes. But I wasn't -- I didn't really take the
2 time to look, but, I mean, he looked like he was in
3 serious, serious -- critical -- critical condition.

4 Q Okay.

5 A Yeah.

6 Q All right. And you didn't stop to render
7 him aid or anything --

8 A No.

9 Q -- like that?

10 A No.

11 Q And what did you do instead?

12 A I believe I called for Air 1, which is our
13 airplane unit. I didn't know if this guy was on foot
14 around the house somewhere. I knew they were out and
15 I wanted more resources there for us. I also told my
16 coworkers over the radio that I needed them there now,
17 I believe is what I said.

18 Q Okay. So forget the staging location --

19 A Forget it. You got to --

20 Q -- come straight in?

21 A -- got to come straight in, yes.

22 Q And you've kind of already explained it, but
23 why did you think that was necessary?

24 A We have a very critical -- a guy in critical
25 condition right in front of me. The suspect still may

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1 be in the house. I can hear signs of what sounds like
2 a disturbance inside the house.

3 I don't know if this guy is actively
4 stabbing people 'cause there was a second caller on
5 this saying that there was two victims and I'm only
6 looking at one at the moment. I don't know if he's in
7 there actively stabbing people. I don't know if
8 someone's bleeding out and we need to get them help.

9 But the quicker that we can clear the
10 house and make the scene safe, the quicker we can get
11 medical -- the ambulances -- ambulances to get there
12 and take these people to the hospital. We can only
13 do so much as rendering aid. We have tourniquets.
14 We have some gauze, but by no means are we
15 medical professionals.

16 Q Mm-hmm.

17 A So the quicker we make the scene safe for
18 AMR, the quicker they can get to the hospital.

19 Q Okay. And so once you -- that decision is
20 made, you put that out over the air?

21 A Mm-hmm.

22 Q Do other officers start arriving?

23 A Yes. Officer Rizzo and Officer Young
24 arrived on scene. They got out. I believe Young went
25 to go render aid to the guy that was bleeding. Both

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1 Rizzo and I told him that the suspect was still inside
2 and we need to go in there and -- and --

3 Q Told Officer Young that?

4 A Yes.

5 Q Okay.

6 A We had -- we told him we need to go in there
7 and we need to find this guy and deal with him 'cause
8 he's a -- he might be a problem still. I don't
9 remember if there was a -- an -- an update or if the
10 elderly female told me, but there was mention that
11 he's inside a room with a baby.

12 So, I mean, there was a good chance that he
13 was inside there and we had to hopefully preserve the
14 life or the -- the well being of that child. With
15 that information, we got into, like, a little group.
16 We said, "Okay. We're going to clear the house."

17 I told Rizzo -- or I told Young that he was
18 lethal, I'm lethal and Rizzo had his less --
19 less-lethal launcher, which is a 40-millimeter
20 styrofoam --

21 Q Mm-hmm.

22 A -- ball that shoots out.

23 Q Sponge ball?

24 A Sponge ball, yeah.

25 Q Yeah.

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1 A They hurt.

2 Q And when you say you're designating, "You're
3 lethal, I'm lethal," what -- what does that mean?

4 A So everyone knows what their job is, lethal
5 meaning you have your gun out and you're a lethal
6 cover because we might be going into something where,
7 you know, we might have to use lethal force on them.
8 And then we have a less lethal as well, so they --
9 they know what their job is designated to.

10 And they know that, okay. If I see this guy
11 and this happens, I can hit him with the less-lethal
12 launcher to maybe stop him from doing what he's doing.
13 So it was a quick plan that we tried to come up with
14 as fast as possible and then we went inside the house
15 and cleared the house.

16 Q Okay. And once you get the information that
17 he's in a room with a baby, you realized he's not out
18 running in the streets --

19 A Yes.

20 Q -- or something, but he's actually in the
21 house, how does that change the analysis of what to
22 do?

23 A We need to get in the house and we need
24 to -- we need to find the child and make sure the
25 child's safe first. And any other potential victims

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1 that are inside, any victims that have been gravely
2 injured that need medical attention, the quicker we
3 can get in the house and clear it, the quicker we can
4 get those people to the hospital. That was my
5 mindset.

6 And if he was there, we'd deal with him. If
7 he -- the suspect wasn't there, we'd have other
8 options. For example, setting a perimeter and doing a
9 canine track for him, having the airplane kind of roam
10 the blocks and see if there's anyone creeping in
11 yards.

12 But, first and foremost, we need to take
13 care of what's in front of us right now, which is the
14 people out front who are hurt and the people inside
15 who we don't know are hurt or not.

16 Q Okay. So did you go into the house?

17 A Yes. Rizzo announced over the radio that
18 we'd be clearing the house and to hold the air. We
19 made entry to the house. I fanned out to the left.
20 Young fanned out to the right.

21 And when we entered the house, there was an
22 elderly male victim who appeared to be bleeding
23 sitting on the couch and a -- another male standing to
24 the right who was also bleeding.

25 And I think he had an ice pack. I don't

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1 remember much, but as soon as he -- as soon as we
2 entered, he ended up sitting down. And it's kind of
3 an open living room with the kitchen to the right
4 that -- and a hallway and then an open sliding
5 glass door.

6 Q Officer Gonzalez, if you look at the board
7 here behind you, we have a line diagram. Does this
8 look like the floor plan of the house as you recall
9 it?

10 A Yes.

11 Q Front door is here and you come in. Could
12 you come up and just point to where you're seeing some
13 of these people when you first came in?

14 A So this is the front door right here. So we
15 make entry through the front door. I fan out to the
16 left. Young is right here to the right and Rizzo's --
17 I believe he's right in the middle of us. There's an
18 elderly male victim sitting down on this couch and
19 another male standing up initially who ends up sitting
20 down on the couch right here.

21 Q Okay. Do you remember what the lighting was
22 like inside the house?

23 A The living room light was on. The kitchen
24 light was dark. And I believe a hallway light was on.

25 Q Okay. Did you have flashlights on?

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1 A I did, yes.

2 Q Okay. And was that mounted on your handgun
3 or were you holding a flashlight in your hand?

4 A I -- I had the flashlight held in my hand.
5 I -- I don't think I swapped it because I was outside,
6 you know, shining my light around there. So I entered
7 the house with flashlight in my hand and gun in
8 the other.

9 Q Okay. And does your gun actually have
10 a flashlight --

11 A Yes, it --

12 Q -- on it?

13 A -- it does. Yeah.

14 Q Okay. So you guys come in and then what do
15 you remember happening?

16 A We kind of get to this area right here where
17 we have an unknown kitchen area, an open sliding glass
18 door and a hallway. Me and Young talked to each
19 other. I tell him, "Hey, man. You're going to clear
20 the kitchen very fast and watch the sliding glass
21 door. I'll hold the hallway while you do that."

22 Q What does that mean, "hold the" --

23 A "Hold the" --

24 Q -- "hallway"?

25 A -- "hallway," meaning I'm going to put

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1 myself in that area so if a threat does come out, I
2 can deal with it while he's worry -- while his back is
3 turned, essentially. I'm covering angles for him.

4 Right before I said that, I -- I observed
5 Sergeant Mooney walk in behind me. I don't know if
6 he entered the house with us or he came in after we
7 entered, but it was very shortly after we entered that
8 I noticed him.

9 Q And do you remember, as you're standing
10 in there, is it a pretty quiet house? Is it pretty
11 chaotic? Is it loud? Is it -- what -- what's --
12 what's the environment like in there?

13 A The three ladies -- or the two ladies and
14 the guy out here -- the two ladies are still yelling
15 for help. The two guys -- one looked like he was in
16 shock, the elder -- elderly guy sitting right here.
17 And this other guy, I couldn't tell you what he was
18 doing. But there was blood all over the floor leading
19 to the hallway. Just everywhere, blood, yeah.

20 Q Okay. What's going through your mind now?

21 A Well, I have two more victims who both
22 appear to be in critical condition 'cause -- and
23 there's a lot of blood on the floor. And for that
24 much blood to be out, some main artery had to have
25 been hit in my mind.

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1 So if there's -- if there's limited time
2 to help these people out and there's not -- I can't
3 put a tourniquet on a neck because, you know, that
4 just doesn't work. So we still -- the baby was not
5 seen. We still need to find the baby 'cause we have
6 information that there may be a baby inside still.

7 Q Okay. So you're covering the hallway. What
8 are the other two officers doing?

9 A Rizzo is maintaining -- he's -- he's in the
10 back. He is our less-lethal option if we need it,
11 so he's kind of just hanging out and just observing
12 everything. Young clears the kitchen, said -- tells
13 me that it's clear and he holds this open sliding
14 glass door.

15 I turn around to Mooney. I'm like, "Mooney,
16 we're going to clear this hallway. Are you ready?"
17 He's like, "Yeah." There's a closet. I start
18 clearing closets that are to the left and right.

19 I announce myself again -- oh, when I first
20 came in, I did announce, "Police. Make yourself known
21 right now or you're going to get fucking shot." I
22 believe I did that two times. When I got to this
23 hallway, I announced myself again, "Police. Make
24 yourself known right now or you're going to get shot,"
25 very loudly.

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1 And so we start clearing this and we kind of
2 get to this little L shape. I tell Mooney, "Hey,
3 clear this room to the right. I'm going to hold this
4 hallway and that open door." He clears this room
5 quickly.

6 Q Do you remember which doors were open and
7 which were closed --

8 A Yes --

9 Q -- in that hallway?

10 A -- this one was open.

11 Q The bathroom?

12 A The bathroom was open. This one was open.

13 Q Is that on the diagram labeled
14 "Betty Littlejohn"?

15 A Yes.

16 Q Okay. Her bedroom.

17 A This one was closed, I guess, Amber Stevens.

18 Q Okay.

19 A And then this one was open as well.

20 Q And was that one labeled "Delbert
21 Littlejohn"?

22 A Yes.

23 Q Okay.

24 A So we clear each room. When Mooney leaves
25 the Betty Littlejohn room, he lets me know, "Hey, I

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1 heard something in this room right here," which would
2 be Amber Stevens' room. I acknowledge him that he
3 heard something, but I still have this open door right
4 here that I don't know who's in there.

5 So I say, "Okay. I'm going to clear this
6 room really quickly and we'll see -- we'll -- we'll
7 deal with the room that's closed." So I go in there.
8 I clear it quickly and then we get to the closed door
9 here.

10 Q And where -- or who's with you? I mean,
11 you've said Mooney was there, but who else was with
12 you at that point?

13 A Rizzo, I believe, was -- was with us as
14 well.

15 Q Okay.

16 A It was just us -- us three down this
17 hallway.

18 Q Okay. So you clear the room that's labeled
19 "Delbert Littlejohn," nobody in there?

20 A No one.

21 Q Okay. What happened --

22 A That I could tell. I mean, I'm looking for
23 a -- I -- honestly, I didn't -- I didn't really look
24 too hard in that room. It was open, didn't see any
25 movement and I'm looking for a guy and a baby --

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1 Q Okay.

2 A -- at that point.

3 Q Okay. Could you actually hear any sounds
4 coming from inside any of these rooms?

5 A I -- I may have heard something, but I
6 was -- I -- I honestly don't remember. They -- Mooney
7 told me, like, "Hey, I heard something in that room."
8 I acknowledged him and I believe that was it.

9 Q Okay. So what happened then?

10 A I went to open this -- the door. As I
11 twisted it, shoved it, it only opened about a foot
12 'cause there seemed to be a -- a baby crib blocking
13 the -- it was barricaded. I shoved it more 'cause I
14 wanted to get inside.

15 Q And did you still have your gun out at
16 this point?

17 A Yeah.

18 Q And were you doing that with the flashlight
19 in your hand? Did you drop --

20 A With the --

21 Q -- flashlight?

22 A I had my gun in my right hand and my left
23 hand, I -- I had the flashlight in my hand still.

24 Q Okay.

25 A Opened it up, toss it open and started

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1 looking inside. And there was a baby crib and there
2 was clutter on the other side of the baby crib that's
3 causing kind of a barricade to where we couldn't
4 get in.

5 Q Okay. What, if anything, did you notice
6 about the baby crib?

7 A At first, I didn't notice anything. I just
8 thought it was barricaded, the reason being is when I
9 began looking inside the room, I saw what appeared to
10 be a female on the bed laying down with her head
11 against the corner of the wall.

12 I saw a very large kitchen knife, about --
13 it looked like 12 inches big, right in front of her by
14 her neck. And I -- I saw another arm around her and
15 then as I went around closer, I could see these two,
16 like, huge, evil looking eyes, like, right above her
17 head just staring at me in the corner of the room. So
18 I was fixated on that.

19 Q Okay.

20 A I was just about to boot the door when
21 Mooney and Rizzo both told me, "Hey, there's a baby in
22 the crib. There's a baby in the crib." I say,
23 "Okay."

24 I drop my flashlight and I holster my weapon
25 and I grab the baby and run it to the next room and

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1 place it on the couch and run back over to deal with
2 the --

3 Q Do you remember which room you ran into?

4 A I -- I placed it on this couch right here.

5 Q Okay. In the living room?

6 A Yeah.

7 Q Okay.

8 A It was a very small -- very small house.

9 Q Okay. When you first look into the room, do
10 you remember whether the light was on in there or the
11 light was off? Did you --

12 A It was off. The light was off.

13 Q Okay. And did you need your flashlight to
14 see what was happening then?

15 A There was some illumination from the
16 hallway. I definitely used my flashlight when it
17 came -- when I was inside the room, but you could --
18 you could see kind of what was going on through the
19 illumination of the hallway.

20 I had already flashed my light on what was
21 going on before I had dropped my flashlight, so I kind
22 of had an idea of what we were dealing with.

23 Q Okay. And what did you do with that
24 information? Did you let the other guys know or did
25 you just --

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1 A I -- I grabbed the baby out of there and ran
2 it to the back as quick as -- I figured they were
3 going to find out eventually what was going on in
4 there.

5 Q Okay.

6 A There's not -- there wasn't a lot of time
7 for communication about what was happening.

8 Q Okay. So you set the baby down. Did you
9 run back to the door?

10 A Mm-hmm.

11 Q And then what happened?

12 A As I'm -- as I'm -- as I come back -- it
13 might have been Mooney in there at first and then they
14 flip flopped, but Mooney and Rizzo flip flopped.
15 Rizzo has his less-lethal launcher and I hear him
16 shoot a round off.

17 And I hear an audible, "Ow." I don't
18 remember if it was the first less-lethal shot that he
19 took or the second one where I heard the "ow," but
20 I -- there was definitely an audible "ow" from a --
21 what appeared to be a male voice.

22 Q Okay.

23 A He shoots the first round. He pops out
24 'cause we couldn't -- we couldn't get inside the room.
25 We had, like, about a foot in the door frame to work

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1 with. Mooney --

2 Q And how -- how small is the area in that
3 hallway outside the door?

4 A Very small. I mean, we could barely fit
5 two people. It was very cramped.

6 Q Okay.

7 A Rizzo exits the doorway, says he's
8 reloading. Mooney goes back inside the crease.

9 Q You mean the -- the opening in the door?

10 A The -- the opening in the door.

11 Q Okay.

12 A When he goes back inside the crease, I don't
13 know if he's saying anything. I don't know 'cause I
14 was kind of behind him. Rizzo reloads. He says, "I'm
15 ready."

16 He goes back -- Rizzo goes back in the
17 crease, shoots him with another less lethal, comes
18 out. And then Mooney's in the crease trying to --
19 trying to spark up a dialogue with this guy.

20 Q Could you hear what he was saying?

21 A He was -- he was saying, "You don't have to
22 do this," in probably the most calm demeanor and most
23 soothing tone you could have in a situation like this.

24 Q Now, when you look in first and you see what
25 you described as these eyes and this knife held up

Examination of Michael Gonzalez

1 this female's --

2 A Mm-hmm.

3 Q -- neck, I mean, what's -- what's going
4 through your mind at that point?

5 A She's being held hostage. She's being
6 kidnapped by this guy. And he -- she's in immediate
7 danger of death or serious physical injury based off
8 what I observed walking into this place.

9 And he -- I was assuming this -- this is the
10 guy that had already attacked three other people and
11 he had another victim at knifepoint.

12 Q Mm-hmm. Okay. How does that kind of change
13 your approach or thinking about the call now that you
14 have located the threat and he has what you've
15 described as a hostage at knifepoint in his arms?

16 A Well, we got to -- we got to stop him
17 somehow. It was tough because we couldn't get in the
18 room to create space. We couldn't get angles. We had
19 one vantage point and that was just looking at him
20 this angle.

21 They're both laying on the bed. She's in
22 front of him. And all you could see is his eyes and
23 the top of his head and he's got a knife to her neck.

24 Q And could you see or tell, given the
25 lighting, how well he was actually concealed by her

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1 body?

2 A I could only see, like I said, his -- his
3 eyes, his head, kind of the top of his head and his
4 arms. One arm was around her waist and the other arm
5 was up by her neck. That's all I could -- that's all
6 I could see.

7 Q Given what you had seen at that point in
8 terms of these other critically injured people, three
9 others that you've described --

10 A Mm-hmm.

11 Q -- and, now, seeing what you're seeing in
12 this bedroom, did you feel like lethal force would be
13 authorized or necessary at that point?

14 A Absolutely.

15 Q Why didn't you use lethal force at
16 that moment?

17 A I didn't -- we didn't have a shot -- or I
18 didn't have a shot, I should say. It wasn't a shot
19 I was comfortable making.

20 Q What do you mean by that?

21 A It was a -- he -- all I could see -- we're
22 trained to -- to shoot at the vital organs, which
23 would be the heart or the chest. He was completely
24 covered by that -- by her body. The next option is
25 the head, but I can only see his eyes and the top of

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1 his head. She's actively fighting this guy and moving
2 around.

3 It was very dynamic and fast moving. It
4 would have had to have been -- I -- I honestly -- I
5 just did not feel comfortable making that shot. And
6 it -- it would have come down to it and she was
7 getting hurt more, I would have holstered and probably
8 jumped in there and wrestled the guy with the knife
9 because I'm not going to take --

10 Q Rather than shoot?

11 A Rather than shoot 'cause I'm not going to --
12 I'm not -- I didn't want to shoot her.

13 Q Was that what you were worried about?

14 A Yes.

15 Q That you'd hit her with --

16 A Yes.

17 Q -- a bullet?

18 A Yes.

19 Q Okay.

20 A It was very fast moving. She's moving
21 around. And my -- my window to shoot was about four
22 inches wide and three inches high and it's moving like
23 this. That's not a shot I am comfortable making by
24 any means.

25 Q Okay. So you're in this situation where

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1 it's very serious. You feel like lethal force would
2 be authorized to end this threat --

3 A Yeah.

4 Q -- but you can't take it.

5 A Yeah.

6 Q So what did you guys do? Or what did
7 you do?

8 A Well, Mooney is -- has a dialogue with the
9 suspect and he's, like I said, the calmest demeanor
10 you could have in a situation like this trying to
11 deescalate the situation. Maybe, you know, he can
12 talk him into, you know, giving up. Who knows what
13 could have happened?

14 Basically, it buys us more time to figure
15 out what to do, creating a dialogue with this guy.
16 It -- the dialogue wasn't going well because this --
17 the suspect was yelling, "If you come in here, I'm
18 going to fucking kill her. I'm going to fucking kill
19 her if you come in here. Don't come in here or I'm
20 going to kill her."

21 Like, he's yelling it over and over and over
22 again. So, at that point, you know, we needed to get
23 in there and -- and we needed to -- we needed more
24 options and you get more options by space. The more
25 space you have, the more options you have.

Examination of Michael Gonzalez

1 Right now, we didn't have many options at
2 all besides sit there and watch. Mooney grabs the
3 crib, throws it over the clutter and it enables the
4 door to open. Can I sit down?

5 Q Of course, yeah, go ahead.

6 A Mooney grabs the crib, throws it over
7 the clutter. We make entry into the room, but we
8 couldn't -- we could only fit, like, two people. So
9 I was -- I'll just point it out. I was at the -- I
10 was right here next to where the light switch would be
11 and Mooney's just to the right of me right here.

12 Q Okay.

13 A And we're facing this direction. There's
14 too much clutter over here for us to do anything more.

15 Q Did you have a sense of where Officer Rizzo
16 had gone?

17 A He was behind us somewhere, but I -- I
18 couldn't tell you.

19 Q Okay. Once you got into the room, how, if
20 at all, did the scenario change?

21 A He then took the knife and put it into her
22 gut or he was trying to stab her in the gut with it.
23 And she's fighting -- she's fighting him off, just
24 pushing his arm away the best she can, puts the
25 knife -- puts the knife back up to her neck. She's

Examination of Michael Gonzalez

1 scrunching her neck trying to stop it from going into
2 her neck.

3 And -- she's -- she's fighting off the
4 knife. He's actively trying to put it in her stomach
5 and into her neck. He's saying he's going to fucking
6 kill her and then he's saying, "Just kill me. Just
7 kill me." At one point, she -- she grabs his wrist
8 that had the knife in it and pushes it above her
9 head -- or his head.

10 And she shimmies down, so -- where I had
11 about a foot-and-a-half window. Mooney's still
12 talking to the guy. And I -- a -- an opportunity
13 arose for me. It was a shot that I was comfortable
14 making. And I fired one round and it struck him above
15 the left eye.

16 Immediately after that, Mooney fired a
17 round and grabbed the victim. She was taken. I
18 maintained lethal cover on the suspect. We slowed
19 everything down 'cause it -- it's kind of static at
20 that point.

21 He still had the knife in his hand. Rizzo
22 says that he's going to shoot him with the less lethal
23 again to see if he'll react. I say, "Okay. Hold on
24 for a second."

25 I put over the radio that we will be

Examination of Michael Gonzalez

1 deploying another less lethal or the next shot's going
2 to be less lethal, to -- something to that extent so
3 other officers that are there know that we aren't
4 still shooting at the guy. He shoots him with a less
5 lethal. He doesn't react.

6 He still has the knife in his hand. Mooney
7 says, "I'm going to grab the knife." I say, "Okay."
8 He says, "You got me?" And I said, "Yeah." He pins
9 the knife in his hand, takes the knife out and then I
10 was escorted to a patrol car afterward.

11 Q Okay. That moment when you see her push his
12 arm up, shimmy down and, as you put it, a shot opened
13 up for you, what did you think would happen if you
14 didn't take that shot?

15 A She would have been killed. She would have
16 been killed or seriously hurt. One of us would have
17 got hurt 'cause I think we would have had to do
18 something else. Someone would have got seriously hurt
19 or killed, I think.

20 Q Okay. You said you took one shot --

21 A Mm-hmm.

22 Q -- that hit him above the left eye?

23 A Mm-hmm.

24 Q Why did you stop shooting?

25 A Like I said before, it was a very dynamic,

Examination of Michael Gonzalez

1 fast moving situation. She's still fighting and
2 flailing around. He's moving. I'm not going to --
3 it was a small window of opportunity to take the shot
4 and if it closed and I continued to shoot and ended
5 up shooting her, I wouldn't have been able to sleep.

6 So I took one shot that I was pretty
7 confident I could hit and I saw it strike above his
8 left eye. I know a shot there is extremely effective,
9 so I assessed whether I needed to shoot more. He
10 appeared to go limp, I guess. And then immediately
11 after I shot, Mooney shot as well.

12 Q Okay. Once you took the shot, you said she
13 was kind of shimmying down away from him toward the
14 foot of the bed?

15 A Mm-hmm.

16 Q Did you see where she ended up going?

17 A I -- I noted when she -- I -- I feel like
18 when she felt she could break free, she broke free and
19 crawled towards us. And I think Mooney grabbed her
20 hand or arm and escorted her out, I believe. That's
21 the best of my recollection of what -- what happened
22 after.

23 Q Okay. Did you notice anything about
24 her clothing?

25 A Yeah. She was wearing a tank top -- tank

Examination of Michael Gonzalez

1 top and she didn't have any pants on at the time.

2 Q Okay. At any point from when you first
3 arrived on scene and -- and described for us that you
4 drew your firearm, did you ever consider using a
5 different force option?

6 A From -- can you repeat the question one more
7 time? Sorry.

8 Q Sure. Throughout this incident, from when
9 you arrived, you described you drew your firearm.

10 A Yeah.

11 Q And then when you guys grouped up, you said
12 Young and you were going to be lethal cover.

13 A Yeah.

14 Q Rizzo was going to be less lethal. As this
15 is unfolding once you're in the house, did you ever,
16 at any point, think it would be appropriate to use a
17 different type of force option other than lethal
18 cover?

19 A Absolutely. I wish we could have had every
20 less-lethal option we could have had there. I wish
21 we had a canine. That would've helped. It -- it --
22 this is -- you got to understand that this is an
23 active-threat situation where people have already
24 been seriously injured.

25 I'm going to bring my gun to this fight and,

Examination of Michael Gonzalez

1 if I can, I will use another less-lethal option.
2 However, we didn't have the time to discuss what other
3 options we could have taken in.

4 A Taser would have been ineffective because
5 I need a good Taser spread and I need two points of
6 contact on whatever I'm shooting for the electrical
7 current to take effect. She was, unfortunately, in
8 between that from happening.

9 Pepper spray doesn't do anything in a
10 situation like that and it would have contaminated
11 us and rendered our ability to take action useless.
12 A baton is a baton. It's just like striking with
13 a fist. We would have to get it within, you know,
14 striking range of the knife.

15 And a knife can do a lot of damage in a very
16 small amount of time. We needed distance, which we
17 had, which was less lethal and lethal, our less lethal
18 being a 40-millimeter styrofoam ball that's --
19 inflicts pain, but it doesn't kill somebody. We
20 attempted to use that and it failed.

21 We attempted to deescalate and it was not
22 working. The only other option would have been him
23 saying, "Okay. I give up," throws the knife and
24 gives us the victim. But he was -- by the time I
25 took the shot, he was trying to stab her in the gut

Examination of James Mooney

1 with the knife.

2 So I think we exhausted every single option
3 that we could have had in that time.

4 MR. JACKSON: Okay. I don't have any other
5 questions. Do the grand jurors have any questions?

6 Okay. I don't see any.

7 Thank you very much, Officer.

8 THE WITNESS: Thank you.

9 MULTIPLE GRAND JURORS: Thank you.

10 THE WITNESS: Yeah.

11 MR. JACKSON: Why don't we take an afternoon
12 break here? We can go off the record.

13 (Recess taken, 2:19 p.m. - 2:27 p.m.)

14 MR. JACKSON: All right. We're back on the
15 record following our afternoon break. And so we'll
16 start with our next witness, James Mooney.

17 Please stand right here and raise your
18 right hand.

19 THE WITNESS: Good afternoon.

20 **JAMES C. MOONEY**

21 Was thereupon called as a witness; and, having been
22 first duly sworn, was examined and testified as follows:

23 **EXAMINATION**

24 BY MR. JACKSON:

25 Q You can have a seat.

Examination of James Mooney

1 Could you please state and spell your name?

2 A My name is James C. Mooney, M-o-o-n-e-y.

3 I'm currently employed by the Portland Police Bureau
4 as a sergeant.

5 Q And, Sergeant Mooney, is your appearance
6 before this grand jury today voluntary?

7 A Yes, it is.

8 Q In other words, are you under subpoena to
9 testify before this body or in any other way compelled
10 to do this?

11 A Not that I'm aware of.

12 Q Okay. And are you aware that, at any point,
13 you can let me know if you would like this process
14 to cease and we'll stop asking questions and you
15 can leave?

16 A Yes, I've been advised of that.

17 Q Okay. So, first, how old are you, sir?

18 A I'm 63.

19 Q Okay. And what is your educational
20 background?

21 A I went to Jesuit High School here in
22 Portland and I went to the University of Santa Clara.
23 I have a degree in -- an undergraduate degree in
24 finance. I had some master's degree courses that I
25 attended in my senior year of college as well.

Examination of James Mooney

1 Q Okay. And when did you become a
2 police officer?

3 A Ten years ago almost, ten years in
4 two months.

5 Q Okay. And did you have a career before you
6 became police officer?

7 A I did. I was in business for a number of
8 years. I was -- worked very hard, was very successful
9 and retired young.

10 Q And what caused you to decide to become a
11 Portland Police officer?

12 A That always sounds altruistic when people
13 ask me that question. I've been able to successfully
14 avoid it at work for ten years. But I was looking to
15 do something in community service at the time.

16 I have a background in community service all
17 the way back to high school and thought I was young
18 enough. I was in good physical condition and was
19 looking for something to do. I looked at Habitat for
20 Humanity.

21 I looked at some other things and somebody
22 suggested the reserve program at a police department
23 somewhere and expressed no interest in that at the
24 time, but was exposed to some people who were involved
25 and got involved.

Examination of James Mooney

1 Q Okay. And that was about ten years ago?

2 A It was. Or, actually, that -- it started
3 probably 12 years ago 'cause it takes a long time to
4 get hired.

5 Q Okay. And once you were hired, could
6 you explain for us the training process that you
7 went through?

8 A I attended the DPSST basic academy in Salem
9 with 19 of my closest under-30 friends at the time.
10 And I attended -- attended -- I think it was -- it was
11 between 12 and 15 weeks. I've forgotten now. It's
12 been a long time ago. After graduating at that time,
13 I was the Vic Atiyeh Award winner at that time.

14 Q What -- what is --

15 A And --

16 Q -- that?

17 A The most outstanding in the class at that --
18 at that time.

19 Q Mm-hmm.

20 A And was given that honor by my -- by my
21 classmates and the people who run DPSST. And so I
22 came to Portland and started my probationary period,
23 which is 18 months.

24 I went -- attended the advanced academy,
25 which was approximately 10 weeks, 10 to 12 weeks, here

Examination of James Mooney

1 in Portland. And from there, since then, I have about
2 2,000 hours of additional training.

3 Q Okay. And you successfully completed all of
4 that training?

5 A Yes --

6 Q And --

7 A -- I did.

8 Q And your probationary period?

9 A Yes, I did.

10 Q Okay. And you said that you're a sergeant
11 with the Portland Police Bureau, right?

12 A Yes.

13 Q And when did you become a sergeant?

14 A In 2015, I believe. May of 2015. It's been
15 five years. As of about five days ago, it's been
16 exactly five years that I was promoted to sergeant.

17 Q Okay. And what, if any, additional training
18 is required for sergeants?

19 A The training is on -- ongoing. It requires
20 a written test. It requires what's referred to as the
21 Assessment Center where a group of outside individuals
22 who make up from police departments around the
23 United States assess your performance in oral boards,
24 scenarios, culminating in a -- a pass-or-fail grade
25 and then you're ranked on the list. And the list is

Examination of James Mooney

1 made up and then the Bureau decides whether to hire
2 you as a sergeant or not.

3 Q Okay. And prior to becoming a sergeant,
4 were you a patrol officer?

5 A I was. Just prior to being a -- promoting
6 to sergeant, I was a Street Crimes officer, which is a
7 small unit of four to five officers out of North
8 Precinct. We did a lot of drug interdiction. We did
9 specialty assignments, basically a catch all for areas
10 that needed community policing.

11 Q Okay. And before that, were you a
12 patrol officer?

13 A I was a patrol officer. I had a partner for
14 two years, Officer David Hughes. And prior to that, I
15 worked alone.

16 Q Okay. When you became a sergeant, what was
17 your specific assignment?

18 A I was selected to work East Precinct nights,
19 which encompasses all of East Precinct. I have
20 approximately six to eight officers under my direct
21 supervision and I -- I help supervise the -- at the
22 time that I was hired in 2015 -- might have been
23 2000 -- 2015, we had a minimum officer standard of
24 17 per shift.

25 So every shift that I arrived for work,

Examination of James Mooney

1 there was a minimum of 17 officers. We could have as
2 many as 20, 22, but most of the time, we were at
3 minimums. Slowly but surely, that's dwindled to 15
4 and I think, currently, it's 14.

5 Q Per shift?

6 A Per shift.

7 Q Okay. Could you describe for us, generally
8 speaking, how the responsibilities during a shift of a
9 sergeant differ from that of a patrol officer?

10 A This -- the way I look at it is a team -- a
11 team atmosphere. You could also consider the
12 sergeants to be coaches. But they're -- basically,
13 they're supervisors. So we respond to calls where we
14 believe that supervision may be required. It may be
15 necessary by policy.

16 We are called to scenes. When we're not
17 doing that, oftentimes we are called to scenes where
18 something happens. So, for example, if force is used,
19 somebody uses a takedown to take somebody into
20 custody, that's a mandatory report written by a
21 sergeant.

22 And we go out and do an investigation to
23 make sure that everything was done properly, that the
24 suspect is treated properly and that the officers
25 adhere to the reporting requirements of the policy.

Examination of James Mooney

1 Q Okay. And so during a shift that you are a
2 sergeant for, would you just be kind of driving around
3 waiting for one of those situations to arise you would
4 respond to or do you stay at the precinct primarily or
5 how does that work?

6 A That's an option for each sergeant. I -- to
7 be honest with you, I hate the word "hate," but I
8 hated being in the office. But that's not -- was
9 my -- not my forte. I like interacting with the
10 officers. It's one of the reasons I never changed my
11 shift from night shift, is I enjoy working with the
12 younger officers.

13 And when you're on -- when you're new to
14 law enforcement, your seniority usually dictates that
15 you're going to end up on night shift. So I enjoy the
16 interaction with the younger officers, mentoring them
17 and helping them through their calls.

18 Oftentimes, I would park and monitor the
19 radio. We monitor call load as well, so things get --
20 calls get dispatched that don't need police response.
21 And it's a sergeant's responsibility to determine
22 whether a police response is mandatory in that case
23 or whether other resources should be deployed.

24 So we monitor the caseload. It appears on a
25 computer screen. And their -- each district has calls

Examination of James Mooney

1 holding. We monitor what the activity of the officers
2 are in those districts.

3 If an officer has to take somebody to --
4 into custody and drive them to jail, their --
5 oftentimes, their district is empty and we will ask
6 another officer, either through the computer or over
7 the air, to take the call in that district. So
8 it's -- it's a management situation.

9 My MO when working was, if there was down
10 time, I typically park -- parked at 122nd and Stark,
11 either in the Fabric Depot parking lot or behind Big 5
12 Sporting Goods, so my -- I could back up so I could
13 see anybody coming in and I could monitor the radio,
14 monitor the computer, start to complete some paperwork
15 that needed to be done.

16 And so it's not a mandatory requirement that
17 you stay in the office. It's not a mandatory
18 requirement that you be on patrol.

19 Q Okay. And when you are on shift, are you in
20 full uniform with badge displayed?

21 A Yes.

22 Q And the patrol vehicle you operate, is that
23 a marked patrol car?

24 A It is.

25 Q Does it have any special designation since

Examination of James Mooney

1 you are a sergeant or a supervisor?

2 A On the door, it says, "Supervisor."

3 Q Okay.

4 A It's very official.

5 Q Okay.

6 A It looks just like a patrol FIU, Ford
7 Interceptor Unit, the SUV, but it says, "Supervisor,"
8 on the door.

9 Q And are you by yourself or do you have
10 a partner?

11 A No, I work alone.

12 Q How many sergeants generally are on shift
13 with you or are you by yourself?

14 A That's a good question. When I started at
15 East Precinct, the minimum staffing for sergeants was
16 two. It then moved to three. So on the day of this
17 incident, it was three, which means if there is not a
18 third sergeant available, one needs to be hired. That
19 also includes acting sergeants.

20 So there was many times when I was first
21 hired that I was considered what's called a
22 hard-stripe sergeant, which means I was actually
23 promoted and wore sergeant stripes.

24 And then, oftentimes, there would be a
25 sergeant in training called an acting sergeant who

Examination of James Mooney

1 would be filling in for other sergeants. And,
2 occasionally, you have that condition. And I worked
3 many, many shifts with an acting -- just myself and an
4 acting sergeant.

5 Q Okay.

6 A Currently, it's -- the current standard is
7 it's moved back to two for staffing issues. It's
8 literally because there aren't enough sergeants.

9 Q Okay. I want to take you now to your shift
10 which started on April 28th, 2019 into the morning
11 hours of April 29th of 2019.

12 A Okay.

13 Q And, first, after the incident occurred,
14 were you placed on a communication restriction order?

15 A I was.

16 Q And have you abided by that?

17 A I have.

18 Q Okay. Starting on April 28th, 2019, before
19 your shift began, was there anything unusual that
20 occurred during the day?

21 A No.

22 Q Can you --

23 A I lead a very boring life.

24 Q Okay. Can you take us through kind of your
25 pre-shift routine?

Examination of James Mooney

1 A Sure. So, typically, on the day that I
2 work, I -- if I've worked the night before, I sleep
3 until about -- hopefully about 1 o'clock in the
4 afternoon after getting to bed at about 8:30 in the
5 morning 'til about 1:00.

6 I then get up and I have something to eat
7 and then I visit with my wife, check on her, how she's
8 been -- been doing. And then I always arrive at work
9 at least one hour prior to the start of my shift,
10 whether I am considered the early sergeant -- an early
11 sergeant is, if it's your Friday, your last day of
12 work for the week, you are the early sergeant.

13 And the early sergeant is required to be at
14 East Precinct at 9:00 p.m. or 2100 hours. They prep
15 for roll call. They check what's called the UDAR,
16 which is the scheduling where everybody is listed of
17 who's working. They fill overtime slots if we're
18 below minimum officers.

19 They fill -- they do all that for about an
20 hour. My typical routine is there -- I'm an hour
21 there -- at work an hour beforehand. So I arrived an
22 hour before work. I believe that was my Friday. Yes,
23 it was. And so I was the early sergeant.

24 So I showed up at 9 o'clock or, usually, at
25 a quarter to 9:00. I go directly to the locker room.

Examination of James Mooney

1 We have a small locker room, command locker room,
2 versus the general population locker room, got dressed
3 for work, prepped my radio to make sure it had a
4 fresh battery.

5 I have the exact same routine every day.
6 Arrive at the precinct, go to the locker room, change
7 into my uniform, walk down the stairs, get a new
8 battery for my radio, check to make sure the radio was
9 functioning properly, make sure I had all my
10 appropriate equipment, proceeded to the sergeant's
11 office, greet any sergeants that are in the office
12 working.

13 Sometimes the afternoon sergeants are there
14 conducting business, greet them and go right to work
15 at 9 o'clock. At 10 o'clock is the start of roll
16 call. The other sergeants would have arrived on that
17 day and proceed with roll call.

18 Q Okay. And before we continue with kind
19 of your routine here, I did want to ask a couple of
20 additional questions about your training. Now, did
21 you have CIT training or crisis intervention training
22 as part of your academy?

23 A Yes, we had numerous hours of CIT training.
24 We call it CIT. I am also ECIT certified, which is
25 advanced crisis intervention team.

Examination of James Mooney

1 Q Okay. And what does that entail to get the
2 ECIT certification versus the standard CIT training?

3 A I think the actual number is an 80 --
4 additional 80 hours of training, scenario training,
5 classroom training. And along with that, we are -- we
6 were dispatched as officers to where there's a mental
7 health crisis for an individual.

8 Q Okay. And is that what that training is
9 specialized for?

10 A Yes, it's to deal with mental health issues.

11 Q Okay. And then also, do you have any other
12 certifications for weapon systems besides your duty
13 arm -- sidearm?

14 A Yes. I'm -- I'm also less lethal qualified,
15 so we used to have the less lethal 12-gauge shotgun.
16 We now use a 40-millimeter launcher, which is a
17 single-shot, reloadable launcher. I am also Taser
18 certified, as is all patrol officers. And at -- when
19 I was involved with RRT, I was also a grenadier.

20 Q And what is RRT?

21 A RRT is the Rapid Response Team. We respond
22 to protests and other mass gatherings. For example,
23 it's not always protests. Sometimes the RRT is tapped
24 to do the fun center, so in regular uniform or when
25 there was large Timbers games, playoff games against

Examination of James Mooney

1 Seattle, we would be dispatched because there's crowd
2 management issues there.

3 And you would never know that we were
4 dispatched there, but you may see officers in uniform.
5 But they're typically Rapid Response Team officers.

6 Q Okay. And you said you were a grenadier?

7 A A grenadier, which means I'm certified to
8 use less-lethal weapons like a launcher. There's also
9 a tool called the FN 303, which I didn't use a lot,
10 but I was certified to use. Also --

11 Q What is that?

12 A An FN 303 is an air-driven device that
13 shoots a projectile with paint. It has a paint -- a
14 marking round to it. Typically, it's designed to be
15 used to the lower extremities when force is necessary.

16 Q Okay. All right. And when you go out on
17 shift, do you take your less-lethal 40-mil launcher
18 with you every time?

19 A That's a really good question. I do not
20 take mine. The reason -- every time.

21 Q Mm-hmm.

22 A What I'll do is I will poll the officers
23 and find out how many are less lethal certified. And
24 if there aren't enough launchers being dispatched, so
25 if I -- I ask, "How many people are going to take a

Examination of James Mooney

1 launcher out today?" meaning how many are certified,
2 and I get one hand, then I will probably load a
3 launcher in my car.

4 The reason I don't like to take a launcher
5 is if you arrive on scene with a tool -- that would
6 be considered a tool -- you're then responsible to use
7 that tool. And it -- it slows down your supervisory
8 capability. So as a supervisor, you don't want to
9 be encumbered by a tool typically because then you're
10 focused on that tool and not supervising the officers.

11 Q Okay. So going back now to April 28th,
12 2019, you said you were the early sergeant. You went
13 through that process, roll call began. What happened
14 then?

15 A I took nothing unusual that day. My -- my
16 response to the officers at the end of roll call is,
17 "Be safe. Take care of each other." Then the -- the
18 officers are -- take off and go to their cars and log
19 in and proceed to work their shift.

20 Sergeants, being sergeants, the only time
21 we really interact as sergeants is at what we call
22 sergeant's coffee, which we have a meeting after roll
23 call. And, typically, we go to the Ramada Inn at 9 --
24 99th and Stark -- or Washington. I can't remember
25 which one. It's Stark or Washington.

Examination of James Mooney

1 We use their little breakfast room and we
2 have a meeting there for about an hour with coffee
3 with sergeants to make sure we're all on the same page
4 for the day, catch up with what's going on because we
5 all work staggered shifts and so you don't work with
6 the same sergeants every shift.

7 So something may have come up policy-wise,
8 something new in policy we'll discuss, something
9 happened on the shift previous days where another
10 sergeant was -- wasn't there. We have probationary
11 sergeants who have been promoted, but they're still
12 in their year of probation phase.

13 And we'll talk about after-action reports
14 and things like that until we've exhausted everything
15 we need to talk about and then we go out on patrol.

16 Q Okay. And on this shift, did you bring your
17 40-mil launcher --

18 A I didn't --

19 Q -- with you?

20 A I did not.

21 Q You did not. Okay. And at any point in the
22 day leading up to your shift or during your shift, had
23 you consumed alcohol or drugs that would affect your
24 ability to do your job or your judgment?

25 A Never.

Examination of James Mooney

1 Q Okay. Up to the call for service at 13136
2 Southeast Center Street, were there any particularly
3 unusual calls that occurred during the shift?

4 A No. It was a fairly routine day, nothing
5 unusual at all. We may even have been considered
6 slow, which would be typical of a Sunday into Monday.
7 It's one of the reasons I never changed my days off.

8 My days off were not considered desirable,
9 but my days off were Monday, Tuesday, Wednesday
10 because I loved ending my week on Sunday and Monday
11 morning because it was typically a little bit slower.

12 Q Okay. And do you remember, at about 4:15 in
13 the morning, the call for service coming out?

14 A Yes.

15 Q Do you remember where you were?

16 A I was parked in my spot backed in behind
17 Big 5 Sporting Goods monitoring the radio.

18 Q And what was your understanding of the call
19 when it first came out?

20 A Well, it came out as a stabbing. So we get
21 stabbing calls all the time. Typically, when you show
22 up to a stabbing call, it's somebody has a scratch on
23 their wrist or something relatively minor. Very
24 rarely is it somebody has plunged something -- a
25 weapon deep into somebody.

Examination of James Mooney

1 It's -- it's -- they -- they -- we tend
2 to -- we respond to them Code 3, which is with lights
3 and sirens, because life may be in danger. But at
4 that time, it came out as a stabbing call. And,
5 typically, on a stabbing call, a sergeant will
6 acknowledge the call.

7 So I was waiting for Sergeant Searle, who
8 I believe is still on probation. I was waiting for
9 a probationary sergeant to answer the call. Sergeant
10 Searle, as usual, immediately answered that he -- he
11 was monitoring the call. And that usually means that
12 the sergeant will leave whatever he's doing and head
13 toward that call.

14 Q Okay. And so once you heard Sergeant Searle
15 acknowledge the call, did you take any further action?

16 A I did. And the reason I left my parking
17 spot at -- at Big 5 Sporting Goods was it had been
18 relatively slow and that's not my style, so I decided
19 I would go and assist Sergeant Searle with the
20 stabbing call.

21 Q Do you remember who the other sergeant was
22 on duty that night with you?

23 A It might have been Sergeant Kula. I don't
24 remember off the top of my head.

25 Q Okay. That's all right. Were there three,

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1 though? As you said --

2 A Yes.

3 Q -- there were --

4 A Yeah. There would --

5 Q -- three minimum?

6 A -- there would have been three of us.

7 Q Okay. So you decide to respond along with
8 Sergeant Searle to the call?

9 A That's correct.

10 Q And as you proceeded toward the call, were
11 you going Code 3, as you put it, or --

12 A Mm-hmm.

13 Q -- lights and sirens?

14 A Well, interesting that you ask. I -- I left
15 my parking spot, was tooling out onto Stark Street
16 headed westbound on Stark to 122nd, which is only one
17 block. But as I got to the light and was waiting at
18 the red light, things started to get amped up.

19 Q What do you mean?

20 A I know my officers that I work with and the
21 officer who was responding who was the primary officer
22 on the call was Officer Aaron Rizzo. Now, I -- I
23 trust Aaron Rizzo's judgment like I would trust my
24 own. He's solid. He's a lateral transfer a few years
25 ago from Tampa, Florida.

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1 I have much experience with Sergeant --
2 or with Officer Rizzo and his ability to determine
3 what's necessary for a call. He's also excellent at
4 deescalation. He's also an ECIT officer.

5 And Officer Rizzo called for a staging area
6 at 132 and Powell, which is a few blocks north of the
7 site where the incident happened. As I proceeded to
8 go southbound on 122 headed toward the call, Officer
9 Rizzo started saying that medical was needed, that he
10 was to skip the staging area.

11 So, typically, on a call where there's a
12 weapon involved, we will stage. So we will get to an
13 area, get out of our cars, decide how we're going to
14 approach depending on the weapon that's involved.

15 If it's a long gun or a pistol of some kind,
16 something that a projectile can be shot, we'll use
17 some of our armored FIUs. So our SUVs 2016 and newer
18 have armored doors. So what we'll do is we'll open
19 the doors and we'll act as a shield and we'll actually
20 move up behind the FIU toward the location.

21 But Officer Rizzo said that -- or another
22 officer said, "I'm going to try to get eyes on,"
23 which, again, is another tactic we use. We move two
24 officers up in the dark to try and see what's going on
25 at the particular location in the dark and radio back

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1 to us to find out what's going on.

2 Those officers or somebody on the radio said
3 there were multiple victims, start a second ambulance.
4 Well, that changes the whole foundation of the call.
5 If -- if my people are telling me there's multiple
6 victims and they can see that they're victims, which
7 means they -- you can either see them bleeding or
8 they're yelling or screaming or falling on the ground
9 or -- it was -- or turning into chaos, then that
10 requires a quicker response from the supervisor.

11 So I then proceeded to drive Code 3 lights
12 and sirens southbound on 122. About three quarters of
13 the way to 132nd, they called off the staging area and
14 said, "Come directly to the scene."

15 Q What does that mean to you when you hear
16 that?

17 A It means that the situation has amped up,
18 that it's more critical that police get there.
19 Somebody on the radio announced that there were
20 multiple victims and that they didn't know where the
21 assailant was.

22 So I hadn't drawn a conclusion to the call
23 yet, so I drove directly to 132nd and Center, parked
24 behind another police vehicle, got out of my vehicle.
25 Somebody immediately shined a flashlight in my face,

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1 which is highly unusual.

2 And I take that to understand the reason
3 they did that was they wanted to see who it was. They
4 knew it was somebody, but they wanted to know who it
5 was. I then saw Officer Rizzo with his less lethal
6 slung over his back.

7 So the less-lethal launcher, it's a tube
8 device. And it has a bright-orange strap to it and
9 that's to identify who the less-lethal operator is.
10 And he'd already stated that they wanted multiple
11 units to respond, that they needed multiple
12 ambulances, that there were multiple victims and that
13 there was screaming coming from the house.

14 Officer Rizzo saw me. I was only about a
15 car length and a half behind him. And he turned and
16 looked at me and his eyes were big. And Officer Rizzo
17 doesn't get excited. I can't emphasize that enough.
18 He's calm. He's my guy.

19 He's my guy that, when I have a crisis
20 situation, he's the guy I want talking to the person
21 in crisis. He's the person that I want to deescalate.
22 I can't tell you how good he is at it. He's very
23 good.

24 He turns and looks at me and he says,
25 "Sarge, we got to go in. There's a -- there's a baby

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1 inside," and something about a guy, he's stabbing
2 people. Just -- my answer was, "Let's go."

3 So I had, I believe, three officers at
4 the time. Now, to me -- and this is what I thought
5 at the time -- this is an active -- an active threat.
6 So we are all --

7 Q What -- what does that mean?

8 A Yeah. We are -- we are all trained in
9 active shooter. You've all seen on TV, Virginia Beach
10 the last couple days was a -- was an active shooter.
11 I haven't -- I have a person who's stabbing people and
12 he's actively doing that. The only response from us
13 is that we go in.

14 So you have to stop the person who's
15 stabbing people. That's the only way you can do it.
16 And you can't stand back and turn on the hail --
17 the -- the speaker in the car and say, "Come out with
18 your hands up." He's actively assaulting people
19 inside this house.

20 So as we start to move up the driveway --
21 you've got to understand the situation is this is
22 a house with multiple people living outside it in
23 motor homes, in tents in the backyard. Each room is
24 rented inside, I'm assuming, because there's only
25 one homeowner there.

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1 There's places like this all over town. And
2 I, personally, had never been to this one, but it was
3 really crowded with vehicles as we started up the
4 walkway. To my right out of the side --

5 Q Sergeant Mooney, could I direct you up
6 to this --

7 A Sure.

8 Q -- board here? Do you see this map with
9 Center Street and 132nd --

10 A Yes.

11 Q -- here? Is this the house that you
12 responded to?

13 A Yes.

14 Q If this would assist in -- in kind of
15 pointing where you were when you were --

16 A Sure.

17 Q -- seeing some of these things. Great.

18 A So this is where I arrived right here. My
19 car's parked at an angle like this. There's other
20 police cars. The front door is about here, but there
21 was many more vehicles parked around there on the
22 street. So we -- I keep calling it the pod.

23 That's not an official term, but the pod
24 of us, the officers, began to move directly toward
25 this -- this area and up a -- a driveway to a walkway

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1 to the front door.

2 Q What did you see on the way up?

3 A So, remember, I don't know where this guy
4 with the knife is. I have no idea where he is. He
5 could be in the yard as we're walking up. I have no
6 idea, so my head's kind of on a swivel. I'm with
7 Officer Gonzalez, Officer Rizzo. There was a female
8 officer with us. I think it was Sarah Burns.

9 But I had moved to the front of Officer
10 Gonzalez. To the right, there's somebody screaming
11 and moaning on the ground saying, "I've been stabbed.
12 I've been stabbed," and there's a blood trail coming
13 out of the house. As I'm approaching the front door,
14 a guy stumbles out of the house.

15 I believe he was holding his neck and
16 there's blood pouring out of his hands. And he said,
17 "I don't want to die. I don't want to die." And
18 he's -- comes stumbling out of the house. There's so
19 much blood on the floor when I walk in that it's
20 smeared as I'm walking through it.

21 A fairly normal elderly lady comes to the
22 door as I hit the door and I said, "Do you live here?"
23 And she says, "What's going on?" I said, "Stay out of
24 the house," and I kind of put my shoulder in front of
25 her and moved her out of the house and we

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1 continued in.

2 Again, we -- we believe we have an active
3 assailant. We don't know who's in the house, but he's
4 actively stabbing people. As we move into the
5 front -- call it a den area, living room area --
6 there's a man sitting on a couch with gray hair and
7 he's holding his neck.

8 And he says, "Am I going to die? Am I going
9 to die?" And there's blood everywhere. We're -- I
10 said, "Where is he?" He -- he just kept saying, "Am
11 I going to die? I don't want to die."

12 We moved to the back of the room. So
13 straight ahead, there's a hallway. And forgive me, my
14 recollection of the exact room location --

15 Q Well, Sergeant Mooney, if you look right up
16 here, does this look like a floor plan of the
17 residence as you remember it? This is the front door
18 coming in.

19 A Yes, yes.

20 Q Is this the hallway that you were just
21 about to --

22 A Yes.

23 Q -- describe? And so if you want to come up
24 and kind of point here --

25 A So this --

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1 Q -- where you guys --

2 A -- the main room.

3 Q -- are.

4 A This is where the guy in the gray hair is
5 bleeding from the neck and holding his leg. I think
6 somebody had been hit by a hammer and saying, "I don't
7 want to die." We move through here. We bypass -- you
8 might be thinking, well, why did we bypass the people
9 who are injured?

10 That's part of our training. If you have an
11 active assailant, the only thing that can stop
12 somebody from hurting other people is to stop them.
13 You have to get to them. So we know that we have more
14 officers arriving that will take care of that. We
15 know that ambulances have been dispatched already.

16 They can take care of that. So we move into
17 here and this is where my orientation is not very
18 good. We stop here. Officer Gonzalez, as we enter
19 the house, has already yelled, "Police. Come out with
20 your hands up. You may be shot." And he yells it
21 several times as we're headed through the room.

22 We get to here and our training tells us you
23 have a threat in front of you, you need to hold that
24 threat. So, for lack of a better way to describe
25 this, these doors open into areas. And all of these

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1 rooms have to be cleared just to make sure that the
2 assailant isn't in that room.

3 So Mike and I -- or Officer Gonzalez and
4 I are -- are two with lethal weapons out that I know
5 'cause we're in the front. I ask Mike to hold this
6 area this way, hold so if the assailant comes down
7 here while my back is turned in this room while I'm
8 clearing it.

9 I go in -- typically, I'll go in with my
10 flashlight on and I'll move through the room like
11 this, make sure that everything's clear looking on
12 what we call low ready with my handgun here looking
13 over the top of it. Once I cleared -- the bathroom
14 was tiny. I cleared the bathroom.

15 I cleared a bedroom. And then, to be
16 honest, this is where I get disoriented. I cleared a
17 bedroom that was actually -- I was kind of surprised.
18 It was kind of nice. It was well made up and I'm
19 assuming that was the little old lady's room and I
20 think maybe she was the homeowner.

21 Q Okay. Now, let me ask you this --

22 A Yeah.

23 Q -- Sergeant Mooney. You've described you
24 were clearing these rooms looking over the top of
25 your handgun.

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1 A Mm-hmm.

2 Q Was there a flashlight attached --

3 A Yes.

4 Q -- to the handgun?

5 A Yes.

6 Q Did you feel like you needed the flashlight
7 to be able to see?

8 A No, 'cause the lights were on. But I'll
9 typically turn it on. That's a tactical issue. You
10 can turn it on with your finger.

11 So it has a little spring-loaded device on
12 it and you can turn it on. And if you were to run
13 into an assailant of some kind, it can be used as a
14 tactic to shine a light in their face to disorient
15 them.

16 Q Okay.

17 A And it gives a split second more to react,
18 so use it as a -- a -- a blinding device. But there
19 was pretty good lighting.

20 Q Okay. Do you remember when it was in the
21 course of this call that you actually drew your
22 firearm?

23 A Right away. As soon as you go into a house
24 where you have an active -- somebody who is actively
25 stabbing somebody, you -- as you enter the house, you

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1 don't know if he's standing right there or right there
2 or the guy on the couch was the guy who's actually
3 stabbing people. You don't know.

4 So I had already seen, for lack of a better
5 term, the carnage that he had created. I knew I had a
6 guy who -- well, I -- I suspected I had a -- a person
7 who had a large knife who had committed Assault I, who
8 had attempted -- committed Attempted Murder with at
9 least three people based upon the people I saw and the
10 wounds that I saw.

11 And, again, I'm just glancing at these
12 people making sure they're not a threat. So I didn't
13 walk over and say, "Let me see that wound there on
14 your neck." But I know what I saw. And I saw enough
15 blood on the floor that I knew that this was an
16 unusual situation.

17 So you have somebody -- we don't even know
18 if they're still in the house. Somebody said he may
19 have gone out the back door, so we don't know. So,
20 again, we're using appropriate tactics, but moving
21 very quickly because -- trying to locate this person.

22 We were also aware that there was a
23 possibility that there was a baby involved. And, I
24 mean, it's bad enough you have innocent adults, but
25 then to have an innocent child there, you just don't

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1 know. And with the kind of carnage we saw, you just
2 don't know what can happen.

3 So we're moving pretty quickly. So I
4 cleared the bathroom, came out. And, typically, when
5 you come back out, you say, "Clear," meaning that
6 one's clear, and then move to the next. And I don't
7 remember whether it was this -- I think it was this
8 bedroom, the one that was neat and clean.

9 Q Mm-hmm.

10 A Cleared it, actually had to go deep into the
11 bedroom to make sure that there wasn't anybody lying
12 on the floor or underneath the bed, came out and said,
13 "Clear," moved back. And I don't know whether it was
14 this room. It was probably this room. Came to a
15 closed door.

16 Mike said, "I need to clear one more," and
17 it may have been -- I don't know. It may have been
18 this door. I don't remember. But Mike cleared one
19 room to my back --

20 Q You can --

21 A -- so I was holding --

22 Q You can have a seat, too --

23 A Okay.

24 Q -- sir.

25 A Once -- once an area is cleared, you hold

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1 it, which means if a -- a hallway that you've cleared,
2 you can then -- you don't turn your back to it. You
3 continue holding it to make sure that somebody that
4 you missed popped out of an attic, vent area or
5 whatever. We came upon a -- a closed door.

6 It was the first closed door we came upon.
7 And I heard a muffled scream. I said to Mike, "Mike,
8 they're in there." So --

9 Q How close is this hallway that you guys are
10 in? Is it pretty wide? Is it pretty narrow?

11 A Oh, it's pretty narrow.

12 Q Okay.

13 A It's not -- it's -- it's like a typical
14 small house hallway, typical hallway like you'd find
15 in any apartment or house. So we come to the closed
16 door. So the best way for me to describe this is,
17 door is here, hinges are here, door opens like this.
18 So I found myself on the hinge side.

19 So I said to Mike, "Get the door." So he
20 turns the doorknob, pushes it open and I come up and I
21 can hear a yell -- a scream, kind of a muffled scream.
22 The door opens about this far and runs into a baby
23 bassinet. So -- playpen I guess is a better way to
24 describe it, a playpen.

25 And there's a small child inside the door.

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1 The door won't open any further 'cause it's right up
2 against the playpen, but I can see the child right
3 there. And I -- I lean in to see what -- what's going
4 on in the room. And forgive me, I got to do all these
5 gyrations now.

6 Q It's okay.

7 A So the bed is over toward that window. All
8 I can see is two, what appear to be, female legs, bare
9 legs, and it looks like somebody lying behind them.
10 And I can't see anything yet. And somebody says,
11 "Grab -- grab the kid."

12 So I stepped in like this. Somebody smaller
13 than me goes by me, snatches the child, who ended
14 up being but one, out of the bassinet. And I think,
15 good. Got -- got one out of the way. I then push the
16 bassinet a little bit further with the door and bounce
17 the door open.

18 And I lean in and I can see a girl, her bare
19 midriff like her shirt has been pulled up, bare legs
20 and a guy in black sweats -- I think it's striped down
21 the side or dark blue -- laying directly behind her in
22 a straight-legged spooning position, if you can
23 imagine.

24 So she's -- he's lying behind her and then I
25 look up and he's got a bloody eight-inch kitchen

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1 knife. When I say, "bloody," it's bloody. It's
2 covered in blood. And he's got it, so he's laying
3 down behind her hiding behind her with his right arm
4 holding her and the knife in his left hand.

5 And it wasn't typical of a situation like
6 that where you'd think somebody would have it in the
7 slicing position. It was in a dagger position,
8 vertical, which was --

9 Q So if he's holding it, was the blade
10 coming out the top of his hand or was it coming out
11 the bottom --

12 A The bottom.

13 Q -- of his hand? Okay.

14 A The bottom. So it's laying -- he's laying
15 down and he says, "I'm going to kill her. I'm going
16 to kill her. If you come in here, I'm going to kill
17 her." Well, we're already in, so --

18 Q But do you mean you're -- you're all the way
19 in the room or you're leaning in through the -- the --

20 A I'm --

21 Q -- cracked open door now?

22 A So the door is open. I have now moved in,
23 given commands to, "Drop the knife. Drop the knife,"
24 do the old drop-the-knife thing. He knows I have a
25 weapon pointed at him. I have no way to stop this

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1 guy, no way. You cannot believe what that feeling is
2 like.

3 He's lying down behind her using her as a
4 human shield. She's not saying very much, but she's
5 terrified. And he keeps moving the knife from her
6 neck to her torso, raising it up. He says, "I'm going
7 to kill her," then he brings it down and points the
8 point.

9 And I said, "Gonzalez, get in here," and
10 I -- so we're -- the doorway is like this. The door
11 has opened up and I have moved in like this up against
12 the playpen. And I pulled Mike in right next to me,
13 shoulder to shoulder. I don't have a shot --

14 Q Did you --

15 A -- because that's how I'm going to have to
16 stop it.

17 Q Did you feel like, at that point, based on
18 everything you'd seen coming into the house and then
19 what you're now seeing inside that bedroom, that
20 lethal force would've been necessary?

21 A There's no question in my mind. It was a
22 matter of a split second. If he chose to plunge that
23 knife into that girl, there isn't enough -- there --
24 first of all, there's no shot. And I'm thinking to
25 myself, the last thing I want to do is go home today

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1 killing an innocent victim.

2 That literally went through my mind. I
3 can't shoot him. I don't have a shot. And he's going
4 to kill her because I've already seen him stab other
5 people in the neck. That's a weird place to stab
6 somebody. If you're going to stab them, just stab
7 them in the neck.

8 If you're stabbing somebody in the neck,
9 you're trying to kill them. And so Mike -- Officer
10 Gonzalez is next to me. And I hear Officer Rizzo
11 behind me. He says, "I'm going to bag him," something
12 similar to that. "I'm going to bag him." Now, what
13 that means to me is -- you used to call it a beanbag.

14 So a 12-gauge shotgun beanbag round, very
15 unreliable. But we used to say, "I'm going to -- I'm
16 going to bag him," or -- and then prior to pulling the
17 trigger, give a force warning and then yell,
18 "Beanbag," pull the trigger 'cause you don't want
19 sympathetic fire from -- from other officers standing
20 with their guns out and they hear a shot go off and,
21 all the sudden, they start pulling the trigger.

22 I've never seen that happen, but they say it
23 can happen. So I said, "Good," and I stepped to my
24 left slightly. So Gonzalez is here. He slips around
25 me. He comes up right away and very quickly -- so the

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1 launcher has a -- the launcher tube's about this big
2 around. And it has, for lack of a better term, a
3 red-dot sight.

4 It doesn't project a red dot onto things,
5 but inside the sight, there's a red dot. And if you
6 put that red dot on whatever you're pointing it at,
7 that's where the -- that's where the round's going to
8 go. The round is about this big around.

9 It's rubber and it's about that big. It has
10 a big, blue rubber tip on it. It's an impact weapon,
11 similar to if you were to get hit by a baseball -- a
12 pitcher in baseball, 90 mile-an-hour fastball or get
13 hit -- that's what a launcher feels like. He comes
14 up, boom, pop, pull -- pulls the trigger.

15 Now, he has to step out, crack it open, pull
16 out to reload. He can't stay there, so I step back in
17 and started giving commands. When he fired the first
18 round, I heard a good yelp from -- male yelp of -- of
19 pain and I thought, yes. 'Cause what we're thinking
20 of now is, I can't stop this guy with a bullet.

21 Maybe pain compliance will get him to comply
22 'cause sometimes if you shoot a less-lethal round at
23 somebody, they think they've been shot. They don't
24 know it's a less-lethal round. So comes up, fires
25 once, yelps, I go back in, "Drop the knife. Drop the

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1 knife." Nothing. Same situation.

2 To the waist, to the neck, to the torso and,
3 now, he's starting to press a little bit on the tip
4 of the knife. And I'm thinking, we're running out of
5 time. Rizzo says -- he yelled, "Reloading," comes
6 back in, right away, comes back in. He goes, "I'm
7 ready," and he comes around and, pow, hits him again.

8 Exact same response from the guy holding the
9 knife. No change. So I say something to the effect,
10 "You're going to get shot." He pops his head up from
11 behind the woman and says, "Then just shoot me now."
12 Well, it's been my experience -- this is going to
13 sound really -- it's -- it's kind of silly.

14 But it's been my experience that if
15 somebody's willing to engage you in conversation,
16 maybe they don't intend to do what they were going to
17 do, that there's an opportunity to engage them. So,
18 again, I have no shot. If I had tried to shoot him --
19 'cause the threat is still there. The knife hasn't
20 changed.

21 He just pops his head up. And I miss, I
22 kill her. I'm not going home killing her. So I
23 changed my tone of voice. Now, I have found over my
24 years of raising children -- and I have nine
25 grandchildren -- that when somebody is in distress,

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1 yelling at them doesn't always work.

2 So I changed my tone of voice and I said,
3 "Look. You don't have to do this." I even dropped my
4 weapon down. I said, "Look, you don't have to do
5 this. You don't have to do this. Let her go. You --
6 there's -- you don't have to die. Let her go."

7 "I'm going to kill her. I'm going to F-ing
8 kill her." And he just keeps doing it. And just
9 about the time I come back up on target, waiting --
10 I'm looking at hip to waist to lower torso hoping that
11 something opens up 'cause even if I can hit him there,
12 it may cause him to let her go.

13 And I hear a gunshot. And the next thing I
14 remember is his body rolled away from her. To be
15 honest with you, I don't know how she got off the bed,
16 but I saw my target open up and my target opened up
17 about a second to a second and a half after the first
18 shot went off and I took a shot, unaimed, that was in
19 the general direction of that area.

20 And, again, I'm not -- I'm just trying to
21 hit him to make him stop what he's doing. I then
22 looked up, saw his eyes, saw his head. Somebody
23 behind me got on the radio and said, "Shots fired." I
24 holstered and reholstered. I looked to my right and
25 the girl is sitting down on the floor crying to my

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1 right.

2 I don't know how she got there 'cause I'm
3 watching the knife. I'm over the top of my gun trying
4 to get him not -- 'cause, now, he's pressing it into
5 her flesh and I'm thinking, man, this is -- just one
6 more second, he's going to do it. I'm going to have
7 to do some -- I got to do something.

8 And Mike took the shot. And I never saw
9 above her chest except when the knife went there. So
10 I'm watching that knife the whole time going up and --
11 up and down. And then he raised it up like this like
12 he was going to plunge it into her. That's when the
13 shot rang out.

14 So my target opened up. I took one shot. I
15 looked at his eyes. I've been to enough scenes where
16 people have head injuries, more than I'd like to
17 admit. And I could tell by his eyes that -- so
18 somebody said, "I'm going to bag him. I'm going to
19 bag him." That's a common practice because his hand
20 was gripping the knife.

21 His -- his knuckles were still white. I'll
22 never forget the picture in my mind, still white with
23 the hand on the knife that had come across his body on
24 the knife. Well, we can't send in EMTs to tend to his
25 medical needs until he doesn't have a weapon 'cause

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1 they're not going to approach him 'cause people
2 play possum.

3 I didn't think he was playing possum. So
4 Rizzo says, "I'm going to bag him again. Somebody get
5 a shield," 'cause, normally, you would approach an
6 armed subject with a shield, hit them with a beanbag,
7 see if there's any reaction.

8 If there's no reaction, you send in the team
9 with a shield, pin the shield down on top of him, pin
10 the knife down, take the knife away and then medical
11 staff can come in and do what they need to do. And I
12 just said -- somebody said, "I'm going to bag him," I
13 said, "He's done."

14 That was my direct quote. I said, "He's
15 done. He's done. Back off." And they said -- I
16 said, "I'll get the knife." And so I took a few steps
17 forward, pinned his wrist down on the bed. And as I
18 pinned his wrist, somebody from the -- outside the
19 hall said, "Pin his wrist."

20 I'll never forget the bloody knife, how
21 bloody it was. And I took the knife out of his hand,
22 stood up, dropped the knife right at the edge of the
23 bed. And I just said, "He's done." So my next call
24 of action is I have to become supervisor, so my
25 concern was with Officer Gonzalez.

Examination of James Mooney

1 I have been a supervisor on officer-involved
2 shootings in the past, so I know what's required. And
3 I immediately notified Sergeant Brian Hughes. That
4 was the third -- one of the three sergeants or four,
5 Sergeant Brian Hughes, who was standing in the middle
6 of the room.

7 Forgive me for forgetting that, but Sergeant
8 Brian Hughes was there. I said, "Mike was involved,"
9 meaning Gonzalez. I said, "Mike was involved. He
10 needs assistance." They immediately got him
11 assistance and then I said I was also involved. And
12 that was the end of my involvement in the operation.

13 Q Okay. And you said when you're in the room
14 and you're looking at the knife moving up and down
15 toward the female, was your angle that you were seeing
16 kind of from their feet back up toward their head or
17 were you more kind of straight on with them or more
18 toward the door looking from their head down toward
19 their feet?

20 A No, no. It would have been -- if I had to
21 pick an angle, it was an acute angle from the feet to
22 the head because when he's down behind her, I
23 literally cannot stop him. There is -- I mean --

24 Q She's completely obscuring or covering
25 his --

Examination of James Mooney

1 A Yes.

2 Q -- body?

3 A And so then my -- I thought if something was
4 going to open up for me to act, that it would be in
5 the lower-torso region or, if she somehow scrambled
6 away, that it would be in the lower torso. And,
7 again, I'm watching that knife.

8 So late in this encounter -- when I say,
9 "late," this happened very quickly, really quickly.
10 Late in that encounter, he had raised and it looked
11 like he was going to plunge the knife into her bare
12 waist. And I -- to this day, I'm surprised he didn't
13 do it. I'm really surprised.

14 I remember her rolling her head early on and
15 seeing a lot of blood. And I -- to be honest with
16 you, I don't know whether it was her blood or his
17 blood. I -- I'm assuming now it was her blood. But
18 that, again, caused me to think, oh, my God. He's
19 already stabbed her once.

20 She's quiet. Is she quiet because she can't
21 talk? It was more whimpering. But, yeah. It was
22 more toward -- for -- sorry for the long answer.
23 For -- from the feet.

24 Q Okay. And you said once you saw that knife
25 kind of come up vertically, that's when you heard the

Examination of James Mooney

1 shot and Officer Gonzalez was standing to your left?

2 A Yeah.

3 Q And then you described you saw your target
4 open up?

5 A Yes.

6 Q Now, what specifically did you see --

7 A I saw --

8 Q -- happen?

9 A -- half of his belly, lower-chest area. If
10 I remember correctly, it was a -- like, a plaid shirt
11 or little -- little square boxes on his shirt covering
12 the entire shirt. It was just an area that was
13 available to try and get him to stop.

14 If I thought I could have shot him in the
15 foot to get him to stop, I would have shot him in the
16 foot. I don't think --

17 Q Mm-hmm.

18 A -- I'd have hit it, but -- it was literally,
19 I'm watching the knife, I'm thinking, oh, my God.
20 He's -- he is going to kill her. And all of a sudden,
21 I hear the sound and then my target opens up and I
22 pulled the trigger.

23 And then I immediately looked -- looked
24 toward his face. That's why more shots weren't --
25 that's why I didn't deploy more shots, is I could tell

Examination of James Mooney

1 by his eyes and his wound that he -- he was probably
2 no longer a threat.

3 Q And was that your first opportunity to
4 actually take a shot throughout the entire engagement?

5 A Oh, yeah. Oh, yeah. No. I -- like I said,
6 I didn't want to -- I didn't want to shoot her.

7 Q Mm-hmm.

8 A I mean, that would have been a horrible day.
9 It was a -- it was a bad day to begin -- at the end,
10 it was a bad day. But to shoot her in an attempt to
11 stop him, that would have been a horrible day.

12 Q Since that night -- it's been about a month.

13 A Mm-hmm.

14 Q As you've thought about it -- I'm sure you
15 have -- do you feel like, upon reflection, you had any
16 other choice but to shoot him in that moment?

17 A No. And I can say that honestly because
18 I'm -- I'm a guy who believes there's always something
19 you can do. There's always an alternative. His
20 ability to use that knife, especially shielded by her,
21 prevented me from doing anything else. I mean, the --
22 for me, there wasn't another option.

23 MR. JACKSON: That's all the questions that
24 I have.

25 Do the grand jurors have any questions?

Examination of James Mooney

1 A GRAND JUROR: Yeah. At some point, did
2 someone reach in and move the playpen so you could get
3 in through the door?

4 THE WITNESS: I shoved the -- I shoved the
5 door against it and it moved a little bit more. And
6 then the baby was snatched and I shoved it a little
7 bit more. But it would stop. It was like there was
8 maybe something behind it.

9 I took my foot and kicked it once, enough
10 for the two of us to be in the doorway. I would not
11 have gone any closer because of the threat, "If you
12 come in here, I'll kill her."

13 A GRAND JUROR: Yeah.

14 THE WITNESS: And even if -- hypothetically,
15 even if I had run in the room or ran around to his
16 feet, I still didn't have a way to stop him.

17 A GRAND JUROR: Now, because of your
18 position as you were coming in, you kept on using the
19 phrase, "My target."

20 THE WITNESS: Mm-hmm.

21 A GRAND JUROR: Officer Gonzalez was to
22 your left --

23 THE WITNESS: Mm-hmm.

24 A GRAND JUROR: -- and, therefore, his
25 target would have been higher up on his body?

Examination of James Mooney

1 THE WITNESS: Yes.

2 A GRAND JUROR: So you were specifically
3 looking for -- for a shot in the chest or abdomen?

4 THE WITNESS: I was -- because -- to be
5 honest with you, because I thought, if I miss and hit
6 her --

7 A GRAND JUROR: Mm-hmm.

8 THE WITNESS: -- it may not kill her.

9 BY MR. JACKSON:

10 Q If it hits in the abdomen, you mean?

11 A If it hits in the abdomen --

12 Q Okay.

13 A -- I may not kill her.

14 Q Yeah.

15 A And so the bigger area -- target area from
16 where I was standing -- plus, remember, I've changed
17 my tone of voice and I am attempting to communicate
18 with him now for the briefest of time, but I'm
19 attempting to communicate in -- in a calming tone of
20 voice, which may sound weird to you, but it --
21 sometimes it works.

22 A GRAND JUROR: Not at all, no.

23 THE WITNESS: And the threats never stopped.

24 A GRAND JUROR: Yeah.

25 THE WITNESS: And there is -- there is a --

Examination of James Mooney

1 I don't know if you've talked about the theory of
2 action/reaction.

3 BY MR. JACKSON:

4 Q We haven't, so if you would like to explain
5 what you mean by --

6 A The --

7 Q -- that.

8 A There's a theory of act -- it -- there's --
9 there's lots of schools of thought, but -- but
10 every -- every officer in the -- in the last ten years
11 has been trained in what's called action/reaction
12 theory. They used to call it the 21-foot rule.

13 So if somebody was in -- within 21 feet of
14 you, it takes about a second and a half for a person
15 in good physical condition to close that distance on
16 you and stab you. And you have about a second and a
17 half. Well, it takes about that long, 1.3 seconds, to
18 draw your weapon.

19 So the rule used to be, somebody can act
20 faster than you can react. And without getting too
21 technical about it, 'cause there's other theories now,
22 he -- there is no ability for us to first deploy
23 lethal force to stop him because of the target that we
24 have, the lack of target.

25 And, in addition, if he decided to act, it

Examination of James Mooney

1 would have taken us -- because you have to react to
2 what somebody's doing. The way they test you is they
3 put two static individuals and the officer has his gun
4 out in training. It's not a real gun. Training.
5 It's a -- shoots blanks.

6 And a guy standing, pacing back and forth,
7 saying, "I'm just going to kill myself. I'm going to
8 kill you first and then I'm going to kill myself."
9 And you're thinking, well, the officer's standing
10 there with his finger on the trigger pointed at this
11 guy and in every incident, the guy goes, boom, shoots
12 the officer first.

13 And it's -- that's the action/reaction gap.
14 The person who acts first, the person reacting to it,
15 it takes a split second longer to figure out what just
16 happened and then they react.

17 A GRAND JUROR: Because he knows what he's
18 going to do and you don't.

19 THE WITNESS: Exactly.

20 A GRAND JUROR: Now, did you -- did she have
21 a hand on this man's wrist or on the knife --

22 THE WITNESS: I don't --

23 A GRAND JUROR: -- when --

24 THE WITNESS: No, I never --

25 A GRAND JUROR: -- you -- you --

Examination of James Mooney

1 THE WITNESS: -- saw her hand on --

2 A GRAND JUROR: -- showed -- you've
3 demonstrated his hand being raised up.

4 THE WITNESS: Right. I never saw her hand
5 on her -- on the wrist.

6 A GRAND JUROR: Okay.

7 THE WITNESS: I just saw that bloody knife
8 going up and down. And as it progressed, it was
9 pointing to her skin and, actually, I thought it was
10 going to penetrate her skin once, twice.

11 A GRAND JUROR: Okay.

12 MR. JACKSON: Okay. Are there any other
13 questions? I don't see any.

14 Okay. Thank you very much, Sergeant.

15 A GRAND JUROR: Thank you, sir.

16 THE WITNESS: Thanks.

17 MULTIPLE GRAND JURORS: Thank you.

18 THE WITNESS: Thanks. Tough job, you guys.
19 It's a tough job you guys have.

20 A GRAND JUROR: Well, not nearly as tough
21 as yours.

22 MR. JACKSON: That concludes the
23 evidence for --

24 (Conclusion of Grand Jury No. 3 Proceedings,

25 6-3-19 at 3:30 p.m.)

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REPORTER'S CERTIFICATE

I certify, by signing below, that the foregoing is a correct transcript, of the audio record in the above-entitled cause, as recorded on CD and transcribed to the best of my ability and in accordance to the quality of the audio CD.



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