

**SUPPLEMENTAL REPORT**

Date Prepared: 09/17/13

1. Original File No. P13-133894	2.	3. Off ID 203	4. Dist. E	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred 09/13/13 - 2120	9. Day 7				
10. Date/Time Assigned	11. Date/Time Inv. Start		12. Date/Time Inv. Term.		13. Type Clr. Exc	14. Type Cont. Rec	15. Additional Adults Arr.	16. Additional Juv. Arr.				
17. Address of Occurrence (Street No. - Name - City) 2395 10 <sup>th</sup> Street, Riverside							18. Type of Place Residence					
For ID USE: V = Victim, I = Informant, W = Witness, O = Other												
19. ID:	20. Last Name - First - Middle (Firm Name if Business)						21. Race - Sex	22. DOB				
23. Residence Address			24. Business or School Address			25. Home Phone	26. Bus. Phone					
27.	28. Last Name - First - Middle (Firm Name if Business)						29. Race - Sex	30. DOB				
31. Residence Address			32. Business or School Address			33. Home Phone	34. Bus. Phone					
S C A M I N I S T	35. LAST Name - First - Middle Jimenez, Hector E			36. Race - Sex HM	37. Age 50	38. Ht.	39. Wt.	40. Hr	41. Eyes	42. DOB or ID 05/11/63	43. Arrested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	44. Address - Clothing - Other Marks or Identifying Characteristics 2395 10 <sup>th</sup> Street, Riverside											
45. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2				
S C A M I N I S T	46. LAST Name - First - Middle			47. Race - Sex	48. Age	49. Ht.	50. Wt.	51. Hr	52. Eyes	53. DOB or ID	54. Arrested <input type="checkbox"/> Yes <input type="checkbox"/> No	
	45. Address - Clothing - Other Marks or Identifying Characteristics Clothing, other marks or identifying characteristics											
56. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2				

ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

CA	A Currency Notes	B Jewelry Prec. Met.	C Clothing Furs	E Office Equip.	F T.V.-Radio Cameras	G Firearms	H Household Goods	I Consum. Goods	J Livestock	K Misc.
PS	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
57										
PR	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

60. Originally Reported Offenses (Code - Crime)	61. Original Offenses Changed to (Code - Crime)	58. Stolen Auto Value ASP: \$
(1) OIS	(1)	Recovered Auto Value A2 \$
(2)	(2)	

62. Narrative of Supplemental Report Interview with subject Officer Nick Larkin		Reporting Officer Det. Medici 203
		Reviewed By <i>8496</i>
		COPIES TO
		VCLO ( )
		<b>ACTIONS</b>
		APR Sent
		APR Cncl.
		APB Sent
		APB Cncl.
		DOJ-NCIC
		Entered _____
		Cancl. _____
		<b>ENTERED</b>
Stats	ARBK	ANK

Riverside Police Department  
Continuation Sheet

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OIS

File #P13-133894  
Det. Medici 203 #203

**Subject Officer:**

Officer Nicolas Larkin  
ID # 1721  
Swing Shift – C220  
Unit #3926

Officer Larkin has been employed with RPD for 18 Months  
He was previously employed with Corona PD for 4 ½ years

**Interview with Officer Larkin:**

On 09/14/13 at approximately 0440 hours, Detective Ron Sanfilippo and I interviewed Officer Nicolas Larkin at the Magnolia Police Station in the main Conference Room. Riverside DDA Michelle Paradise was present as well as Attorney Russell Perry who was representing Officer Larkin. The following is a brief synopsis of the audio recorded interview. The entire interview will be transcribed at a later date.

Officer Larkin said on 09/13/13, at approximately 2100 hours, he was on duty working patrol with a call sign of C220. He was clearing a traffic stop at the Skylark Motel when a call of a subject with a knife was dispatched over the radio. Officer Larkin cleared his traffic stop and put himself in route to 10<sup>th</sup> and Sedgwick where the incident was occurring. He drove westbound on 10<sup>th</sup> Street and then turned right onto Sedgwick parking his marked patrol unit near the front driveway of 2395 10<sup>th</sup> Street.

Officer Larkin said assisting officers were arriving on scene at the same time. Officer Larkin and several other assisting uniformed officers approached the residence on foot. He heard one of the assisting officers telling a woman who had just pulled into the driveway that she had to move her car and leave. At that time Officer Larkin heard an officer say, "There he is!"

Officer Larkin looked and saw a H/M later identified as S1 Jimenez standing in the middle of the fenced in yard on the south side of the residence. Jimenez was walking around so Officer Larkin, "Hopped the fence" into the yard on the Sedgwick side. At that time Officer Larkin said he noticed Jimenez was holding a knife in his right hand. Officer Larkin drew his duty weapon and he gave Jimenez repeated verbal commands to, "Drop the knife!" Officer Larkin had a tactical light on his handgun and he recalled seeing other officers with flashlights on scene. Jimenez continued to walk around on the south side of the house until he ultimately sat down on a bench near the south wall of the residence.

Several assisting officers were in the fenced yard along with Officer Larkin. Sergeant Gary Toussaint was there negotiating with Jimenez trying to get him to drop the knife and end the situation peacefully. The negotiation went on for approximately 5 minutes. Officer Larkin said during that time Jimenez made several statements that he wanted the officers to kill him. Sergeant Toussaint continued to talk with Jimenez repeatedly asking him to drop the knife. Officer Larkin saw Jimenez rubbing the knife along his own hand, face, and arms as if he was cutting himself. At one point Jimenez threw the knife straight down in front of him causing the point of it to stick into the ground. He immediately picked it up and again held it in his right hand while he sat on the bench.

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Det. Medici 203 #203

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Officer Larkin said Jimenez told the officers that he was going to walk this way as he pointing toward a south west direction. Officer Larkin saw that Officer Kauk and Officer Childers were standing there in Jimenez's path. Officer Larkin said he saw a red laser dot from a taser appear on Jimenez's torso but to his knowledge a taser was not deployed. Jimenez abruptly stood up with the knife still in his right hand. At that moment Officer Larkin heard the first, "Two pops."

Jimenez turned and started to quickly walk away. Officer Larkin was standing in between Sergeant Toussaint and Officer Outlaw who was holding a less lethal shotgun. Officer Larkin said he feared that Jimenez was going to harm one or more of his partner officers or he could possibly harm a family member living in the residence that he was walking towards. Officer Larkin said he fired what he believes was three rounds from his duty weapon towards Jimenez. After he fired his weapon Jimenez fell down to the ground. At that point Officer Kauk and another unknown Officer kicked the knife away from Jimenez and then placed him in handcuffs. When Jimenez was secured medical aid responded to treat Jimenez.

For the interview in its entirety refer to the audio and transcripts.

RIVERSIDE POLICE DEPT - RESOURCES INFORMATION SYSTEMS  
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**INTERVIEW WITH OFC. NICHOLAS LARKIN**

**Q=Det. Ron Sanfilippo**

**Q1=Det. Mike Medici**

**A=Ofc. Nicholas Larkin**

**A1=Russell Perry**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14 Q: It is 20 of 5:00 in the morning on 9/14 of '13 in the conference room at the  
15 Riverside Police Department. And we are investigating Case P13133894,  
16 Officer Involved Shooting at 10th and, uh, Sedgwick. Uh, it occurred on 9/13  
17 of '13. Uh, if you can give me your first and last name and spelling?  
18

19 A: Nicholas Larkin, N-I-C-H-O-L-A-S, L-A-R-K-I-N.  
20

21 Q: Okay. I want to introduce as Mike Medici. He's my, uh, co-case. He's a  
22 detective. Michelle Paradise with the district attorney's office.  
23

24 A: Mm-hm.  
25

26 Q: And, of course, you know your own attorney.  
27

28 A1: Russell Perry.  
29

30 Q: Russell Perry. And before we get started, Russell, if you want to make a...  
31

32 A1: Yeah. Um, (unintelligible) a statement pursuant to Riverside Police  
33 Department Policy 4.8 and it's also my understanding that, uh, there might be,  
34 uh, audio, video and to the extent that it is, um, if there's a subsequent, uh,  
35 interview, I would like to be provided the - that, uh - that, uh - uh, audio. And  
36 that he's going to answer questions, uh, to the best of his memory right now.  
37

38 Q: Okay.  
39

40 A1: Thanks.  
41

42 Q: Sounds good. Hey, Nicholas, um, can you give me your ID number?  
43

44 A: 1721.  
45

46 Q: Okay. And how long have you been here at RPD?  
47  
48 A: Uh, coming up on 18 months.  
49  
50 Q: Okay. And were you an officer somewhere before?  
51  
52 A: Yes, sir. I did approximately four-and-a-half years with the Corona Police  
53 Department.  
54  
55 Q: Okay. And right now, you're working patrol?  
56  
57 A: Yes, sir.  
58  
59 Q: And what shift you on?  
60  
61 A: I'm on, uh, late swings, Watch, uh, W.  
62  
63 Q: Okay. And what was your call sign this evening?  
64  
65 A: Today was Charles 220.  
66  
67 Q: Okay. And your unit number?  
68  
69 A: I believe it was 3926.  
70  
71 Q: Okay. And of course you're in uniform and that's what you wore this  
72 evening, correct?  
73  
74 A: Correct, sir.  
75  
76 Q: Okay. Nicholas, why don't you go ahead and tell me, um, basically what -  
77 what kind of, uh, call you received and - and - and everything that took place  
78 after that and...  
79  
80 A: Okay. Um, prior to that I was - I was on a vehicle check at the Skylark Motel  
81 and I kinda heard some - some, uh, muffled radio traffic about some kind of  
82 disturbance involving a knife. Um, I kinda listened up a little bit closely and  
83 realized it was in the east NPC so, decided to clear my stop and put myself en  
84 route 'cause, uh, they put a - I think they put up updated information that a  
85 subject with a knife was, uh, on the corner of 10th and Sedgwick. So I  
86 realized I was down the street and put myself en route to that. Um, I came  
87 westbound on 10th Street, approaching Sedgwick, made a right-hand turn,  
88 ultimately parked in front of the - the, uh, residence.  
89  
90 Q: Okay.

91  
92 A: Noticed, uh, that assisting officers were arriving on-scene also. Um, as we  
93 were approaching the house a car pulled up. They - they told her to leave.  
94 Um, and when they were doing that I heard someone say, "There he is." And  
95 I kinda looked around and saw a - I saw a Hispanic male in the - in the, uh,  
96 fenced in, um, yard on the south side of the house. Uh, we're - I saw him as  
97 he - we kinda walked in he started kinda like moving around, so I hoped the  
98 fence real quickly, entered the yard. And I noticed he was holding a knife in  
99 his, uh, right hand. Um, immediately drew my weapon and I pointed it at him,  
100 told him to drop the knife. He began, uh, walking away. Again, I told him to  
101 drop the knife. And he basically, um, walked to a nearby bench on the south  
102 side of the house and took a seat.

103  
104 Q: Okay.

105  
106 A: Um, at that time I noticed there was additional officers around with me in the  
107 yard. And, um, ultimately, uh, Sergeant Toussaint began giving verbal  
108 commands and trying to get him to drop the knife and, uh, end the situation  
109 peacefully. Um, I think it's probably about five to - I want to say probably  
110 about five minutes we were trying to negotiate with him to drop the knife.  
111 And during that time he - he made statements that he wanted us to kill him,  
112 that he didn't - I think - I can't remember what to the ex- the extent - the exact  
113 verbatim words he said, but something to the effect that he wanted us to kill  
114 him. Um, and again, Sergeant Toussaint kept, uh, trying to calm him down  
115 and trying to get him to drop the knife to end up peacefully. Um, while -  
116 while he was doing that, I noticed the guy, um, continuing to have the knife in  
117 his hand. He was rubbing against his face, um, kinda making like slashing  
118 marks on his - towards his wrist. And he had - at one point he had the knife  
119 and threw it down on the ground and it stuck into the ground.

120  
121 Q: Mm-hm.

122  
123 A: And he picked it back up and continued doing stuff like that. Um, during that  
124 time again, he - he even told us that he was, uh - he was going to walk this  
125 way. He said, "I'm going to go this way." And we told him, no, just drop the  
126 knife, just drop the knife and he'd sa- I think he said that he was going to walk  
127 - walk this way. And I think he even kinda looked into like a - towards the -  
128 the corner of 10th and Sedgwick. I, uh, think it's going to be a southwest  
129 direction. Um, ul- af- I mean, we - we kept trying - or Sergeant Toussaint  
130 kept trying to give him commands to drop the knife and ultimately he - he  
131 stood up.

132  
133 Q: Mm-hm.

134

135 A: And, uh, that's when I heard the first two pops. And he started walk- or, uh,  
136 kinda briskly walking away from there. And, um, I was in between Sergeant  
137 Toussaint and, uh, Officer Outlaw who had, uh, less lethal munitions and he,  
138 um - I felt that he was going - he was going to hurt somebody or he's going to  
139 hurt - I know there was family still around the corner, so, um, I was just  
140 fearing for their safety and my partner's safety and I deployed, let off, uh,  
141 three rounds.

142

143 Q: Okay.

144

145 A: I believe it was three rounds.

146

147 Q: And that's from your - your, um...

148

149 A: My duty weapon.

150

151 Q: ...duty weapon?

152

153 A: Yes, sir.

154

155 Q: Okay. Okay. Then what happened?

156

157 A: Uh, I just - I just noticed he just fell to the ground and everything stopped.  
158 We, uh - a plan was devised. I think Officer, uh, Kauk and, um, I don't know  
159 who else went up, but they secured the - they pushed the knife away from  
160 him. And ultimately, uh, placed him in handcuffs and medical aid was - was,  
161 uh, summoned after that.

162

163 Q: Okay. Um, so you - when you first - where exactly did you park when you  
164 pulled up?

165

166 A: I parked - if the 10th Street and Sedgwick, this is the house right here, I  
167 parked like almost in front of the driveway. I didn't realize that was the target  
168 house.

169

170 Q: Okay. So you were on Sedgwick?

171

172 A: I was on Sed...

173

174 Q: Were you facing north or south...

175

176 A: I was facing northbound.

177

178 Q: Okay. So when you got out was anybody up there at that point, any other  
179 units?

180  
181 A: Yeah, there was two units. If I'm this way, there's two units on this side of  
182 the - that's going to be the west side of Sedgwick.  
183  
184 Q: Okay.  
185  
186 A: Near the alleyway.  
187  
188 Q: Okay.  
189  
190 A: And I thought that's where they're going to be because I saw someone shining  
191 a flashlight down the alleyway, so I figured they - they were looking around  
192 for him right there. I know that's kind of a - kind of a suspect alleyway.  
193  
194 Q: Okay.  
195  
196 A: So, that's where I figured I was going to go and then they - they walked across  
197 the street and, uh, that's when that car pulled into the driveway and they told  
198 him to get out and...  
199  
200 Q: Now was it - was the gate open for the driveway or was it closed?  
201  
202 A: I believe it was open.  
203  
204 Q: Open?  
205  
206 A: Yeah.  
207  
208 Q: So the car pulled back, so you pulled in the driveway?  
209  
210 A: I believe so.  
211  
212 Q: Okay. Did - when you got into the yard, you - you said you jumped the  
213 fence?  
214  
215 A: Mm-hm.  
216  
217 Q: Did you jump it on the Sedgwick side or the 10th Street side?  
218  
219 A: Sedgwick side.  
220  
221 Q: Okay. And you could have...  
222  
223 A: (Unintelligible)...  
224

225 Q: ...did you do that because you already passed the driveway?  
226

227 A: Yeah, I was already past the driveway. I was basically in the middle of the  
228 opening of the driveway and the corner of Sedgwick, so I was kinda just in  
229 no-man's land. And I didn't feel that if I went around to the gate and tried to  
230 see if that was open then - I mean, I just wanted to get in that yard quick and  
231 see what I had.  
232

233 Q: So when you - when you went over the fence, did you - had you laid eyes on  
234 the subject at that point?  
235

236 A: Yeah, he was standing in the middle of the yard. I - there was a couple of  
237 trees like - or like - or, uh, some thick brush that I came through and I - that's  
238 when I noticed he was standing in the yard.  
239

240 Q: Mm-hm.  
241

242 A: Holding the knife. I, uh - like I said, I pointed my weapon at him, told him to  
243 drop the knife and he began walking away.  
244

245 Q: Now how was he holding the knife when you first saw him?  
246

247 A: I think he was holding it - he was holding it down.  
248

249 Q: So you're showing that he's holding it...  
250

251 A: Yeah.  
252

253 Q: ...with his right hand extended to a degree?  
254

255 A: I think he was just holding it down to the ground.  
256

257 Q: Oh, so he was holding it down toward the ground?  
258

259 A: Yeah.  
260

261 Q: And he didn't comply with your - your commands...  
262

263 A: No, I - I told him several times to drop the knife, drop the knife and he just  
264 walked away and then...  
265

266 Q: Did he ever look at you when you made the commands or was he not looking  
267 at you?  
268

269 A: He was loo- I - I can't remember. I think he was - might have been walking  
270 as I was getting in the yard, I think he might have been walking away...  
271  
272 Q: Okay.  
273  
274 A: ...as I was telling him to drop it.  
275  
276 Q: So he just turned his back and walked away...  
277  
278 A: Yeah.  
279  
280 Q: ...and sat down at a bench you said?  
281  
282 A: Yeah.  
283  
284 Q: So then you and some of the other officers basically went into the yard?  
285  
286 A: Mm-hm.  
287  
288 Q: And basically - at that point what was your plan to - like when you went in the  
289 yard, what was your plan at that point?  
290  
291 A: Our plan, um - my plan was just to maintain visual...  
292  
293 Q: Okay.  
294  
295 A: ...on him, make sure that nothing - he wasn't going to do anything and  
296 Officer - or I'm sorry, Sergeant Toussaint took the verbal command that way  
297 we weren't screaming and having 50 different people telling him what to do...  
298  
299 Q: Right.  
300  
301 A: ...so one person...  
302  
303 Q: Right.  
304  
305 A: ...maintained, uh, communication or - I mean, the solo communication. And  
306 kind of responded to anything, but we attempted - he attempted to try to get  
307 him to drop the knife and tried to develop a rapport with him.  
308  
309 Q: Wa- was he actually - did it look like he was listening to Toussaint or whoever  
310 was giving commands...  
311  
312 A: No.  
313

314 Q: ...or was he just totally...  
315  
316 A: He was just kind of, uh...  
317  
318 Q: So he wouldn't communicate back, he wouldn't answer back if there was  
319 questions...  
320  
321 A: No, he wouldn't - he wouldn't answer any personal questions, just kept saying  
322 that - I remember he said, uh, that he wanted us to kill him and we said he did-  
323 we didn't want to do that and he didn't - he didn't have anything else to say.  
324 Just...  
325  
326 Q: Did he say why he wanted - you - he didn't mention anything about...  
327  
328 A: Nothing.  
329  
330 Q: Nothing?  
331  
332 A: Yeah, he didn't...he didn't mention any problems that were going on.  
333  
334 Q: Now...  
335  
336 A: ...mention any problems that was going on, no.  
337  
338 Q: ...when you were - when you were pointing your gun at him, where were you  
339 in the yard, were you...  
340  
341 A: Um, if I'm - if I remember this correctly there was a tree kind of in the middle  
342 of the yard, like a little - like a little - I think tree, I think it was there, but I  
343 was basically in the middle of the yard. If he's - if this is the south side of the  
344 house, I'm in the middle of the yard and he's sitting right here. So I have like  
345 a - kind of right - a tad bit off his right shoulder...  
346  
347 Q: Okay.  
348  
349 A: ...pointing right at...  
350  
351 Q: But you're - so you're basically - if you turned around and walked out, you'd  
352 be on 10th Street?  
353  
354 A: Yeah.  
355  
356 Q: Okay. And was - who was next to you?  
357  
358 A: Sergeant Toussaint was to my right. And Officer Outlaw to my left.

359  
360 Q: Okay. And that's the only two you remember?  
361  
362 A: That's the only two I remember.  
363  
364 Q: Okay.  
365  
366 A: I remember seeing someone out of the corner of my eye to the - the far right,  
367 but I don't know who it was.  
368  
369 Q: Now what was Officer Outlaw armed with?  
370  
371 A: He would have had the - the bright - uh, the orange, uh, less lethal shotgun.  
372  
373 Q: Okay. And what - how about Sergeant Toussaint?  
374  
375 A: Uh, I don't recall.  
376  
377 Q: Okay. And basically, he wasn't cooperating with - with the - with any of the -  
378 the, uh, commands given by - or actually probably just negotiating, wasn't  
379 even commanding, but he was just talking to him?  
380  
381 A: Yeah, it was of- it was basically he - he was trying to develop a rapport with  
382 him and trying to just get him to drop the - drop the knife and see what..  
383  
384 Q: Was - was there any other family members out in the yard or in the house that  
385 you know of?  
386  
387 A: I - I remember - I remember specifically yelling 'cause I heard - I saw - I  
388 thought I saw someone in the window that he was sitting behind that, hey, get  
389 out of the window.  
390  
391 Q: Okay.  
392  
393 A: And that was the only family members that I saw. I know - I think when we  
394 got there, there was some on the corner - in - around the corner by the  
395 driveway.  
396  
397 Q: Okay.  
398  
399 A: But I'm - I don't know if they actually made it into the yard or not when we  
400 were dealing with it.  
401  
402 Q: Okay. Then at the time he - so he's sitting down the whole time?  
403

404 A: Mm-hm.  
405  
406 Q: Okay. And at the - from the time when he got up and started to, I guess, move  
407 in your direction...  
408  
409 A: Mm-hm.  
410  
411 Q: ...did you know who else was nearby you or is this still just Outlaw and  
412 Toussaint?  
413  
414 A: Only two people know I noticed were Sergeant Toussaint and...  
415  
416 Q: Okay. So what - tell me...  
417  
418 A: ...Outlaw.  
419  
420 Q: ...walk me through what happened at that point then when - when the  
421 shooting began. What - what happened just before that to start the shooting  
422 that you remember?  
423  
424 A: I - I just remember, uh, Sergeant Toussaint giving commands. And, uh, the  
425 suspect, he's sitting there and he just gets up like that and I hear the two pops.  
426 And then he starts walking, um - he gets up and starts walking like that and  
427 then that's when I heard another pop and that's when I fired my weapon.  
428  
429 Q: Okay. So he was getting up out of the chair and...  
430  
431 A: Yeah.  
432  
433 Q: ...and what pops did you hear, was it a handgun or was it from the less  
434 lethal...  
435  
436 A: I can't - I...  
437  
438 Q: Okay. So it was just two pops?  
439  
440 A: Yeah, just (unintelligible).  
441  
442 Q: And why do you think it was fired at that point?  
443  
444 A: I - I have no - I - obviously I think they must have feared for their safety or...  
445  
446 Q: That he was moving...  
447

448 A: That he was moving in a direction that - he was still armed with a knife when  
449 he - when he got up.

450  
451 Q: And - and when he got up what was he doing with the knife, where was the...  
452

453 A: It was in his - it was in his hand.  
454

455 Q: Facing...  
456

457 A: I think he...  
458

459 Q: ...your or...  
460

461 A: I think he was just getting up like that.  
462

463 Q: Oh, okay. So you got up out of the chair and you had it in your right hand and  
464 you had it extended out...  
465

466 A: Yeah.  
467

468 Q: Okay. Toward where an officer would be standing or...  
469

470 A: Yeah.  
471

472 Q: Okay. And so what - you said - and you waited a second, it wasn't  
473 simultaneous then that you fired, it was a few seconds or...  
474

475 A: I - I wouldn't even say a few seconds- I mean, a milliseconds maybe.  
476

477 Q: Okay.  
478

479 A: From what I can - what I can guess.  
480

481 Q: Okay. So it's pretty much right after...  
482

483 A: Yeah, right after...  
484

485 Q: ...right after...  
486

487 A: ...I heard it. I - I processed what it was and then...  
488

489 Q: Did you fire because you heard the rounds or do you fire because...  
490

491 A: No, I fired...  
492

493 Q: ...you perceived a threat?

494  
495 A: ...because I perceived a threat to my - for my fellow officers.

496  
497 Q: Okay. How about to you?

498  
499 A: Yeah.

500  
501 Q: Was he coming in your direction?

502  
503 A: He was coming - it was a general direction of - I mean, we were all pretty  
504 close...

505  
506 Q: Mm-hm.

507  
508 A: ...and I'm saying from - this is Officer Outlaw right here, I'm right here and  
509 then he was coming that direction, I mean, he's coming Off- Officer Outlaw's  
510 right-hand side, so we were all relatively close. I don't know who was to  
511 Officer Outlaw's left, but we were all fairly close in that general direction I  
512 think at any point. I - I was probably - I mean, no more than ten feet away  
513 from him when - when the shooting occurred.

514  
515 Q: Mm-hm. So you - ten feet you guys are approximately ten feet, all of you's  
516 were or is somebody staggered, was like Toussaint way behind you guys...

517  
518 A: I - I...

519  
520 Q: ...were they all...

521  
522 A: I can't...

523  
524 Q: ...over the shoulder?

525  
526 A: Yeah, I mean, I was pe- I was fairly close with Officer Outlaw.

527  
528 Q: Okay.

529  
530 A: I can - I can remember seeing him and then hearing - hearing him, but I don't  
531 know exactly how far Sergeant Toussaint was, but...

532  
533 Q: Did somebody have a plan about why they would use less lethal, was there  
534 some good reason they had - had less lethal out, was that something you guys  
535 talked about?

536  
537 A: I think he - when - when we showed up he had already pulled it out...

538  
539 Q: Okay.  
540  
541 A: ...he already had it out.  
542  
543 Q: Okay. So then you heard two rounds, so then - and then he kept moving even  
544 though...  
545  
546 A: Yeah.  
547  
548 Q: ...the - the rounds went - he kept moving?  
549  
550 A: Yeah.  
551  
552 Q: And then when did he end up going down?  
553  
554 A: Uh, after I fired my rounds. I - I just watched him fall down to the ground.  
555  
556 Q: Okay. Did he just fall straight ahead or...  
557  
558 A: Yeah, he just...  
559  
560 Q: ...just fall back?  
561  
562 A: ...fell...  
563  
564 Q: Straight ahead?  
565  
566 A: Yeah.  
567  
568 Q: Okay. And you fi- you said you fired at like - you think three rounds?  
569  
570 A: I think two to three rounds.  
571  
572 Q: Okay. And did you hear more rounds going off or do you just hear you own?  
573  
574 A: I - you know, I - honestly I just heard my own. I hea- after I heard - I heard  
575 the initial ones I just remember distinctly hearing...  
576  
577 Q: Mm-hm.  
578  
579 A: ...my rounds after I fired 'em.  
580  
581 Q: So going through your mind at the time of the shooting then, when you  
582 actually got your - the gun pointed at him and - and he - and you fired your

583 weapon, what was going through you mind at that point then, what were you  
584 thinking...

585  
586 A: Just, uh, that he was going to try and hurt one of us or hurt someone else,  
587 'cause I know, like I said, the family's around the corner or we're - I mean,  
588 we're - we're right on him, so, I mean...

589  
590 Q: Mm-hm.

591  
592 A: ...it could have very easily been...

593  
594 Q: So you definitely took him as a threat then?

595  
596 A: Absolutely, sir.

597  
598 Q: Once he got out of that chair?

599  
600 A: Absolutely.

601  
602 Q: Okay. What happened when he hit the ground, what - and you may have said  
603 this already, I'm sorry if you did...

604  
605 A: Mm-hm.

606  
607 Q: ...so he went to the ground and then who ended up - did you guys approach  
608 him at any point or...

609  
610 A: I - I stayed where I was and I maintained, um, lethal cover on him just in case  
611 an - and additional threat arose. But Officer Kauk and, uh, additional officer  
612 approached him from, uh, it'd be the west side, basically approached him  
613 from his head towards, I guess, um, I'm trying to say like west to east...

614  
615 Q: Okay.

616  
617 A: ...direction. Um, pushed the knife away with the - with their feet. I think - I  
618 want to say they backed up again and then it was, uh, determined that they  
619 were going to handcuff him and secure him. And I - I don't remember who  
620 handcuffed him off the top of my head.

621  
622 Q: Okay. Do you remember anything he was saying during the time he was  
623 sitting there, any kind of statements he was making about his own personal  
624 stuff, why he was doing this, did he make - anything you remember?

625

626 A: Not that I can remember. The only thing I - I - the only thing that's just  
627 instilled in my brain is just that he - he made the assum- I can't remember the  
628 verbatim statement, but made the statement of wanting us to kill him.

629  
630 Q: Mm-hm.

631  
632 A: And then he - him giving us - or him saying on multiple occasions that I'm  
633 going to go this way. I'm just going to go this way. So he was laying out  
634 what he was...

635  
636 Q: And that - and you're pointing...

637  
638 A: ...what he was doing.

639  
640 Q: ...pointing toward what, the corner...

641  
642 A: Yeah, like basic - he - he just said - he is sitting here looking down at us and  
643 he's, "Oh, I'm just going to go this way." And moving his - was moving his  
644 right hand like that.

645  
646 Q: And he was moving it toward - it - the reason I'm doing this is because it's  
647 only a recording, so...

648  
649 A: Yes - yes, sir.

650  
651 Q: ...people are going to wonder what you're pointing at.

652  
653 A: Yeah.

654  
655 Q: So you were pointing with your right hand like he's going to go toward the  
656 corner of 10th and Chestnut...

657  
658 A: Correct.

659  
660 Q: ...or excuse me, Sedgwick rather which would be at the corner of the house,  
661 the front door of his actual residence then?

662  
663 A: I believe so...

664  
665 Q: I think that's where it is...

666  
667 A: ...because...

668  
669 Q: ...so he'd be going that direction, he's - he's telling you, "I'm going that  
670 way?"

671  
672 A: Yes, sir.  
673  
674 Q: And then, um - and that was basically not a - a good thing at that point  
675 because - because you guys were there plus there was family members maybe  
676 there, is that what you said?  
677  
678 A: Correct, sir.  
679  
680 Q: Okay. Um, Mike, do you have anything?  
681  
682 Q1: Have you ever dealt with that guy before or the house before?  
683  
684 A: No, sir.  
685  
686 Q1: Okay. Um, I realize it was dark, what...  
687  
688 A: Mm-hm.  
689  
690 Q1: ...was the lighting like back there?  
691  
692 A: Um, I don't think there was much of any - I remember I - as soon as I - as  
693 soon as I got eyes on him, I carry - or I have a - a, um - uh, a weapon light  
694 mounted to it. I just activated it to a constant and I just pointed it right at him.  
695  
696 Q1: Okay. So you had (unintelligible)...  
697  
698 A: There was - my light was activated and I know other people had flashlights  
699 and they're kind of in and out of turning 'em on and off.  
700  
701 Q1: Okay. Um, and no question you saw the knife...  
702  
703 A: Mm-hm.  
704  
705 Q1: ...I mean, you already said that. The - the two pops and the, um - followed  
706 by, you say, three rounds you think...  
707  
708 A: I believe two to three rounds.  
709  
710 Q1: ...two to three rounds, there's a - there's a definite sound difference between  
711 say a - a handgun and a shotgun.  
712  
713 A: Mm-hm.  
714

715 Q1: Um, I don't know, it's been a while since I've fired a less lethal to be honest  
716 with ya, do you know if there's a sound dist- difference between a less lethal  
717 and a handgun?  
718  
719 A: I would imagine so.  
720  
721 Q1: Okay. Did you hear a sound difference as you think about it now between the  
722 types of pops?  
723  
724 A: Not that I can remember.  
725  
726 Q1: Okay.  
727  
728 A: No.  
729  
730 Q1: So you don't know the sequence or even whether or not the less lethal was  
731 deployed? Or do you know?  
732  
733 A: I don't know. I didn't hear a verbal - verbal, uh...  
734  
735 Q1: Like deploying less lethal...  
736  
737 A: Yeah.  
738  
739 Q1: ...or something like that...  
740  
741 A: I didn't hear anything like that. I ju- I just heard the...  
742  
743 Q1: And then as far as who else then fired besides yourself or who fired those  
744 other two pops, you do not know?  
745  
746 A: I do not know, sir.  
747  
748 Q1: Did they come from both sides of you, left and right of you...  
749  
750 A: I - I don't...  
751  
752 Q1: ...you just focused on your...  
753  
754 A: I just focused on...  
755  
756 Q1: your...shots...  
757  
758 A: ...my - my shots and making sure that they were placed where they needed to  
759 be placed and...

760  
761 Q1: What about, um, a taser, do you recall if there was a taser?  
762  
763 A: I believe I saw, uh - I saw the red dot, but I don't know - I don't - I don't  
764 believe...  
765  
766 Q1: Don't know who had it, don't...  
767  
768 A: I don't know who had it. I remember seeing it from, um, my right-hand side.  
769 I don't know who was on that other than Sergeant Toussaint and I don't  
770 believe he had anything in his hands, but I don't - I can't be...  
771  
772 Q1: Mm-hm.  
773  
774 A: ...100% sure.  
775  
776 Q1: Okay. You just recall seeing the red...  
777  
778 A: I just remember seeing...  
779  
780 Q1: ... seeing the red dot?  
781  
782 A: ...seeing the red dot. Um, I didn't hear any kind of a - a deployment of it or...  
783  
784 Q1: Any indication, uh, in your mind that this guy was under the influence of  
785 anything, uh, you know, whether you saw empty beer cans in the yard whether  
786 you saw empty...  
787  
788 A: Not to...  
789  
790 Q1: ...alcohol bottles?  
791  
792 A: Not to my recolle- or my - I - I...  
793  
794 Q1: Okay.  
795  
796 A: ...I didn't notice any obvious signs. I mean, he kinda just had that blank -  
797 blank look on his face.  
798  
799 Q1: Blank stare?  
800  
801 A: Yeah.  
802  
803 Q1: And I think you said about ten feet away you were...  
804

805 A: I - I believe so...  
806  
807 Q1: ...when all this happened?  
808  
809 A: ...in - in that general range.  
810  
811 Q1: I don't think I have anything else Ron  
812  
813 Q: Okay. Do you remember, um, K-9 showing up?  
814  
815 A: I do.  
816  
817 Q: Okay. Do you know - where was he positioned, do you remember?  
818  
819 A: I can't recall.  
820  
821 Q: Okay. But there was K-9 there?  
822  
823 A: I believe I remember hearing him, so...  
824  
825 Q: Okay. Did he mention and - and I think he already asked you once already,  
826 but did he mention anything about any kind of, uh, medications or anything he  
827 may have been taking or any problems like that that he was going under - you  
828 don't remember anything like that?  
829  
830 A: I don't remember anything like that.  
831  
832 Q: Okay.  
833  
834 A: I know when we - when we initially searched him there was a bunch of, uh,  
835 medications on his person.  
836  
837 Q: Mm-hm.  
838  
839 A: He has some in his pocket I believe and then some tucked in his socks.  
840  
841 Q: Mm-hm. When you guys were talking or when Toussaint was asking the  
842 questions, mostly, I think he was doing most of the talking?  
843  
844 A: He did, yeah.  
845  
846 Q: And you're saying he was unresponsive to Toussaint basically, he wasn't like  
847 answering back, I mean, he wasn't like Toussaint would ask him something,  
848 he'd answer (unintelligible) what he...  
849

850 A: Not to my rec- I don't - I don't...

851

852 Q: He was doing his own thing then...

853

854 A: He was kinda of just - yeah, he just kinda - like I said, he just kinda had that  
855 blank stare on him and he just wasn't - wasn't responsive to...

856

857 Q: Did he...

858

859 A: ...to the - to the - to the effect of us getting what...

860

861 Q: Right.

862

863 A: ...the reac- the reactions that we were looking for.

864

865 Q: But he was aware that you were police officers, though?

866

867 A: I wou- I would - I would assume so.

868

869 Q: I mean, he - there was no question that you guys were cops, right?

870

871 A: Yeah. Yeah. We were all - we were all wearing our uniforms and we were all  
872 - I don't believe there was any plain clothed officers there.

873

874 Q: Okay. He just isn't going to comply to what you guys wanted then?

875

876 A: Correct sir.

877

878 Q: Okay.

879

880 Q1: Other - other than maybe a bush or a tree that you're describing out there and I  
881 - to be honest I can't remember either when we were out there, um, was there  
882 anything in between you and the suspect separating you guys, anything that, a  
883 - a fence, uh...

884

885 A: Not me.

886

887 Q1: Okay.

888

889 A: I was - I was in the - in that yard, in the middle of that yard.

890

891 Q: Was he wearing long pants or shorts, do you remember?

892

893 A: I want to say pants. I can't remember what color they were to be honest with  
894 you.

895  
896 Q: How about his arms, you said he was - was he cutting his arms or something  
897 or...  
898  
899 A: He ha- I - yeah, actually he did have pants 'cause I remember seeing, um,  
900 soaked, bloodstains on the - on his pant legs. And, uh, he had the knife - I  
901 don't know if he went to the effect of like gashing it, but he had the knife and  
902 if I use this, he was just doing stuff like...  
903  
904 Q: Okay.  
905  
906 A: ...like that...  
907  
908 Q: To the face?  
909  
910 A: ...to the face and then like I said, at one point he picked up the knife and  
911 threw it in the grass and it stuck there for a second, then he picked it back up.  
912  
913 Q: Do you know what kind of - did - did you see the knife pretty good with...  
914  
915 A: I would say it's probably like a - uh, it's probably, uh, about a blade that long.  
916 It was kind of a maybe...  
917  
918 Q: Six, seven inches maybe, then?  
919  
920 A: Yeah, maybe about a inch - inch think maybe or wide or, uh - what's the word  
921 I'm looking for...  
922  
923 Q: In width?  
924  
925 A: Yeah, in width.  
926  
927 Q: Okay.  
928  
929 A: I want to say it had a brown handle.  
930  
931 Q: Okay.  
932  
933 Q1: Okay. Good. Other than - other than the obvious presence of a knife, did he  
934 verbally threaten you or any other officer?  
935  
936 A: No, sir.  
937  
938 Q1: Um, so he's just saying he wants you guys to kill him and whatever...  
939

