Deposition Transcript

Case Number: 4:22-cv-06715-DMR
Date: October 25, 2023

In the matter of:

CHAVEZ, et al. v COUNTY OF SONOMA, et al.

Anthony Powers

CERTIFIED COPY

Reported by:
Karly Powers
CSR No. 13991



Steno
Official Reporters

315 W 9th St.
Suite 807
Los Angeles, CA 90015
concierge@steno.com
(310) 573-8380
NV: FIRM #108F

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF CALIFORNIA

ESTATE Of DAVID PELÀEZ CHAVEZ, et al., Plaintiff, vs. COUNTY OF SONOMA, MICHAEL DIETRICK and DOES 1-25, inclusive., Defendant.	Case No: 4:22-cv-06715-DMR

DEFENDANT'S VIDEOCONFERENCE DEPOSITION

OF

ANTHONY POWERS

WEDNESDAY, OCTOBER 25, 2023

Stenographically reported by:
KARLY POWERS, CSR No. 13991
Steno Job No: 733146

APPEARANCES

(All parties appearing remotely)

For Plaintiff:

SCHWAIGER LAW FIRM
BY: IZAAK SCHWAIGER, ESQ.
130 Petaluma Avenue, Suite 1A
Sebastopol, CA 95472
(707) 595-4414
izaak@izaakschwaiger.com

For Defendants:

FERGUSON, PRAET & SHERMAN
BY: BRUCE D. PRAET, ESQ.
1631 East 18th Street
Santa Ana, California 92705-7101
(714) 953-5300
Bpraet@aol.com

INDEX

WITNESS: ANTHONY POWERS

EXAMINATION	PAGE
BY MR. SCHWAIGER	4

EXHIBITS

NUMBER	DESCRIPTION	PAGE
1	Deposition Notice	105
2-Confidential	Body Camera Footage	106
3-Confidential	Body Camera Footage	146

WEDNESDAY, OCTOBER 25, 2023; 9:06 A.M.

ANTHONY POWERS,

called as a witness, who being first duly sworn by me, Karly Powers, CSR #13991, to tell the truth, the whole truth, and nothing but the truth was thereupon examined and interrogated as hereinafter set forth.

EXAMINATION

BY MR. SCHWAIGER:

Q Okay. Good morning, Deputy.

A Good morning.

Q My name is Izaak Schwaiger. I'm the plaintiff's attorney who's going to be taking your deposition today. I'm joined by my co-counsel, John Scott, who's blacked out that screen right now. You are here with your lawyer, Mr. Praet. And then we have Ms. Powers, who is our court reporter. She is going to be creating a transcript of this proceeding for use by both sides in the future, okay?

A Yes, sir.

Q All right.

Have you ever had your deposition taken before?

A No.

Q All right. I'll explain how that goes here in just a second, but before we get going, would you

please state and spell your full name, including your middle name, for the record.

A Anthony James Powers, A-N-T-H-O-N-Y, J-A-M-E-S, P-O-W-E-R-S.

Q All right. Terrific. Deputy Powers, I'm going to do my best to call you deputy. I might call you sir; I might call you Mr. Powers. I try to use your title. I think that's the most respectful way to do things. But if I screw up, I don't mean any disrespect by the slip, okay?

A Okay.

Q And you can call me pretty much anything you want. You have testified in court before, I'm sure; is that right?

A Yes, sir.

Q About how many times, you think?

A Maybe three.

Q Okay. All right.

Well, then, I'm going to give you some pointers. Your attorney has probably already gone over some of the ground rules, but it doesn't hurt to hear them again. So this is just like courtroom testimony. All right. It's the same judicial proceeding; you're under the same oath, subject to the same penalties for perjury, things like that.

The biggest difference is that we don't have a judge here to rule on objections, and so from time to time your lawyer is going to have objections to my questions, all right.

Typically speaking, because we don't have a judge to rule on them, just listen to the question, listen to the objection, and then give your answer to the best of your ability. The exception to that is going to be if your lawyer specifically advises you not to answer a question.

All right.

Typically if your lawyer advises you not to answer a question, it's because there's an issue of privilege, which is another way of saying confidentiality, all right. Some issues of confidentiality we can deal with by designating portions of this deposition confidential and subject to the court's protective order.

For instance, if I start talking about police officer personnel records, those are subject to protections under law, right. They're not public record. But I still get to talk about them here in a deposition. In order to protect your privacy interests or the interests of other people who might be implicated, we'll designate certain portions of

this transcript as confidential, and those would not be available to the public. Okay, does that make sense?

A Yes.

Q All right. Terrific. So yeah, the biggest difference is if you hear an objection, you're typically just going to go ahead and answer the question. Lawyers sometimes have arguments in the middle of depositions, which are almost entirely always a waste of time because no one ever wins.

And then you're just going to answer the question or not, depending on what your lawyer tells you to do.

Just like courtroom testimony, it is important for preservation of a good record that we not talk over each other. I'll do my best to do that, though sometimes I will cut you off before you're done with a question, just because I'm human and make mistakes.

From time to time, you might do the same thing; that is, you might start answering a question before I've finished asking it. If that happens, we'll need to clarify that everything is what everybody intended it to be, because sometimes answering a question before it's fully asked means

that you're answering a different question than what you might have intended, all right. So do your best, please, to let me finish my questions before you ask them, and I'll do the same by letting you answer your questions before I give you a follow-up question, okay?

A Yes.

Q All right. A couple pointers as well. Nonverbals don't make it into our court record very well. So "uh-huh," "nuh-huh," "mm-hmm," a shake of the head, a nod of the head, "it was this big," it doesn't communicate outside of, you know, the personal communication that we're having. So in order to make a good record, if we stumble across those nonverbals from time to time, either I or your lawyer will jump in and say, "Was that a yes?" "Was that a no?" And that's just to clarify the record, all right?

A Yes, sir.

Q Is that a --

A Yep.

Q All right. Terrific.

Let's see. Be careful with the meter of your speech, all right. Some people just have a tendency -- I'm one of them -- to talk very quickly,

all right. That does two things; one, it jeopardizes the integrity of the record because the court reporter might not be able to get everything down; and two, it will piss the court reporter off, and we don't want to do that.

We're going to take a break probably every hour until we're done. I anticipate that your deposition will last between three and four hours, but I don't know for sure. All right.

I have, however, promised your lawyer that I'll do my best, because I know he has a timeline today. So I think that will be the outer limit of what we're doing. So we'll take a break every hour for 5 or 10 minutes, let you stretch, use the bathroom, talk to your lawyer, whatever. If you need to take a break at any time outside of that schedule, just let me know and I can probably accommodate you. If you ask to take a break while a question is pending, I'll probably say, "Let's get through this question or this line of questioning first," and then we'll take a break.

MR. SCHWAIGER: Gentlemen, have you discussed whether you want to take a lunch break today or just work all the way through? Because I think that if we work all the way through, we can be

done by 1 o'clock. But it's up to you.

MR. PRAET: Yeah I -- we'll see how it goes, but I tend to agree. Let's try to power through.

THE WITNESS: I agree.

MR. SCHWAIGER: Okay. Terrific.

Madam Reporter, would that be all right with you if we move all the way through? Okay. Perfect.

All right. I'm sure there's a bunch of other things that I could probably tell you that your lawyer probably has told you, but if we run into things as we go, we can always stop. And if you have questions on the proceeding, you can ask them, all right?

THE WITNESS: Yes.

BY MR. SCHWAIGER:

Q Okay. Oh, and this is a good pointer. Yesterday, we had some tech difficulties. And that is the connection sometimes stalled out, which is an unfortunate inconvenience to the convenience of doing a remote deposition. If that happens, we might have to just pause, you know, have people log out and log back in, whatever.

Similarly, I'm going to play some

audio-video exhibits during the deposition and ask you some questions about them. Sometimes, though not usually, that can get compromised through the Zoom platform. That is to say, yesterday, we did a deposition and the videos played jerkily for your side. Hopefully that doesn't happen. If it does, let me know. We'll do the best that we can, all right?

A Yes.

Q All right. Terrific.

Okay. Lastly, I don't expect you to have an answer for every question that I ask, all right? We're here to talk about events that occurred over a little over a year ago. So, frankly, in litigation timeline, that's pretty recent. But in reality, it's still more than a year ago. And you've probably forgotten some things; and that's okay.

Nobody expects you to have all of the answers. What I expect you to do is give me your best answer that you can, and if your best answer is "I don't know" or "I can't remember," then that's a perfectly acceptable answer.

I am entitled to your best estimate as to those matters for which you can render an estimate, but I don't want you to guess about anything. So if

I ask you, "How far away was Deputy Dietrick from you?" You're going to say, "I don't know." And I'll say, "Can you give me an estimate?" "Maybe 20 yards."

All right, that's an estimate. And you're -- you're able to make that estimate because you were there; you observed things. You had a little bit of training in estimating distances, things like this. But if I asked you, you know, "What color underwear was Deputy Dietrick wearing," that would be a guess. You've got no basis; you've got no knowledge of -- upon which to form an estimate, all right?

So do you understand the difference between a guess and an estimate?

A I do.

Q All right. Perfect. Well, with that, I think we can get under way.

How are you presently employed, sir?

A The Sonoma County Sheriff's Office.

Q And how long have you been so employed?

A Approximately one year and eight or nine months.

Q All right. How old are you?

A 39.

Q And you have more gray hair than I do.
A Yes, sir.
Q It's not looking good for your future.
A No.
Q Well, some women find it attractive. I'm sure you'll meet one of them if you haven't already.
What is your position with the Sonoma County Sheriff's Office?
A I'm a patrol deputy at the -- currently at the River Substation in Guerneville.
Q All right. Who is your supervisor out in Guerneville?
A It's Sergeant Lawson.
Q How long have you been on the River?
A A little over a year.
Q How were you employed before joining the Sonoma County Sheriff's Office?
A The San Francisco Police Department.
Q All right. And were you a sworn police officer with SFPD?
A Yes.
Q How long were you employed with them?
A Approximately 4.3 years, as it shows on my time there.
Q All right. 4.3 years with SFPD.

Did you have the same assignment the whole time?

A I was a patrol officer, so yes.

Q All right. Very good.

A Or an academy attendant.

Q Gotcha. That was my next question. Well, not necessarily my next question. What did you do before you were employed with an SFPD?

A I worked at a sheet metal union.

Q How long did you do that for?

A Approximately two months.

Q That's got to be hard work.

A It's pretty easy.

Q Well. All right. Maybe -- maybe I'll take it up in my retirement.

All right. So 2 months sheet metal, 4.3 years with SFPD, not quite 2 years with Sonoma County.

What did you do before you worked for the union?

A I worked for a ranch in Geyserville.

Q Which ranch?

A It's called Sei Querce Vineyards.

Q What did you do there?

A I was a ranch hand.

Q How long did you work as a ranch hand?
A Approximately four years.
Q Are you from Sonoma County, originally?
A Yes.
Q Whereabouts?
A Sebastopol.
Q Great. Did you go to Analy?
A I did.
Q Is the football team still any good?
A I'm not sure.
Q They used to be pretty special.
A Yep, yes.
Q Did you play football?
A I played football until my junior year --
Q Excellent.
A -- but I concentrated on wrestling.
Q All right. Before working for Sei Querce, how were you employed?
A I worked for Shone Farm for the Santa Rosa Junior College, while --
Q Okay. Is that -- that's off of Westside Road; isn't it?
A Correct.
Q Okay. What did you do there?
A I was a farm hand.

Q Now, didn't that used to be the probation camp out there?
A It still is the juvenile probation camp, I believe.
Q Right. I noticed when the sign went up that said it was the JC. I didn't know that that was also the JC. I knew it had been the probation camp for a while. Do you know when it switched over between the two or when the JC -- were they always there?
A I think the farm has been there for quite a long time, and I don't know about the probation camp.
Q All right. And how long at Shone Farm?
A Approximately 11 months.
Q What did you do before that?
A I simultaneously worked as a employee of Whole Foods in the meat department, did that for about a year as well.
Q That was when you were working for Shone Farms?
A While going to school as well, yes.
Q Okay. All right. What did you go to school for?
A I originally went to school for sustainable

agriculture and switched my major about halfway through.

Q What did you switch to?

A Management.

Q And where did you take courses at?

A The University of San Francisco is where I graduated from, but I started at the Santa Rosa Junior College.

Q Gotcha. All right. So did you get a four-year degree?

A I did.

Q And what the major in management?

A Yes.

Q Why did you want to pursue management?

A I was really just trying to get my bachelor's degree, and I knew of the University of San Francisco and it appealed to me, and I applied and I got in.

Q All right. Did you have any intention to use that degree in a specific way or was it just, "I'm getting a degree?"

A I was at that point in time thinking of becoming a vineyard manager.

Q Gotcha. Is that a family business, or?

A No.

Q Just what you grew up around?
A Yes.
Q Okay. What year did you get your degree?
A 2016, I believe -- '15 or '16.
Q Prior to your time at Shone Farm and Whole Foods, were you a full-time student or were you also employed?
A Just prior, I was a full-time student, yes, and then employed prior to that.
Q What was that employment?
A I worked as a range control specialist at the Mountain Warfare Training Center in Bridgeport, California.
Q As a civilian?
A Yes.
Q How long did you hold that position?
A Approximately 11 months.
Q What did you do before that?
A I was enlisted in the Marine Corps.
Q Between what years?
A 2007 -- I'm sorry. 2003 and 2011?
Q That is a strange amount of time to be enlisted in the Marine Corps.
A Eight years?
Q Yeah. Like people usually do one and done

or they stay like for the whole ride; right?
A Yep.
Q Yeah. How did you end up doing eight years?
A Reenlisted in Iraq and got a pretty hefty reenlistment bonus and became an instructor my second enlistment.
Q All right. Well, thank you for your service.
A Thank you, sir.
Q What was your MOS?
A Primary MOS was 0311.
Q Infantry?
A Yes, sir.
Q And did you have a secondary MOS as well?
A I graduated from the Basic Scout Sniper Course, and at the time it was 8541.
Q You said, "at the time." That's changed since then?
A Yeah. They changed it to 0317.
Q All right. When did you attend scout sniper school?
A It was the spring of 2006.
Q Was that before or after your deploy -- well, strike that.

How many deployments overseas did you do -- did you have during that time?
A Three.
Q Okay. When was the first?
A 2004.
Q Second?
A 2005.
Q Third?
A 2006.
Q You're a glutton for punishment.
Who did you deploy with in 2004?
A 3rd Battalion, 4th Marines.
Q Same for '05 and '06?
A Yes, sir.
Q And where was your primary AO in 2004?
A It was the Haditha Dam.
Q Yeah, I know it. How about 2005?
A 2005 was Fallujah.
Q Were you in the Battle of Fallujah?
A I was in the first Battle of Fallujah.
Q Fallujah 1?
A Yes.
Q And then 2006?
A 2006 was Al-Qa'im, Iraq.
Q That's on the Euphrates; isn't it?

A It is near the Euphrates, and it's near the Syrian border.

Q All right. Is it close to Haditha?

A I mean, as the crow flies, maybe it's kind of close. But to drive, it was kind of far.

Q All right. All right. So let's see, you went to scout sniper school after your return from your third deployment; is that right?

A It was in between my second and third deployments.

Q All right. So would it be fair to say your first two deployments you deployed in the capacity of an infantryman, and in your third deployment did you deploy specifically in the capacity of a scout sniper?

A No. They were all -- every deployment I was in I was in the scout sniper platoon. I just wasn't school trained until my third deployment.

Q Okay. Gotcha. All right, so you're in Haditha in '04, Fallujah '05, Al-Qa'im, 2006. Did I get those right?

A Yep.

Q Okay. And you were with 34 the whole time?

A Yes.

Q On your first deployment, how long was it?

A It was approximately four to five months in country, and it was about two months in Okinawa prior to that.

Q So, you would have left Haditha before all the weird stuff happened in 2005?

A I'm not sure what weird stuff you're talking about.

Q The -- I'm trying to think what the unit was there. I don't remember.

A Was it a reservist unit that got compromised?

Q No, it was 31?

A Okay.

Q It was 31, and it was in November of 2005, so that wouldn't have been your unit; right?

A No.

Q Okay. All right. All right.

How old were you when you enlisted?

A 19.

Q Why did you choose to enlist in the Marine Corps?

A 9/11 happened when I was a senior in high school. When I was 15, I signed up for what's called "Devil Pups," and it's a mini-Marine boot camp, and there's people who served in the military

in my family and I wanted to serve my country.

Q Good for you. All right. I'm going to double back and probably going to ask you more questions about your military experiences if they become relevant later on, okay?

A Okay.

Q Depending on where our conversation goes.

All right. So let me jump back to your law enforcement career.

A All right.

Q Did you ever have any special assignments or collateral duties while you were a sworn peace officer, such as defensive tactics instructor or range master or anything like that?

A Up to today's date?

Q Yes, sir.

A I am a defense tactics instructor. I am currently a alternate on the SWAT team, and I also am a new member of the honor guard.

Q Okay. Excellent. And how long have you been a defensive tactics instructor?

A Approximately six months.

Q Was that a position that you volunteered for?

A Yes.

Q Why did you choose to pursue that position?
A Become better at my job.
Q Well, all right. But lots of people choose to pursue other things to become better at their job. Why did you pick a defensive tactics position?
A Also, I was a wrestler in high school. I was pretty decent, and I know how to grapple and I thought also I could help other folks learn, you know, how to -- weight distribution and how to basically survive in a ground fight.
Q Excellent. Okay.
Okay. So DT for six months. You said you're on the honor guard and you're an alternate on the SWAT team; is that right?
A Yes, sir.
Q What does an alternate?
A Basically, everything that a regular SWAT officer does, just doesn't get the premium pay, and I only get to attend one training a month. But I'm subject to call-outs.
Q All right. And is that -- what's the purpose of that? Is that to just give you exposure for later becoming a full-fledged SWAT member, or is it something else?
A I -- I need a -- sorry, sir. I need a more

specific question. What's the purpose of what, sir?
Q Sorry. Of being an alternate, like as opposed to just being on the SWAT team?
A I think it's more of like a probationary period to, you know, see if I fit in well and I do well before I get paid full time, yeah.
Q All right. Great. How long have you been doing that for?
A Approximately one month.
Q And was that a position that you volunteered for?
A It was.
Q And what was it about the SWAT team that interested you?
A It was just becoming a part of a team that I -- like a smaller team, and also being able to train and get better at my job, and just the exposure of different calls and different situations rather than just patrol.
Q Okay. All right. Great.
So you said that you've been at the River sub for a little over a year.
Prior to that, were you assigned to North County?
A No.

Q What was your assignment prior to being on the River?
A It was the main office, Local B, Santa Rosa.
Q And what was your supervisor during that time?
A Sergeant Byrd, yes.
Q Is that Nick Berg?
A Yes.
Q How long were you at the main?
A Total, or?
Q During this period of time?
A From what period of time, after FTO or after this incident or in total?
Q Immediately preceding your time in West County.
A In West County?
Q Yes. I under -- let me make sure I understood you correctly. I thought you said that you are now assigned as a patrol deputy to West County; is that right?
A Correct. But it --
Q And you okay --
A We don't call it "West County"; we call it "Zone 1." Zone 4 would be West D, Sebastopol. I am

the furthest west now, and Guerneville, so prior to that it was probably maybe eight months.

Q Okay. All right. Great. And prior to that was it FTO, or was it something else?

A That was -- that eight months is kind of encompassing FTO, going from the River -- I'm sorry, going from Windsor, the town of Sonoma and the main office. It was a all-encompassing kind of tour of the county for FTO and then the main office for my probation period.

Q Okay. Gotcha.

How many FTOs did you have?

A I believe I had four.

Q Do you recall who they were?

A Preston Briggs, Marcus Holton, Fred Schmidt, and Joshua Cooper.

Q Did you have any of those F, excuse me, were any of those FTOs you thought more effective than others?

A No. They were all effective.

Q So, I assume that you went to one police academy prior to your work with SFPD; is that right?

A SFPD was a encompassing academy.

Q They have their own academy?

A Yes, sir.

Q Okay. Were you hired by SFPD prior to attending the academy?
A I was.
Q Okay. Did you pass the academy the first time?
A I did.
Q Your probationary period with the Sonoma County Sheriff's Office was one year?
A Yes.
Q And did you pass probation the first time?
A Yes.
Q Does that make you a Deputy II?
A Yes.
Q Now, at the time of this incident, were you a Deputy I?
A No.
Q Okay. You were already off of probation at the time of the incident?
A No.
Q Okay. Tell me how that works.
A Because I'm a lateral, I got hired as a Deputy II.
Q I understand. Okay. Great. So you still had to go through the same probationary period despite being hired in as a II?

A Yes.

Q Okay. All right. That sounds good. Thank you for that.

And I already asked you why you chose to pursue a career in the military. Why did you choose to pursue law enforcement?

A Pretty much the same reasons, that -- I wanted to serve people, and I wanted to be of service once again. Just like the military, it's a camaraderie and it's a team effort and everybody is a piece of the team, and I was really missing that at this point in my life. Going to the University of San Francisco, I had San Francisco cops in my college class, and they were a good resource for me to start that career.

Q Okay. All right. I have a couple questions that are going to sound like they're invasive and probing, maybe even offensive. They're not special to you; I ask it to everybody that I take a deposition of, so I hope you don't take too much offense at these.

Have you ever used a different name?

A No.

Q Have you ever been arrested before?

A No.

Q Have you ever been charged or -- charged with or convicted of a crime?
A I've been charged with misdemeanor hit and run as a kid.
Q That's before you were 18?
A I -- I think it was right when I was 18.
Q All right. What county was that in?
A It was in Sonoma County.
Q And that was when you were 18 years old?
A Correct.
Q Was that 2001 or 2002?
A It was a misdemeanor, so 2002, I believe.
Q I think so. All right. All right. What was the result of that?
A All charges were dropped, and I had community service and went into the military.
Q Certainly they didn't condition your dismissal on entry into the military?
A I'm not sure. But I might have mentioned it.
Q Couldn't have hurt?
A No.
Q All right. So would it be fair to say you did some kind of a diversion?
A I don't know what that means in terms of

this. I did 40 hours of community service.
Q All right. That's probably what it was. After the break, I'll tell you for sure, okay?
A All right.
Q Were you represented during that case?
A I don't recall.
Q Have you ever been -- other than the case you just told me about, any other charges or convictions?
A No.
Q And other than that case, have you ever been a party to a lawsuit or any legal proceeding?
A No.
Q Okay. Have you ever been accused of professional misconduct from any job?
A No.
Q Have you ever been accused of dishonesty at any job?
A No.
Q Have you ever been accused of excessive force?
A No.
Q Have you ever been the subject of an internal affairs investigation?
A Not that I know of.

Q Have you ever been the subject of an administrative review?

A After this incident I was on administrative leave, so I -- possibly, but I don't know what that means in terms of administrative review.

Q All right. Well, if you don't know what it means, then you don't know what it means. My guess is they probably haven't done one yet; probably waiting for the DA to finish up first.

Okay. Have you ever been disciplined at any job that you've ever had?

A No.

Q Have you ever received a negative evaluation or performance review?

A No.

Q Okay. Now, prior to this event is what I'm talking about here -- and again, I apologize that these are -- these do invade your privacy. So I'm sorry about that.

If you feel there's an answer that is confidential and your lawyer thinks that it should be discussed, you know, under seal of a protective order just let me know, okay?

A Okay.

Q All right.

Prior to this incident, have you ever sought any psychological counseling or therapy for any reason?

A No.

Q What did you do to prepare for your deposition today?

A I reviewed my BWC; I listened to dispatch audio. I have looked over department policy. And that's about all I can think of.

Q All right. During your preparation, so when you were reviewing these materials, specifically materials that are -- excuse me, more pertinent to the event itself, such as your body-worn camera or dispatch audio, did you come across anything that seemed new or different to you, that is to say, not how you remembered it?

A Not that I can recall.

Q All right. Let me know if that's the case. Because as we get into discussing the event --

A Uh-huh.

Q -- and when I say "the event," I'm referring to the critical incident that occurred on July 29th of 2022, all right? So if you hear me say the event or the events, that's what I'm talking about, unless I say something different, all right?

A Okay.

Q Okay. When we get into talking about that, we're going to have to be careful with questions and answers. Because there's some things that you probably remember from being there and observing the things that you observed. And there's some things you probably remember from seeing your body-worn camera footage, which -- and they might not be the same thing, all right.

So if you're -- if I ask you what you remember or what happened, and you are giving me an answer, please be sure to tell me, "this is what I remember happened" or "this is what I saw on my body-worn camera," if it's different, all right? If you just tell me that this is what happened, I'm going to assume you're telling me from your memory of the events. Does that make sense?

A Okay.

Q All right. Great. When you reviewed body-worn camera footage in preparation for your deposition, whose body-worn camera footage did you see?

A My own.

Q Did you review any others?

A No.

Q At any time since the event, have you reviewed other body-worn camera footage other than your own?
A Yes.
Q And what footage was that?
A That was Deputy Dietrick's.
Q All right. And what was the purpose of reviewing Deputy Dietrick's body-worn camera?
A Just to see it from a different angle.
Q And why did you believe that that would be valuable?
A Because he was the only other person there.
Q Was there something that you thought that you could not see from your own vantage point that perhaps Deputy Dietrick's body-worn camera could have shown you?
A I don't know. I just -- it got released to the public, so I figured if everybody else is watching it, I have the right to watch it as well.
Q That makes sense.
How many times have you seen Deputy Dietrick's body-worn camera footage?
A In its entirety probably none, but maybe two times.
Q Any segment of it at all?

A The important segments.
Q All right. About two times?
A Yes.
Q And what about your own body-worn camera footage?
A Probably in between 5 to 10 times.
Q And I'm assuming same thing; you probably didn't watch all two hours of it or whatever; the 5 or 10 times; is that right?
A I think I've watched it in its entirety once.
Q Okay. All right. Great.
The dispatch audio, what was the purpose of reviewing that?
A Just to remind myself to recollect what I was dispatched to.
Q All right. So you're talking about the information that you had prior to arriving on scene?
A Yes.
Q Any other reason to review it?
A No.
Q And you said you reviewed office policy or policies.
How many policies did you look at?
A Just the use of force policy.

Q And what was the purpose of that review?
A To refresh my memory on our policy.
Q When you did the use of force policy review, which use of force policy did you review? And that's to say I know they're updated fairly regularly. Do you know which update you were looking at?
A I believe it was the most up to date, and it was very long. And I read over it. And I also reviewed 835a.
Q What is 835a?
A It is our updated use of force penal code to provide an outline or guidelines for use of force and deadly force.
Q All right. And what was the purpose of reviewing 835a?
A For my own knowledge. I am a DT instructor, and -- as well, I need to know these policies and penal codes very well.
Q I think that's a fine practice. Did you review it just for your own professional development, then, or was it part of your preparation for this deposition?
A It was both.
Q All right. Have you given any written

statements at any time concerning your observations of these events?

A No.

Q Why not?

A I've never been asked.

Q Okay. Now, this is not a trick question. I can ask you trick questions sometimes, but I don't think they really get very far. So typically, if you respond to any call for service, there's going to be a report generated isn't -- is that correct?

A Yes.

Q And typically that report would be generated as soon as practical following the conclusion of your involvement in that event; is that right?

A (Nodding yes.)

Q Was that a "yes"? I'm sorry?

A Yes.

Q Okay. Great. But you did not generate a report in this particular case; is that right?

A Not a written report, no.

Q Okay. And why is that?

A Because I was interviewed by Santa Rosa Police Department.

Q Okay. And why was that -- why did that

obviate the need for a written report?
A Because it was a critical incident. And there was an OIS and they were investigating me as a victim and a witness in this incident.
Q Okay. A victim of what?
A A victim of a subject nearly throwing a giant rock at my face and also -- that's what I can think of right now.
Q All right. When you say the subject nearly throwing a giant rock at your face, where did the subject throw the rock?
A I said "nearly."
Q But he did not throw the rock?
A No. He nearly threw a rock at my face.
Q All right. How do you know he was going to throw it at your face?
A Because he put his arm behind his head and took steps towards me like he was going to huck a rock at me.
Q All right. Did you assume he was aiming for your face?
A That's what it felt like, yes.
Q All right. But he didn't -- he never actually threw the rock; right?
A No.

Q Okay. All right.
Did Santa Rosa police tell you that's what they were investigating?
A They were investigating this incident.
Q When you say this --
A As a whole.
Q I'm sorry?
A The whole thing. All encompassing.
Q All right. And when you say "all encompassing," what does that mean to you?
A From the time we were dispatched to being sequestered at the end.
Q All right. Now, the moment in time when this individual nearly threw a rock at you but did not, that was the point where you understood you were a victim of a crime?
A Yes. That's what I perceived.
Q Okay. But did they tell you otherwise?
A No.
Q Did they tell you that that was the crime they were investigating?
A No.
Q That's just what you put together on your own?
A Yes.

Q As far as a witness, what you were a witness to?

A The entire incident.

Q Okay. Now, I guess what I'm trying to get at -- and again, it's not really a trick question -- I know you don't write reports when there's an officer-involved shooting, right. I know that. What I'm trying to get to is why that's -- you know, what your understanding is of why you don't do that. So what is your understanding of why you don't write a report when there's an officer-involved shooting?

A I believe that you don't write a report when something like this happens because it may be a conflict of interest or it needs to be an outside agency investigating this so it doesn't -- so there's more transparency. That's what I believe.

Q What do you mean when you say "more transparency"?

A Like, it's not us, the Sheriff's office, reviewing an incident that resulted in a subject being shot; it's a different agency reviewing our agency and the use of force that was used.

Q Okay. You did sit for an interview with SRPD; correct?

A Yes.

Q How long did that interview last?
A It was quite a while. I -- I guess, maybe an hour, hour and a half.
Q Okay. So you gave them an oral statement but not a written statement?
A Correct.
Q How does giving an oral statement but not a written statement further the goals of transparency?
A I don't know how that furthers the goal of transparency.
Q Your oral statement was given on the 31st of July; is that correct?
A Sounds about right.
Q And the critical incident occurred in the morning hours of July the 29th; is that correct?
A Believe so, yes.
Q And when you sat for your interview with SRPD, that was sometime in the early afternoon of the 31st; is that correct?
A Sounds about right, yes, sir.
Q So it was about 48 hours after the shooting; correct?
A Yes.
Q And during that 48 hours' time, did you have opportunity to consult with a lawyer?

A I believe the day of the incident I consulted with my lawyer.
Q All right. Was that lawyer provided by the Deputy Sheriffs' Association?
A It was.
Q Had you ever known that lawyer before?
A No.
Q Okay. Other than your oral statements to SRPD, have you given any other interviews or made any other oral statements concerning these events to any person?
A No.
Q Who was present when you gave your interview with SRPD?
A It was two SRPD investigators or officers and then my lawyer and myself.
Q Was anyone else present?
A No.
Q Was anyone else monitoring the interview from a different location?
A There was a ton of people outside. Or we were in an office and everybody else was on a lower level.
Q Did you have a chance to review your body-worn camera footage prior to sitting for the

interview?

A I believe so, yes.

Q Did you have an opportunity to review Deputy Dietrick's body-worn camera footage prior to sitting for the interview?

A I don't recall.

Q All right. When you saw -- when you saw your own body-worn camera footage, how did you review that? That is to say, did you look at it on your phone? On somebody's laptop? A different way?

A I think it was my lawyer's laptop.

Q All right. As a sworn peace officer, have you ever discharged your service weapon in the line of duty?

A No.

Q Prior to this occasion, have you ever discharged your Taser in the line of duty?

A No.

Q Okay. All right.

We've been going almost an hour, and now I'm ready to start talking about what actually happened on the day of the events. So let's go ahead and take a short break now.

MR. SCHWAIGER: Folks, would you like to take 5 or a 10-minute break? I'm fine with five.

MR. PRAET: Five is good.
MR. SCHWAIGER: Okay. Let's go off the record. We'll be back in five minutes.
(Brief recess taken.)
MR. SCHWAIGER: Back on the record.
BY MR. SCHWAIGER:
Q Okay. All right, deputy, I'm going to take you back to the date and time in question, morning of July 29, 2022?
Were you on duty that day?
A Yes, sir.
Q What shift were you working?
A It was the day shift, 7:00 a.m. to 7:00 p.m.
Q Okay. Now, at some time in the morning, after you arrived on duty, did you respond to a call in rural North Sonoma County, east of Healdsburg?
A Yes, sir.
Q All right. What was the nature of that call as you were informed?
A I was informed a male had broken the window of a -- of a rural residence with a rock, and the RP or the reportee from that was a developmentally delayed gal that was very distraught. And I believe, reading the CAD notes that the owner of the

property was searching for the subject, actively searching for the object.

Q Okay. You said reading the CAD notes, that's Computer Aided Dispatch?

A Yes, sir.

Q And those are notes that appear in your mobile data terminal inside your patrol vehicle?

A Correct.

Q So were you in your patrol vehicle when you first became aware of the call?

A No.

Q Where were you?

A I was at the main office.

Q Okay. And so how did you first come to know of the call for service?

A I had heard Deputy Dietrick being dispatched to it, to what sounded like a home invasion or a -- a burglary or a break-in, and they asked for another unit, and there were no other units available, and I was available in the local beat. So I volunteered and -- or and basically said I would be en route.

Q Okay. All right. So you self-attached to the call; is that right?

A Verbally, but yes.

Q Okay. All right. So you're at the main; you get in your patrol vehicle and you head up to the subject area; is that right?

A Yes.

Q About how long did it take you to get there?

A It was about 20 to 35 minutes.

Q Were you going on CODE 3, or was it just regular speeds?

A I was not going CODE 3. I was -- I was en route at a reasonable speed.

Q All right. Good to go.

You arrive on scene. Who do you make contact with or what do you do first?

A It was a little chaotic because the 20 -- or the locations changed as I was en route. I was en route originally do that break-in or the rock being thrown through the window.

And then it started developing where a -- an, I guess, an employee or some sort of person from the first location -- their truck was taken, and I don't remember if Deputy Dietrick put it out, but -- I heard over the radio that several gates had been smashed by this stolen truck.

And when I got that information I was on

Chalk Hill Road, and I remember thinking that maybe this person is going to pass me, so I was kind of trying to take inventory of the vehicles that were on Chalk Hill Road.

And then it was difficult for me to navigate to the location because I didn't -- I didn't know if -- on our computers they have flags at the location, and I didn't really know which location it was or if I was going to the old location or the updated location where the truck had been located.

Q Okay. So along the way, while you're looking for this pickup truck, ultimately the truck becomes located at some place on the ranch?

A Correct. On an adjacent property is what I believed.

Q Okay. All right. Now, we're talking about unincorporated Sonoma County; right?

A Yes.

Q Fair to say it's fairly rural?

A Yes.

Q Sparely populated?

A Yes.

Q Mostly vineyards?

A Yes, sir.

Q At least where you can grow vineyards; right? Some of those foothills or whatnot that are all covered with chaparral that don't probably grow very well; is that correct?

A The best grapes grow on hills, sir. So sometimes they have them on hills.

Q Well, you would know.

A Kind of.

Q All right. But fair to say it's -- it's primarily vineyards or chaparral in that area?

A Yes.

Q So ultimately you're looking for this vehicle; you don't see the vehicle en route. You learn that the vehicle has been discovered on what you believe to be an adjacent property. So far so good?

A Yes, sir.

Q All right. Did you learn that the vehicle was left abandoned?

A I learned that when I arrived on scene.

Q Okay.

A I had seen -- I had -- as I pulled up to the location, I saw the truck kind of -- not crashed but it was in a ditch and looked like it got stuck.

Q All right. When you say you arrived on

scene, is that the location where you arrived was close to where the truck was -- appeared to be stuck?

A Yes.

Q Okay. All right.

Now, earlier while you were responding you said something -- I think you corrected yourself but I want to make sure for the record -- you said you were responding to the break-in or the rock being thrown through the window. So I thought you did a good job of clarifying on the fly, but was there a report of a break-in?

A It was a rock through a window, so I assumed it was a break-in. It was --

Q All right. But there was --

A Go ahead.

Q Go ahead.

A No, go ahead, sir.

Q There was not a specific report of a break-in, though; is that correct?

A I knew that it was an occupied residence, but besides that, it sounded like a break-in just -- to me at the moment it sounded like a break-in.

Q I appreciate that. I mean, there's -- you're allowed to make your own deductions and use

your own experience when you're responding to crimes. But my question specifically is that there was no report of a break-in per se; is that correct?

A There was a report of a broken window.

Q Right. So again, no report of a break-in, per se?

MR. PRAET: Just vague. What do you mean, "break-in"? Did somebody actually make entry? If there's a break-in?

MR. SCHWAIGER: That's what I said, if they reported that there was a break-in, just that. I know what they did report. I just want to make sure that we're clear on this, because certainly the information that you had might have led you to believe that was what was going on. And that could be a reasonable conclusion. But I want to make sure that I know about the content of what's being broadcast. Did anyone who was broadcasting say there was a burglary in progress?

A I don't believe so.

Q Did anyone say someone had broken into their home?

A Somebody I believe had said somebody broke their window. So it sounded like a break-in to me.

Q Or it could be a 594; right?

A I mean, sure. I mean, it sounded like a break-in to me, and that's what was -- believed I was responding to. And unfortunately I didn't get to investigate any of that after the fact. And that's to my knowledge at that time is basically what I was responding to.

Q All right. So you arrive on scene. What do you do when you get there?

A I made contact with Deputy Dietrick. I saw the homeowner at this new house. Seemed pretty -- seemed not upset but like kind of nervous and was trying to give us information. He had said something to the effect of that the guy was there five minutes ago.

I took out some binoculars, and just based on the terrain I knew he most likely hadn't made it that far. But I scanned the tree line and below, because the house was on an elevated position, and it dropped down on the other side probably maybe 100 feet or so in elevation down into a valley.

And I was just basically at that point scanning to see if I could see any movement or anything.

Q Did you see anything?

A I did not.

Q All right. So did you develop a plan of action?
A It was to begin searching for the subject.
Q All right. And how did you intend to go about doing that?
A That owner of that house had a side-by-side, a two- or three-seater side-by-side. I -- Deputy Dietrick and this gentleman jumped in the side-by-side and went down a -- a route -- I didn't even see the route, but it basically led to the bottom of the hill, and I opted to go walk the hill down, because there was a lot of, like, spaces I couldn't see, a lot of trees and stumps and rocks and bushes that I thought maybe he was hiding in the, like lower -- low -- low bushes, so I wanted to search on the way down.
Q Okay. All right.
Did you have any other information about who you were pursuing?
A I knew it was a Hispanic male. And all I remember is that he wasn't wearing shoes.
Q All right. Why was that notable?
A Because that's -- as a police officer, I had been taught that you can identify suspects easily by their shoes because most people don't

change their shoes. And at this point, if I came across a subject with no shoes, it would most likely be the suspect.

Q Well, okay. I mean, you came across pretty much anyone out there is probably most likely going to be the suspect; right?

A I mean, there are vineyard workers; there are -- I used to work on a ranch. I know that workers are in very rural spots.

Q Though usually with shoes?

A Usually with shoes, yes, or boots.

Q Did the fact that the suspect was reported as barefoot indicate to you that maybe there was something wrong with him?

A I mean, based on -- I'd like to add more to that answer, if that's okay?

Q Of course.

A Based on the totality of the circumstances of him being seen at a prior residence breaking a window, running barefoot to the next property, I believe he -- he had a rock there; he was barefoot; he had taken this guy's vehicle.

It seemed like his behavior was erratic and possibly under the influence of some sort of narcotics.

Q Okay. That's what it appeared to you, at least knowing the information that you had at that time?

A That's what I perceived, yes.

Q Okay. Was that perception shared by anyone else that you knew of?

A I think as it developed on, there was some communication of him possibly being on meth.

Q All right. Yeah. Did Deputy Dietrick ever say anything that led you to believe that was his opinion as well?

A Yeah. I think he agreed with me at some point.

Q And the homeowner who was ultimately giving you guys a lift with the side-by-side, that was his impression as well; wasn't it?

A I believe so.

Q I think he said something to you gentlemen about perhaps channeling your inter-meth head. Do you recall that?

A I -- I remember something to that effect.

Q When you were trying to figure out where the suspect may have fled to?

A Correct.

Q Well, I guess I shouldn't have said the

word "fled." Did you believe the suspect was fleeing?

A Yes.

Q Did you believe that he was fleeing from you specifically?

A I didn't have any of that information. I don't -- at that point in time, he had not seen us, so I don't think he was fleeing from us per se, but maybe fleeing the area.

Q Okay. Did you have any suspicion as to why?

A Didn't --

Q Okay.

A I assumed -- I assumed that methamphetamine might have had something to do with it, but that was only an assumption. I can't say for sure.

Q All right. So ultimately, you're on foot, the homeowner and Deputy Dietrick are heading down this -- this hill in the side-by-side. You meet back up with them; is that correct?

A Yep.

Q What happens next?

A I jumped in the back of the side-by-side.

Q Okay. And did you have any idea which direction the suspect had gone?

A Not a clue.

Q When I was 12 years old, my sister got lost in the Teton National Forest because we were out chopping down a Christmas tree, and she got lost and decided to throw a stick up in the air and follow the direction that it pointed when it landed -- not perhaps the best land navigation techniques out there, but -- it took seven hours to find her.

How did you decide which direction to go?

A I would say my intuition.

Q All right. Tell me more about that.

A Well, he had seen him run off the east side of his property, and so that was the other -- and once he made it down this hill, it came to a road, and we saw some buildings beyond a gate.

So my first instinct at that point was that he -- that was the only other buildings in the area. And although I didn't -- I don't think I communicated this with Deputy Dietrick, that's just the direction we went.

Q All right. All right. So you're heading in this direction. Did you make any notable observations along the way?

A There was just some out buildings, like some barns. My thought was maybe he could be in one

of these barns. I think I opened one door and kind of peeked in all the other ones.

And then we saw a large bunker house that's built into the ground and reinforced with steel bars. We made it up to that residence. And that was the last residence I believe I saw at that point.

Q Okay. And he wasn't at that residence; right?

A No.

Q No sign of him there at all?

A No.

Q All right. Had the trail gone cold, or did you still have a feeling you were on the right path?

A Well, at that point, a vineyard -- not a vineyard. A -- what I perceived as like a ranch hand or a ranch worker came up to us at that last residence and said that a side-by-side or ATV had been stolen and it was missing.

At that point I believed he probably went further east of us, because we either would have seen him or he wouldn't have been able to get west of the large gate and rock wall. So I felt like the only feasible area he was, was east of us.

Q Now, at some point, were you told by a

homeowner that there was nowhere -- no way out of that area?

A I don't recall -- recall that.

Q Did you --

A Say again?

Q Did you see a way out of that area, where you believed the suspect to have fled?

A Did I see a way out of the area?

Q Yes. My understanding is the terrain kind of boxes in a little bit as you pursued the suspect; is that correct?

A I think -- boxes in. I think most of the roads were unimproved roads. And where I ultimately located the suspect, there weren't really, there were areas that you could still drive a vehicle on, but I wouldn't -- I don't think too many vehicles make it out there very often. And there was a large -- from what I recollect, there was a large vineyard fenced in on the right as the roads were beginning to terminate.

Q Okay. Ultimately, because I know we're going to skip over some things here. But ultimately, were you able to catch up to the suspect?

A Yes.

Q All right. And at the time you caught up to the suspect, is it true that you and Deputy Dietrick had separated?
A Yes.
Q And that you were on foot?
A Yes.
Q As was Deputy Dietrick?
A Yes.
Q And Deputy Dietrick was across a creek bed from your location, kind of on a different -- heading up a different ridge line, and you were on the opposing side of the creek bed on a separate ridge line; is that right?
A Yes, sir.
Q And you're kind of heading up the crest of this hill; is that correct?
A Correct.
Q And my understanding is you spotted the suspect at either the top of that hill or at the top of a nearby hill; is that right?
A Yes.
Q All right. Was it the same hill that you were on, or was it a different geographical feature?
A The same hill I was on when, sir?
Q Okay. Great.

All right. So you see the suspect. Describe to me what you see.

A I see him at the top of the hill, and he had two -- what appeared to be wooden tools in his hand with what appeared to be metal on the ends. And he had them both clutched in -- one in each hand, and his hands on his knees and he was kind of in a -- a bent-over position and he was making some noise.

Q All right. When you say he was making noise, what kind of noise?

A Like grunting noises is what it sounded like to me.

Q Now, you said that he had these wooden tools with metal on the ends of them. Were they long-handled tools? Were they hand tools? What were they?

A They were long-handled tools.

Q How long were the handles?

A I'm going to put my hands up so I can just try to -- I would say about a foot and a half, 2 feet.

Q Okay. Handles with the -- the metal on the end?

A (No discernible response.)

Q Okay. All right.

Were you able to determine what kind of tools they were from the distance that you were at?

A One looked like a hammer, and one looked like -- I think initially it looked like a hatchet. But eventually I knew what kind of tool it was. Would you like me to say what kind of tool it was?

Q Eventually you came to understand that the tool you believed to have been a hatchet was what?

A It was a kind of a garden spade used to dig in dirt to pull weeds.

Q Okay. All right. All right. That makes sense.

You said that he was bent over with his hands on his knees; is that right?

A Yes.

Q Did it appear that he was fatigued?

A It did.

Q Were you fatigued from the climb?

A A little bit.

Q And you didn't even have meth?

A No, sir.

Q All right. So he's bent over making some grunting sounds. Did the sounds sound like the kind of sounds a person makes when they're totally

winded?

A It sounded like -- it sounded like he was having some sort of -- I couldn't tell you. I don't really know what kind of sounds he was making.

I couldn't make them out, and I didn't know what he was saying or I -- I knew he was -- I knew he was fatigued but I didn't recognize those noises in that moment as being fatigued. It just sounded like a -- it kind of sounded like a grunting noises.

Q Okay. So not necessarily words that he was making?

A Not that I could hear, although I was a pretty good distance away.

Q What would you say your distance was to the suspect when you first caught sight of him?

A I think it was about 50 yards or so.

Q All right.

A Give or take.

Q Now, at any time up until this point had you drawn your service weapon?

A I think I might have drawn it when we located the side-by-side at the bottom of that creek area.

Q Is that because you believed the suspect may have been close by?

A Correct.
Q Okay. And when you did not find him close to the side-by-side in the creek area, did you re-holster your service weapon?
A I did.
Q Okay. So you make these observations of the suspect, hands on his knees, making some weird -- would it be fair to call them grunting noises?
A Yes, sir.
Q You see that he's holding these two items in his hand. What do you do?
A I laid in the prone position.
Q Okay. And what was the purpose of that?
A Well, I believed he hadn't seen me yet, and at that point I was by myself and I -- I believe from prior experiences chance contact where I see that person but they don't see me, you have time or we see each other and I don't have time or they see me before I see them.

So I knew and believed that he didn't see me yet. And I wanted to get observation of this person, see what weapons he had in his hand, and get a good -- try to get a good understanding of his demeanor.
Q Okay.

A Before I contacted him.
Q So you're doing some basic reconnaissance work?
A I was trying, sir.
Q All right. Because the more information you have, the better quality decision you're going to be able to make about what comes next; is that true?
A Yes, sir.
Q Did you radio to Powers -- excuse me, Dietrick, I apologize. Did you radio to Dietrick that you had eyes on the suspect?
A I did, and I was -- at that point in time I was attempting to radio to Dietrick and dispatch.
Q Okay. When you say "attempting to," were you able to?
A I don't know if dispatch heard me, but I believe that Deputy Dietrick heard me.
Q Dietrick ultimately responded to your position; correct?
A Yes.
Q All right. All right.
How much do you weigh, sir?
A 210 pounds.
Q How tall are you?

A 5-11.
Q Was that about your height and weight at the time of the incident?
A About.
Q Now, what did you perceive the suspect's build to be, if you were able to?
A I would say -- do you want height and weight?
Q If you are able to make such an approximation.
A He seemed -- he was at an elevated position. He seemed to not be as all as me, but he appeared to be not heavyset but bigger in the torso than -- he wasn't a skinny guy.
Q A little puffy around the waist?
A He was -- yeah, barrel chested.
Q Okay. That's a good word. All right. How long were you able to observe the suspect in your position?
A To the best of my memory, maybe 5 to 10 minutes.
Q All right. And in during that 5 to 10 minutes of time, what did you observe?
A I heard him make some more noises, yelling something. I couldn't really make it out. It was

-- it was it was hard to explain. But it -- it didn't sound like words. And it sounded more like just yelling.

Q Did that contribute to your suspicion that this person may have been under the influence of methamphetamine?

A It did a little bit, yes.

Q Did you arrive at any other conclusions or suspicions based your observation?

A No.

Q All right. So you're watching him for 5 to 10 minutes from the prone position. And is that the time that Deputy Dietrick arrives?

A Yes.

Q Okay. What happens then?

A Eventually, I feel like he's looking in my direction, and although I felt like I had concealment in between him and I, the more that he looked at me, the more I released I was kind of out in the open. He looked in my direction, and it appeared as if he saw me where he kind of stood up and stared directly at me.

Q All right. Was there anything else about the suspect's actions that led you to believe that you had been seen?

A He -- he started saying something, but I can't -- I couldn't make it out. But it just -- it -- from my perspective and my point of view, it looked like he had seen me.

Q All right. All right. While you were in the prone position observing him?

A Yes.

Q And he started yelling. This time words; correct?

A I -- I couldn't make it out. But it sounded like something other than the yelling.

Q All right. Did it sound like Spanish?

A I couldn't make any of it out.

Q All right. In the time since these events, have you come to learn what it was that the suspect was saying?

A No.

Q In the multiple reviews of your body-worn camera footage were you able to make anything out?

A No.

Q Did you read any press releases about what the suspect might have been saying?

A Tried not to.

Q All right. Why is that?

A I feel like the Press Democrat is pretty

one-sided and only tells one side of a story. And I don't need to hear anybody else's depiction of the story because I was there.

Q All right. Did you read the complaint in this case?

A I might have looked over it.

Q Did you do that of your own volition, or was it provided to you by someone else?

A It was provided.

Q Who provided --

A -- by somebody. My lawyer.

Q Okay. Well, I don't need to ask you any more about that, then. Our conversations with our lawyers is confidential, so I'm not going to ask you any more questions there.

All right, so. Dietrick arrives, and kind of contemporaneous with that, you believe you've been found out; is that correct?

A Yes.

Q Okay. You hear the suspect making some more noise, whether it's words or whatever, you can't tell; you don't know what language it is; correct?

A Not at that point.

Q All right. What happens next?

A Deputy Dietrick and myself tried to say "water" in Spanish, kind of trying to let him -- trying to build some sort of communication with him, some rapport, let him know that we'll get him some water if we come to a conclusion of this and get him out of there.

Q Why did you elect to use Spanish?

A Because it was previously reported that he appeared to be a Hispanic male.

Q All right. Was it previously reported that he was speaking Spanish?

A I don't recall.

Q Okay. All right. And what was the suspect's response, if any?

A I don't remember specifically, but I think he just either said something or made a noise and disappeared out of view.

Q All right. Did you perceive that he had taken flight again?

A Yes.

Q What did you do?

A I got up from my position and started running towards the last place I had seen him.

Q And that was at the crest of the hill; correct?

A Yes.
Q When you arrived there -- well, let me ask you this, what was Deputy Dietrick doing at the time?
A What, when I ran to the top of the hill?
Q Yes, sir.
A He was with me.
Q Okay. All right.
Did you know anything about this area, as far as like what was coming next over that hill or, you know, around the bend?
A No, sir.
Q Were you concerned for -- well, for lack of a better word, levels of exhaustion in the pursuit?
A Can you say that question one more time?
Q Sure. I'll break it down into some different questions. Did you have any water with you?
A No.
Q Was it warm?
A It was.
Q All right. And you're in a service uniform, long shirt, long pants?
A Yes. I had a -- it's a outer carrier vest.
Q Now, what is that?

A It is basically what I think of as the flak jacket or just a bulletproof vest with my tools on it or some tools.
Q All right. So you got long sleeves on?
A Yes.
Q You got a -- vest on over your uniform?
A Yes.
Q The vest is a ballistic vest; correct?
A Yes.
Q And it also is a load-bearing vest; is that right?
A Yes.
Q Simultaneously carrying your tools, maybe magazines, less lethal options, things like that -- radio?
A Yes.
Q How much does the vest weigh when it has all of your tools and equipment on it?
A I would guess anywhere from 20 to 30 pounds maybe.
Q All right. Now, is it a soft ballistic vest, or does it have hardened plates?
A Soft.
Q Okay. All right. Traps the heat pretty good?

A Say again?
Q Traps the heat pretty good; doesn't it?
A Yes, sir.
Q Did you guys ever take your MREs and stuff them down your flak vests in Iraq to warm them up?
A No. Cargo pocket.
Q No. I guess you can put it pretty much anywhere in Iraq, and it's going to get hot.
A Yes, sir.
Q Okay. All right.
So my question then, keeping all this in mind. I mean, you're big, Deputy Dietrick is a big guy, and he weighs a little bit more than you. You're going up some pretty serious terrain; it's warm out; you're encumbered by not the most breathable equipment; you got this extra weight; you don't have any water. Do you have some concerns about your fatigue in the pursuit of this individual? Not knowing what's coming around the bend or how far you'll have to go?
A Concerns as in how, sir?
Q As in, yeah, am I going to have a heat stroke out here? Am I going to get totally winded and bonk and lose sight of my quarry because it's just the conditions are not ideal for foot pursuit.

Is that crossing your mind at all?

A I -- although I'm a bigger guy, I had no concerns of falling out per se. I am in pretty good physical condition, and I wasn't concerned about heat stroke.

Q What about your -- did you have any concerns for Deputy Dietrick?

A No. I wasn't concerned about him. I was only concerned about apprehending the suspect.

Q All right. Did you make any observations of Deputy Dietrick's physical condition or his level of fatigue during the pursuit?

A I didn't really remember anything of his fatigue. I just remembered that I was ahead of him. I think we were -- I think -- I think I do remember him breathing hard, but I was breathing hard as well. So I didn't feel like our breathing levels were any different. I could only hear myself breathing really.

Q Dietrick radioed to you -- once you had eyes on the suspect -- that he was coming up to your position; is that right?

A I believe so.

Q Do you recall him being tremendously out of breath while he was on the radio with you?

A I don't recall.
Q All right. Do you recall him stating things while he was climbing the hill like "fuck me"?
A I don't remember, sir.
Q All right. Okay. So you both get to the top of the hill. Suspect is not there; correct?
A He's not there.
Q What do you do?
A Start searching the area for the suspect.
Q All right. Now, you have the advantage of elevation at this point; correct?
A Correct.
Q Do you pick up a trail; do you ultimately see him someplace?
A I see him at the -- it -- if the last place I saw him was east of my location, I got to the top of the hill, looked to my south, which was a really steep, grassy open area that was basically completely barren of trees. And I could see him at the very bottom of this open area.
Q Okay. All right.
A Losing elevation.
Q All right. So he's going down, and he's going down pretty fast?

A Yes. It -- it appeared that he was sprinting.

Q All right. What do you do?

A I start attempting my best version of sprinting down the hill.

Q All right. And Deputy Dietrick is following behind you; is that correct?

A Correct.

Q And, I think, he puts -- ends up putting some distance between you and Deputy Dietrick on the decent; right?

A The suspect or me?

Q You.

A I -- I never really looked behind me at any point. I was traveling pretty quickly, but I don't remember how far I got ahead of him -- of Deputy Dietrick.

Q What were you going to do when you got -- when you caught up to the guy?

A Try to communicate with him.

Q All right. Now, you believed at the time that he spoke Spanish; correct?

A Yes.

Q Ultimately we would learn that that's correct; true?

A I believe so, yes.
Q All right. I know you worked in agriculture, probably with some Spanish-speaking workers over the few years. Who's your Spanish?
A Pretty minimal. But working with Spanish speakers, most of them speak a little bit of English, and with my little bit of Spanish and their little bit of English I was usually able to communicate with about everybody.
Q All right. I worked at a car wash when I was a teenager and there was only Spanish speaking people who worked at the car wash. So all I learned was "llaves, por favor?" That was it, but -- but I guess I can appreciate the politeness. In your mind, though, you know -- were you developing a plan of what was going to happen when you made contact?
A I was developing a plan as I was going down the tree line, yes.
Q All right. Tell me how that plan developed in your mind as you were pursuing him down the tree line.
A My thinking was that I am closer to the suspect at some times, but it was basically to try to deescalate and talk to him and try to build a rapport with him to try to get him to give up.

But as Deputy Dietrick and I were in the tree line after I had seen the suspect hit a tree with one of the weapons, I told -- at this point I knew that he -- I felt that he was being aggressive and we needed to implement some sort of lethal and nonlethal plan. And I told Deputy Dietrick I was going to be less lethal and he would be my lethal cover.

Q Okay. Let's take some of that apart in turn.

A Okay.

Q So you said as he's approaching the tree line down the bottom; right?

A Yes.

Q That's when he takes one of those tools and hits a tree with it; correct?

A Yeah.

Q How many times did he hit the tree?

A Maybe one to two times.

Q Okay. And it was just like as he's coming by the tree he smacks it, or is it something else?

A I did get to the tree line and see him and yell at him. I can't remember if I yelled at him prior to him turning and facing me and yelling something at me. But he yelled something at me in

like a loud, what I would perceive from my experience as like a war cry, yelling, and he hit the tree -- which it appeared he tried to hit it as hard as he could. And that was the last I had seen of him until we got to the creek.

Q Okay. So was he facing you when he hit the tree?

A Yes.

Q So this is when he yells the war cry and smashes the tool into the tree; is that right?

A Yes.

Q All right. All right.

So you said you knew, and then you said you felt, that he was being aggressive, based on this observation; is that right?

A Yeah.

Q All right. And that is when the plan had to shift some; is that correct?

A It did. It did.

Q All right. So that's when you decided that you needed to opt for the lethal/less lethal split; is that correct?

A Correct.

Q What was the point of that? Can you explain that to me?

A As law enforcement we need to develop plans, and that was my attempt at developing a plan to keep everybody safe and also do our best to attempt to take the suspect into custody.

Q Okay. You know how in the Marines they say whenever there's two Marines, somebody has got to be in charge?

A Okay.

Q All right. Was there somebody in charge of -- between you and Dietrick of this pursuit?

A I can't say there -- there wasn't any power struggle or anybody that I perceived in charge. It kind of seemed like we were working as a team.

Q Sure. But all of a sudden, basically you're giving a directive at this point. You have -- even though Dietrick was primary, because he's the first to respond; is that correct?

A Yes.

Q You have overtaken him in the pursuit of the suspect; is that correct?

A Geographically, yes.

Q And now you're saying, "I'm going to go less lethal; you be my lethal cover"; correct?

A Correct.

Q So at least at this -- in this snapshot of

time, it seems to me that you are kind of directing what's happening; is that true?

A I was more just making a suggestion and basically voicing my observation of -- that we needed to develop a plan.

Q Okay. All right.

And you said that the point of that -- of the lethal/less lethal combination was to keep everybody safe; is that right?

A Yes.

Q Okay. Let me tell you how I understand that, and tell me if I'm right or wrong, okay?

A Okay.

Q The idea being one person has less lethal coverage, safe for the taker; right?

A Hmm -- hmm.

Q Is that a yes?

A Yep, yes.

Q That's all right.

And the reason you have less lethal is because you might need to use force on a suspect. But deadly force might not be appropriate under certain circumstances; is that right?

A Yes.

Q But if you want to use -- you want to have

lethal cover on the ready in case the situation escalates to the point where deadly force is called for; is that correct?

A Yes.

Q Makes sense. If you both run down the valley and you both have guns out and then force needs to be used in the situation, your options or your timing are limited if you all have lethal cover; is that right?

A Yes.

Q And likewise it would be the same both have Tasers?

A Correct.

Q Okay. Makes sense.

But you're the guy closest to the suspect. Why are you going less lethal?

A Well, in retrospect, am I allowed to speak in retrospect?

Q Well, we can start there, and then we'll back up --

A Okay. It wasn't the safest option for me to go less lethal and be closest to the suspect. I think if I could do it again I would have had my gun out. In retrospect, again, I think I was being a little unsafe just attempting to get a Taser shot on

him with no gun out. But I also know having a gun and a Taser out were a bad idea at the same time.

Q But certainly, if Dietrick, who was behind you, was less lethal, he's totally ineffective at the distance he was at; is that correct?

A Yes.

Q So if you had been guns out, then all you would have really had practically speaking is lethal coverage; is that true?

A Yes.

Q What is the maximum effective range of your Taser?

A 20 to 30 feet.

Q All right.

A I -- I don't know. I don't know exactly.

Q All right. Do you know which model of Taser you were using?

A It's the X2, I believe.

Q Is it the same model that you use today?

A Yes.

Q Okay.

Ask your service weapon, what is it?

A It is a Glock 17.

Q All right. 9 millimeter?

A Yes, sir.

Q All right. You have some specialized training in firearms generally speaking, though probably a little less in the pistol than in the rifle; is that right?
A Yes, sir.
Q But I imagine you're proficient in both; correct?
A Yes, sir.
Q What is the maximum effective range of your 9 millimeter Glock?
A Maximum effective range? Are we talking in feet or yards? I would say --
Q However you want to put it.
A I would say 20 yards maybe, 30 years if -- if you had a really stable position.
Q That sounds like Army standards. Are you sure?
A I mean, you could shoot at somebody from 100 yards with a pistol and it could still be effective. But --
Q I'm --
A -- it depends on who's pulling the trigger. What's that?
Q I'm just pulling your leg on that.
A Oh, okay.

Q So. All right. So you said -- and because I was so busy making a joke, I missed your answer. You said it was 20 to 30 yards?

A I believe.

Q All right. And you said that the max effective range on your X2 is between 20 and 30 feet; is that correct?

A I don't know exactly. That's what I'm guesstimating. If -- if -- now that I'm saying it, it sounds a little far to be effective. Because you have a spread pattern that you have to keep into consideration. So I would say 10 to 15 feet.

Q All right. Let me see what we can find. Just seeing if Axon has something on here. That's the power of Google. Well, I couldn't find it quickly, so okay. Suffice to say the Taser's maximum effective range is significantly less than your service weapons?

A Yes.

Q So unless you and Dietrick were online with each other during the pursuit, if you're going to have lethal/less lethal split, the less lethal guy has got to be in front; is that true?

A Say that one more time?

Q Unless you guys are kind of online with

each other; right --

A Yes.

Q -- in pursuit? In order to have effective lethal and less lethal coverage, the less lethal guy has to go first, doesn't he?

A I don't know. I think that for it to be effective, they would have to be -- when you say "first," are you saying closest to the suspect or are you saying --

Q Yeah.

A -- first in a contact?

Q First, as in closer to the suspect.

A Probably.

Q Okay. Yeah. I mean, I imagine there's situations where in very close proximity, that might be different. But in the structure of what we're talking about here with you kind of leading and Dietrick following behind, and knowing what the maximum effective range is of these weapon systems are, that's what makes sense to me. I just wanted to see if that's what makes sense to you too?

A Sounds -- sounds right.

Q All right.

So you see him turn around, make some kind of noise, scream or say something, he hits a tree

with his tool and then turns around and keeps running again; is that right?

A Yes.

Q But no idea what he said?

A Couldn't make it out.

Q And you advised Dietrick over the radio that he's done this display of aggression; is that right?

A Yes.

Q So Dietrick was far enough behind you that you needed to radio to him; you couldn't just holler to him; is that right?

A I wasn't -- you know, in the whole incident, I don't remember looking behind me once. I was more focused on straight ahead of me, because there's where the threat was. And I wasn't -- I -- I can't remember a time I looked behind me at any point.

Q Okay. All right.

All right. So the suspect continues down the ravine and you follow; is that right?

A Yes.

Q Okay. What happens next?

A I -- so are we in the creek at this point or are we going down the shale cliff?

Q I think we're pretty close. But --

A Okay -- so basically, I see him go off the side of this embankment. I try to get down there as quickly and safely as possible. It's starting to get more and more steep as I traveled and lost elevation.

I got to a section of -- there -- I can't -- I can't really call it a cliff. It was more like a shale, very, very steep terrain that went down and probably lost about 20 to 30 feet of elevation to get down to the base of the creek.

Q Okay. So you get down to the base of the creek. Do you still have the suspect in -- on visual?

A I don't believe initially when I got to the creek I had visual.

Q Okay. But then you acquired visual soon after; is that right?

A Yes.

Q All right. Tell me how that happens and what you see.

A I continued heading east in the creek and I saw glimpses of him in the -- the foliage in the creek. I got to a fence. I unclipped the fence, pushed my way through that fence and just kept

running and trying to keep pace with the suspect.

Q All right. So at this point you're in the creek bed; correct?

A Yes.

Q All right. And at the outset, the creek bed is mostly dry, but as you pursue the suspect, you start running into some pockets of water; is that right?

A Yes.

Q You said you came to a fence and unclipped it. Do you mean one of those old like barbed wire fences with a wire loop?

A No. It was hog wire panel that was connected to what looked like cable -- steel cable and clipped to the top, I assumed for cattle and such.

Q Okay. All right.

So you unclip the panel and continue on the creek bed after the suspect?

A Yes.

Q Can you hear him saying anything or doing anything ahead of you?

A What I remember is that he was just running at that point away from me.

Q All right. About how far from you was the

suspect?
A Anywhere from 25 to 50 yards away.
Q All right. So definitely too far to use the Taser; correct?
A Yes.
Q Let me ask you, I don't know the answer to this question, would you have been authorized -- had the suspect been in range -- would you have been authorized to deploy the Taser to apprehend him under the set of circumstances that you were facing in the creek bed then and there?
A Based on the concern and what -- his crime spree, I think I would have been authorized definitely to use the Taser.
Q All right. For the prior crimes that he had committed up near the housing areas; is that right?
A Yes. Yes.
Q Okay.
A With the final crime being stealing the side-by-side.
Q Okay. Yeah, that makes sense. And the fact that he had not responded to your authority?
A Correct.
Q Some force is going to be authorized to

take him into custody?

A Yes.

Q And because you don't want to get too close to him because he's got these tools that could be used as weapons; right?

A Yes.

Q Did you ever get into that range where you thought you could deploy the Taser?

A I did.

Q When?

A Say again?

Q When was that that you became within range?

A I had communicated with the suspect at a certain point while we were both standing in water, in basically a trough of water in the creek. I was asking him if he wanted -- about his family; I kept pleading with him in the best Spanish I could, "no more please."

And at one point he was looking up at the helicopter, and I was still standing in water, and he had gained a little bit of elevation out of the water. And I tried to -- while his attention was to the helicopter, I tried to move as close as I could to deploy the Taser.

And as I was about to deploy the Taser, he

picked up a large rock and took one to three steps towards me as like a outfielder would do to throw a deep bomb back to, you know, home plate or second base, like a hopping throw.

And at that point, I decided rather than trying to deploy my Taser, I should probably, because I don't have any lethal cover out and I don't have both of them out, I just had my Taser out, that I needed to get away from him and not get hit by this rock.

Q Okay. All right.

So let's back up a little bit so that I can fill in the gaps between after you come through the panel that you unclipped and when you get to that scenario where he's holding the rock, okay?

A Okay.

Q Now, you said the helicopter was overhead; is that right?

A Yes.

Q When did you first become aware of the helicopter?

A I could hear the helicopter in the distance when I had descended down into the creek in --

Q And you know that that was the department's helicopter, Henry 1; right?

A Yes.
Q All right. You knew that they were coming; is that correct?
A Yes.
Q Did you have other backup that was on the way?
A There were -- I could hear that there were deputies in the area in terms of the house that we had left from but that -- I knew that that wasn't even close at all. And --
Q Right. Go ahead.
A And I didn't know -- I didn't know any of their travel, like we got brought out by a side-by-side; I didn't know if they had that. I -- if -- I knew that if you were to walk that or to drive to a terminal point where a patrol vehicle could get, it would still have been a 20- to 30-minute walk.
Q If you knew where you were going.
A If you knew where you were going, yes.
Q All right. So we know that you have manpower in reserve, but they're not going to be able to get to your position in a timely manner. Is that safe to say?
A Yes.

Q But we do have Henry 1 that is on stage; correct?
A Yes.
Q Do you know how many crew fly with Henry 1?
A I believe it depends on the day-to-day staffing. But I believe there's a pilot and a deputy on board always, and then sometimes they have a medic.
Q Do they ever fly a sniper on Henry 1?
A I don't know that. I have no idea.
Q Did you ever get trained to do that?
A I never got to shoot out of a helicopter, no, sir.
Q It's hard.
A I bet.
Q All right. We've been going for an hour. Let's take a break. Let's do ten minutes this time, so we'll come back at 20 after.
A Sure.
Q And we'll see how far we get.
MR. PRAET: Okay.
(Brief recess taken.)
MR. SCHWAIGER: Ready? All right.
BY MR. SCHWAIGER:
Q All right, sir. So we -- we kind of left

off -- you had passed the panel, the hog panel in the ravine, following the suspect through the creek. I think that we might have skipped over a little bit of detail between that portion and then when you have the encounter where you're lining up the Taser and the suspect in front of you raises a rock above his head. Did we get everything or did we miss anything?

A Other than, I was trying to communicate with him, trying to get him to stop running; I was trying to communicate with him the best I could. I was trying to build a rapport with him, let him know that, you know, my intentions were to try to communicate with him that there's more than just this situation that he -- he possibly could think about.

I didn't know that he even had a family. I was just asking him, you know, in the best I -- Spanish I could to kind of think about his family before he continues running. I was just trying to -- I was really trying to deescalate and communicate and build a rapport with him.

Q What's the purpose of deescalation?

A Well, it slows it down, and it lowers the intensity level of the situation. And, you know,

sometimes when you do all that stuff, it brings the incident to an end safely, and it -- building a rapport lets the suspect or the subject know that I'm just a guy doing a job trying to do it as safely as possible to apprehend him.

Q Okay. You would agree that deescalation is kind of a two-way street; right?

A Yes.

Q I mean -- you can do all the deescalating you want, but if you're not met with an appropriate response, it doesn't deescalate anything; right?

A Right.

Q And conversely, you know, the suspect could conceivably be engaging in deescalating, you know, behavior, but if an officer is ramping it up, that doesn't work either; right?

A Yes. In -- in certain situations yes.

Q Sure. And I imagine those are fairly rare. But we have to have a communication, kind of an agreement, between two people for deescalation to work; would you agree?

A Yes.

Q Language barrier is going to be a big problem in deescalation techniques; correct?

A Yes.

Q So would you also agree that the inability of a person to comply can get in the way of deescalation?

A In situations, yes.

Q Are you familiar with your office's policy on deescalation?

A Somewhat familiar.

Q All right. Are you familiar with your office's policy as it pertains to people who might not be able to comply?

A To take -- basically to take it into consideration.

Q There you go. All right.

I'm going to read a section to you. Tell me if this is your understanding of your office's policy on deescalation.

MR. PRAET: For the record, what are you reading from?

MR. SCHWAIGER: I'll let you know later.

MR. PRAET: Oh. Well, I just want to make sure that we're reading from the same thing.

MR. SCHWAIGER: Well, we're not. I'm reading from it. And then I'm going to ask the deputy if that's his understanding of the policy. It might not be the right policy. So he can tell me

if it's not; he can tell me if it is.

All right. "When time and circumstances reasonably permit, a deputy should consider whether a subject's lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including, but not limited to..."

And then I'm going to pick out a few of them but I'm not going to read the whole list, "mental impairment, language barrier, drug interaction, behavioral crisis."

I left out, I think, three on that list. Does that sound consistent with your training on deescalation techniques?

A Sounds about right.

Q So when you're having his encounter here with this guy who appears to be under the influence of methamphetamine -- or at least you suspect that he is -- and where there's an obvious language barrier, how do you take that into account when you're figuring out how to deescalate this situation?

A I think you have to do the best that you can in a situation like we were in where it's rural. And when feasible, take those into consideration.

However, based on the crime spree this guy was on, I had to do my best to take him into custody as well.

Q Sure.

A So I understand the policy. And I believe it says "when feasible"; is that correct?

Q Yes.

A So --

Q Actually it's "when time and circumstances reasonably permit."

A Got it.

Q All right. Now, also along the lines of deescalation, just kind of holistically, are you familiar with the concept of time, talk, and tactics?

A Am I familiar with it? Or do I understand it?

Q Are you familiar with it? Start there.

A I don't remember it being used in that order of words. But it makes sense.

Q Okay. Tell me how that makes sense based your training and experience and the context of deescalation -- time, talk, and tactics.

MR. PRAET: Are you able talking about in general, or in this circumstance?

MR. SCHWAIGER: In general.

THE WITNESS: Well, when time permits, you should take that into consideration the longer time goes into a situation, you have to consider that. I'd say talking is trying to build, you know, some sort of deescalation dialogue, and then tactics are, you know, a situation where you attempt to take the person into custody as safely as possible when feasible using, you know, triangulation or -- excuse me. You would use, you know, lethal/less lethal tactics and basically force options.

BY MR. SCHWAIGER:

Q Let me give you some examples of possible tactics, and tell me if you think that these are, number one, consistent with your training; and two, if you think that they could be effective in mitigating the elevation, the intensity of a situation where -- to the point where force might be required. All right?

A Mm-hmm.

Q So first one, how about this one.

What about using tactics to contain the threat to a controlled area?

MR. PRAET: And you're talking in general, not in this circumstance; right?

MR. SCHWAIGER: Yes, in general.

THE WITNESS: Yes. Using tactics to -- you said to confine them or to control their movement. Is that what you said?
BY MR. SCHWAIGER:
Q To contain them.
A Contain them.
Q I'll say the threat, all right?
A Okay.
Q In a controlled area?
A Yes. Containment is a good tactic.
Q Okay. Because, you know, this is obviously a very rural area, right? Is that correct?
A Yes.
Q There are no other houses or structures visible from where you are; correct?
A From where I am, I couldn't see more than maybe 50 yards ahead of me. I was unsure of any other houses in the area.
Q All right. But from your vantage point on top of the hill before you descended into the ravine, you couldn't see any houses from up there, could you?
A I could not.
Q So you had -- had some terrain to work with, not perfect by any means. I mean, it's

overgrown; it's difficult terrain, but it's not like you were operating next to a daycare or something; right?

A Not that I could see, but being in hilly terrain like working on a ranch, I knew that there were several like well-off people who lived very rural -- in very rural areas and sometimes just on the other side of ridges and in terrain that is strategically chosen for that type of privacy.

And -- and I'm speaking of Geyserville in general; there were several homes that were placed in areas that couldn't be seen from any hills and were in little cuts and valleys and draws and stuff like that.

Q Like up on the way to Pine Flat?

A Specifically, Coyote Ridge Road in Geyserville.

Q Okay. But point being, you didn't see any other houses; you didn't know that there were any other houses within, you know -- well, shoot. How far of that distance based on your observations from on top of the hill?

A It -- I don't think I could see beyond -- if I'm remembering correctly, anything beyond a mile.

Q All right. But as far as you know, you've got some -- you've got some distance to work with, though?

A I had some distance.

Q Okay. What about this tactic, decreasing your exposure to the threat by increasing distance between you and the suspect?

A Yes, that is a tactic.

Q And it's one that you used while you were in the water and he's picking up a rock; correct?

A I tried, yes.

Q Okay. What about the use of cover and concealment to protect you from a potential threat?

A That is an option, yes.

Q Now, I know that you understand the difference between cover and concealment; right?

A I do.

Q Cover is something that's going to be a physical barrier between, say a, you know, a rock leaving the suspect's hand and hitting you and concealment could just be tall grass to keep you from being spotted; right?

A Yes.

Q Okay. But you could use cover and concealment to, say, bring down the threat level if

someone has a rock that they want to throw at you?

A Yes.

Q Okay. What about dialing down the deputy's own actions. And by that I mean, you know, instead of like running in with guns out saying, "Put your hands in the air, mother fucker," you know, we go in with more relaxed body language, for example.

A Hmm.

Q Or when you were saying, "Hey, would you like to call your family," or "would you like some water?" Something like that. Would you agree that that can be a deescalation tactic?

A Yes.

Q All right.

A However --

Q This sounded like a "yes, but." Okay. There we go.

A However, I think using those tactics, sometimes in certain situations, after being used several times, sometimes the only other option is to escalate your speech and -- and a little bit more intensity to attempt to gain compliance.

Q I'm sure that that is true. Let me ask you here. Did you have a time limit that you were dealing with where you needed to bring this fella in

by?

A Not that I'm aware of.

Q In cop work, you do -- don't you typically work with time limits when you're pursuing a fleeing suspect; right?

A Right.

Q So you're going to take the time that you need to get the job done as safely as possible; correct?

A Yes.

Q Okay. Okay let do this. I'm going to play some video. We'll have this marked -- oh, I'm sorry.

Madam Reporter, in the chat, I put Exhibit 1, which is a subpoena and notice for today's deposition. I will ask that to be marked as 1.

(Exhibit 1 was marked for identification.)

MR. SCHWAIGER: The following video exhibit will be marked as Exhibit No. 2. And this exhibit is subject to court protective order and is confidential. However we're going to remain in the clear for questioning. But just the exhibit needs to be marked confidential.

///

(Exhibit 2-Confidential was marked for identification.)

MR. PRAET: Is this Powers --

MR. SCHWAIGER: Yes.

MR. PRAET: And I know you haven't asked, but I was just going to say, I'll stipulate the court reporter can be relieved of any obligation to take down any audio on the video.

MR. SCHWAIGER: Perfect.

Was there anything else, Madam Reporter, or was that our issue?

THE REPORTER: That's it, thank you.

MR. SCHWAIGER: Okay. Perfect.

BY MR. SCHWAIGER:

Q So deputy, I've got this queued up to internal timestamp of 1 hour and 32 seconds, all right. I believe that I have this about when you're down in the creek, before we get to the water.

I'm going to play a little bit of it to orient you or, excuse me, to orientate you -- I just forgot how to speak -- to orient you to what's going on, as well as see how our AV connection is doing here. Okay?

So bear with me. Here we go. I'm going to play it for probably ten seconds and then pause it.

BY MR. SCHWAIGER:

Q Okay. Can you see and hear that exhibit?

A I cannot hear it, and the video is very choppy.

Q Okay. I'm going to blame your lawyer for that?

MR. PRAET: Blame the county. We're on their Internet.

MR. SCHWAIGER: I'm going to blame your 20-year-old laptop, Bruce, so -- all right. You need a new driver I think.

Okay. Are you able to see enough of what's going on here to tell where in this encounter we're looking right now?

THE WITNESS: I am in the creek.

BY MR. SCHWAIGER:

Q Okay.

A And I don't know exactly where the suspect is at this time.

Q Okay. I'm going to continue to play -- and I understand it's choppy. But I'm going to play, because I think, frankly, we've got about two and a half minutes until the shooting occurs. So I'm going to play through here, and I'm going to pause it at certain points. And I may be able to back up

and do frame by frame, and discuss what we're seeing, and ask you some questions.

So, playing from one minute -- or excuse me -- one hour and 43 seconds.

MR. PRAET: While you do that, for the record, I'm going to have a standing objection to playing it in other than realtime.

MR. SCHWAIGER: It's an argument, but go ahead. Thanks. Let's play from 1 hour, 47 seconds.

(Video played.)

BY MR. SCHWAIGER:

Q Okay. It stopped at 1:01:37.

Are you able to hear any of the audio at all?

A I heard "señor."

Q All right. Perfect.

So I don't see the suspect in the frame, but I heard you say "señor," so I'm assuming that you do. Is that a safe assumption?

A That is a safe assumption.

Q All right. Do you know where the Suspect is on this frame here that we're stopped at?

A I don't.

Q Okay. So that's at 1:01:37. I'm going to continue playing from here.

(Video played.)
BY MR. SCHWAIGER:
Q All right. So I've stopped it at 1:01:50. I'm just going to move the frame back a little bit there, 1:01:49. All right. So in the 9:00 o'clock position here, I believe that we can see the suspect; would you agree?
A Yes.
Q And you were saying, "put it down." What were you talking about?
A The weapons in his hand.
Q All right. And did he comply?
A No.
Q Did you tell him to put it down in Spanish?
A No.
Q All right. Playing from 1:01:49.
(Video played.)
BY MR. SCHWAIGER:
Q All right. I stopped it at 1:01:59. Can hear you saying, "Señor, put it down aquí," stuff like that. Do you see the suspect waving back and forth at the helicopter?
A Yes.
Q Did that have any significance to you?
A It was like I think in that moment, he was

trying to get a ride or something. I don't know. I -- I -- that's -- that's what I perceived it at the time, like he was right there; he was trying to tell the helicopter where he was.

Q Okay. Did it ever occur to you during your pursuit that the individual was afraid you were going to hurt him?

A I don't know.

Q Let me -- let me get some clarification on that. I'm just asking if it occurred to you that he might be thinking that. I know you don't know what he's thinking, right. That'd be pure speculation. But I want to know what's going through your head here. Do you think that he thinks that you're going to hurt him?

A I don't think so. I was more concentrated on him trying to hurt me.

Q Okay. Let's play it from 1:01:59.

(Video played.)

BY MR. SCHWAIGER:

Q All right. I stopped it again here, 102:07. I can hear you saying, "You want help?" "Do you want it?" Stuff like that, pointing to the helicopter; is that right?

A Yes.

Q So you perceived that maybe he's thinking the helicopter is there to help him; right?

A I don't know what he's thinking, but I was trying to keep his mind off of running further away from me and trying to build some sort of rapport with him.

Q All right. And here we see him in the same position that you described, when he was at the top of the hill, with that resting position with his hands on his knees; correct?

A Yes.

Q All right. Let's play from 1:02:07.

(Video played.)

BY MR. SCHWAIGER:

Q All right. So I stopped it at 1:02:49. We just had this -- probably the most successful exchange so far as far as talking with the individual, talking about, does he have family; where are they? Do you want to call them? That kind of thing; is that right?

A Yes.

Q You seem to have actually engaged with him for a few seconds where he's talking back to you; correct?

A Yes.

Q Can you tell what he was saying?
A I don't.
Q Now, at this point -- you said earlier that you're more concerned with him trying to hurt you. At this point did you believe that he was trying to hurt you?
A Walking away from me, no.
Q Okay.
A When -- when we were standing and he was facing me while I was trying to engage with him, it was in the back of my mind that he could run towards me.
Q Sure. Sure. Always a possibility; right?
A Yes.
Q Playing from 1:02:49.
(Video played.)
BY MR. SCHWAIGER:
Q All right. I stopped at 103. I'm going to back up a couple frames. There we go. All right. So I've got us now at 1:02:57. And in this frame, I noticed that you don't have any weapons out; is that right?
A That's right.
Q I'm sorry. Your response was garbled.
A Right.

Q Okay. Why don't you have any weapons out at this point?

A Because at that point, he was far enough away from me that I knew I didn't have a shot with a Taser. And when I was trying to communicate with him, I was trying to show him my hands and let him know that I was trying to help him rather than pointing any weapons at him at that time.

Q All right. That seems pretty reasonable. And at this point, would it be fair to say that if you had felt that if you were in danger of him seriously injuring you or killing you or something like that, you would have had your service weapon out?

A Yes.

Q Playing from 1:02:57.

(Video played.)

BY MR. SCHWAIGER:

Q Okay. Just stopped it at 103:08. In this frame we can see the suspect at about the 8:00 o'clock position on the left of the screen; right?

A Yes.

Q And it seems like he's kind of taken to -- of the creek bed; is that right?

A Say that again?

Q He's now at a little more drier part of creek bed; is that right?
A Yes.
Q And you're still in the water; correct?
A Yes.
Q And he has a little bit of an elevation advantage over you, maybe 4 or 5 feet; is that fair?
A Yes.
Q Now, that elevation advantage, even though it's only a few feet, it's significant when it comes to a close-range combat; is it not?
A Yes.
Q Tell me how it's significant.
A Well, you have the momentum of the hill bringing you down gravity.
Q So the advantage goes to the person of the higher ground typically?
A Typically, yes.
Q And you're thinking this while you're engaging with the suspect at this point?
A Yes.
Q You're also in a position of disadvantage because he's out of the water and you're in it; correct?
A Yes.

Q So the water is going to make things a little bit more difficult for you as far as your traction is going to be diminished and your speed is also going to be diminished; correct?

A Yes.

Q 1:03:08 playing from here.

(Video played.)

BY MR. SCHWAIGER:

Q All right. 1:03:12. I've stopped it here, and I'm going to back up the frame just a little. There we go. So it's still at 1:03:12. We can see the suspect, and he has his hands in the air; correct?

A Yes.

Q And now you have your Taser out; correct?

A Yes.

Q You managed to close some distance with the suspect; right?

A I did.

Q Such that you're either now within a range to use your Taser or you believe that you can close that range to be able to use your Taser; is that fair to say?

A Yes.

Q Let's play from 1:03:12.

(Video played.)
BY MR. SCHWAIGER:
Q Okay. So I stopped at 1:03:15. I'll back up a little bit here. Okay. So here we have 1:03:14, and it appears that the suspect has reached down to the ground to grab a stone; is that right?
A Yes.
Q Okay. And I'm going to let this play a couple seconds here. What I'm seeing in the video is the suspect picking up that stone and you backing up a few steps to increase the distance. Now let's see if that's what happens, 1:03:14.
(Video played.)
BY MR. SCHWAIGER:
Q Okay. So it stopped at 1:03:20. You say, "oh fuck," presumably because you believe he's getting ready to throw the rock at you; right?
A Yes.
Q Then you back up a little bit. Are you in the water or dry ground right now?
A I believe I was in the water.
Q And ultimately the suspect does not throw a rock at you, does he?
A No.
Q In fact, he puts his hands down to his

sides; right?
A Yes.
Q Let see how long that takes. I'm going to back up a little bit more.
All right. There we go. So here, 1:03:15, is this what you described earlier as looking like he was going to do a deep bomb from the outfield?
A Yes.
Q How big was that rock he was holding?
A I mean, based on the video and my recollection, it was smaller than a volleyball but probably bigger than a grapefruit.
Q Do you think he could have got it to you from his position?
A I think so, yeah. And it -- and based on his prior -- what appeared to me as like feats of strength like sprinting and doing these like quick movements, I felt like he could have fastball pitched it at me.
Q Yeah, all right. Okay.
You had three tours in Iraq?
A Yes.
Q Anybody ever throw a rock at you in Iraq?
A No.
Q Really?

A No rocks.
Q All right. Did you ever do much patrol work there?
A Yes.
Q Okay. Mounted patrol or foot patrol?
A Both.
Q I'm going to stop the video for a second. Mounted patrol. Let's see, you were there in -- let me get my notes -- '04, '05, and '06; right?
A Yes.
Q And '04 you didn't even have a lot of up-armored vehicles, did you?
A No.
Q Mostly canvass-skinned Humvees; right?
A Yes.
Q And when you were on mounded patrol, you didn't have civilians throw rocks at you?
A No.
Q Did you have rules of engagement?
A Yes.
Q Did you -- what did the rules of engagement tell you if a civilian was throwing a rock at you?
A I don't recall.
Q Did the rules of engagement allow you to shoot a civilian if he was throwing a rock at you?

A I don't recall. If -- I just don't recall.
Q All right. We had to carry our own rocks because we weren't allowed to shoot them. But, you know, Americans have a better fastball than your average Iraqi. So I think an American with a rock is a little bit more of a serious encounter than an Iraqi with a rock. But that's how we defended rock throwing.
A Yes, sir.
Q You didn't have those experiences over there?
A No.
Q Okay. Do you remember a couple years ago, when we were having what we still have; ongoing problems with the border, and then-President Donald Trump suggested that the border patrol engage rock throwers with lethal fire?
A I don't recall that.
Q Do you recall the chairman of the Joint Chiefs of Staff saying that would be a war crime?
A I don't recall, sir. I don't pay attention to politics.
Q You're probably a healthier person for it.
A Yes, sir.
Q Let's go back to the video.

All right. So here we are at 103:15. Looks like this gentleman has got his arm reared back like he might be ready to throw.

1:03:15 playing forward.

(Video played.)

BY MR. SCHWAIGER:

Q And then 1:03:17 the rock is back down at his side as you've taken some steps back; correct?

A I don't -- I couldn't tell if he took steps back or just stopped his forward momentum.

Q Oh, I'm saying as you took some steps back --

A Yes.

Q The rock --

A Yes.

Q Let's play it on from 1:03:17.

(Video played.)

BY MR. SCHWAIGER:

Q All right. 1:03:25 it appears he's turned and is starting to walk up the embankment; is that right?

A Yes.

Q And is that where you understood that Deputy Dietrick was coming from?

A I did not know that at that time.

Q Now, earlier you testified that you thought that he was going to throw that rock at your head; is that right?
A Yes.
Q Why didn't you engage him with lethal fire?
A Because I only had my Taser out.
Q Okay. Now certainly, though, if you felt that that was his intention -- was to heave a giant, you know, what is it -- you said it was a volleyball-sized rock. Is that what you said?
A Smaller.
Q Smaller than a volleyball. Bigger than a grapefruit. I think that's what you said; right?
A Yes.
Q He was going to heave that at your head?
A Yes.
Q Why didn't you transition over to your firearm?
A Well, it looked like there -- I mean, 20/20 hindsight I could see that it was only two seconds, so then at that point lethal force wouldn't have been acceptable because he put his arms down.
Q Sure, but you are continuing the pursuit; correct?
A Yes.

Q And you believed that he was trying to either kill you or to cause you serious injury; correct?
A Yes. I reasonably believed that.
Q So if you believed that he -- had just tried to kill you --
A Yes.
Q -- and you were continuing the pursuit, why don't you switch over to the fire arm?
A I didn't have time.
Q How much time does it take?
A A few seconds.
Q Why didn't you have time, then?
A Because that interaction took two seconds, and he started running away from me again.
Q Right. So while you're on the move, could you have re-holstered your Taser and unholstered your service weapon?
A I could have.
Q Okay. What kind of holster does the Taser go into?
A It's a plastic hard Taser -- or a hard holster.
Q All right. Kydex holster?
A Something of that material, yes.

Q Does it snap into place, or is there some kind of mechanism that holds it in place?
A It comes in at an angle, and then you have to put -- slide it forward and it clips in with a release button.
Q Okay. All right. But there's no strap or anything like that that has to be undone; is that correct?
A No.
Q And for your Glock -- Taser is left side; Glock is right side?
A Correct.
Q Okay. For your Glock, what kind of holster are you wearing?
A Similar type of Kydex holster.
Q All right. Same thing, no strap? It's just apply pressure in the right way and you can remove it?
A Correct.
Q Now --
That Glock 17, what's the -- what's the capacity -- the -- for ammunition on that?
A 17.
Q Okay.
A One in the chamber makes it 18.

Q And when you are on patrol, you're running a full magazine of 17 + 1 in the chamber; right?
A Correct.
Q So you don't have to take time to even wrap that weapon, put it in --
A No. No.
Q Because one in the chamber? That's it?
A Yes.
Q And the Glock 17 doesn't have a safety, per se, on it?
A Mm-hmm.
Q Is that correct?
A No.
Q It has some safety mechanisms to mitigate the risk of an negligent discharge, but it doesn't actually have a safety switch; right?
A No.
Q So in order to fire that pistol, you got to draw it, and you got to pull -- you got to point it, and you got to pull the trigger; correct?
A Yes.
Q All right. So that -- those middle steps are kind of taken out of the way, and that's in -- in order to promote quicker effective use of the weapon; is that correct?

A Yes.
Q So when I had asked you why didn't you switch over, and you said you didn't have enough time or some -- actually, I don't want to put words in your mouth. You -- I think you said you could have but you didn't; is that right?
A Yes.
Q Why didn't you?
A At that point, I was kind of in shock in terms of him running at me with a rock. And there may have been a second or two of lag time where I was processing what had just happened. And I didn't transition over to my pistol.
Q Okay. Now, to be fair, he wasn't running at you with a rock; correct?
A It was a hop to a -- to what appeared to be a -- a fast throw.
Q All right. I think that's fair. Okay.
So you had a little bit of a shock because of the encounter, a little bit of lag time going on. But then, you resume the pursuit, and you do so with only your Taser out; correct?
A Yes.
Q Why at that point did you not transition?
A Because as soon as he walked through that

bush area, I heard Dietrick giving him commands from the other side of that vegetation.

Q Now, you were talking about that lag time. You have -- you have more experience in firearms training than probably anybody that I've ever deposed before. You've got Marine Corps basic training -- puts you on the range for a few weeks; right?

A Yes.

Q Did you go straight to the School of Infantry afterward?

A Yes.

Q Okay. So basically live on the range at SOI; right?

A Yes, sir.

Q You got three tours in Iraq, and not in nice places in Iraq, so you got some considerable trigger time while you're there; correct?

A Yes.

Q In fact, you're basically sleeping with your weapon; it never leaves your side; right?

A Yes.

Q You finish up in Iraq; you come back; you go to scout sniper school; right?

A Yes.

Q And I know the scout sniper school is not entirely marksmanship training, but a lot of it is marksmanship; right?

A Correct. Long rifle, but yes.

Q You finish up there; you have a civilian job as a range control specialist; right?

A You're -- you're missing a portion of my military service, sir.

Q Tell me about it.

A I was a instructor at the Mountain Warfare Training Center.

Q That's right. Okay. Well, no deadlier weapon in the world than a Marine with his rifle; right?

A That's what they say, sir.

Q That's what they say. I want to talk about lag time, because you brought that up and it -- I want to ask you about your training and your experience with it.

In your experience, when you're confronted with a -- you know, a stressful situation, which is basically all cops and Marines do, is stressful situations -- is it common to have lag time with an observation of a threat and your action in response to that threat?

A Sometimes.
Q Tell me what you know about that.
A I know that in a stressful situation, it's -- something happens where time is distorted and it's hard to -- to recollect exactly how many seconds or how long an event took. It's basically time distortion.
Q Sure. Let me ask you this, have you ever heard the phrase "action is faster than reaction"?
A I think I might have heard that before.
Q What does that mean to you in the context of combat?
A That you need to take action before you know that you're reacting maybe.
Q Let me put it to you this way. Have you been trained that there is a delay in time from when you perceive a set of circumstances to when your brain can process it and respond to it?
A Yes.
Q And that delay could be fractions of a second or it could be seconds; correct?
A Yes.
Q But we cannot respond instantaneously to our perceptions; there is actually a delay; correct?
A Yes.

Q Did you ever do any -- in the Marine Corps did you ever do any training in hand-to-hand combat?
A Yes.
Q Did you ever do any training with knives?
A A little bit.
Q In the context of knife training, do you recall being trained that the -- your reaction time is so much slower than your actual positive action time that whoever moves first is going to have an advantage?
A Don't recall that specifically, sir.
Q All right. Well, I wanted to ask you about that. I've got my answers. Let's see 103:25. Let's continue playing.
(Video played.)
BY MR. SCHWAIGER:
Q All right. I've stopped at 103:31. It sounded to me like I could hear Deputy Dietrick. Could you?
A Yes, I believe so.
Q Is that --
A I believe so. I -- it was a little muffled, but I believe that's what I heard.
Q Was that the first time you became aware of his presence there?

A Yes.
Q All right. Playing from 1:03:31.
(Video played.)
BY MR. SCHWAIGER:
Q Pause it 1:03:40. It occurs to me that prior to hearing Deputy Dietrick, you had been moving at an opposite direction in the creek bed?
A Yes.
Q That's what it looked like?
A Yes. Yes.
Q Was that because you had intended to gain higher and drier ground and catch up with the suspect that way?
A The reason I didn't follow the suspect at that point is because I no longer had eyes on him, and I didn't want to come through the foliage and realize that I was 5 feet away from him. I wanted to know where he was before I made contact with him.
Q Okay. What made you change your direction and head more generally in the direction of the suspect?
A Because I didn't want to go the way that he went. Because I didn't have eyes on him, and I didn't essentially want to be ambushed with a rock, which he at that point, I felt like he was a danger

to me, and he had a rock.

Q Okay. I --

A And he -- and he had -- it changed the threat level from him running at me with those weapons to having range on me now with a rock. And I didn't want to walk through there.

Q That makes sense. I should have been more clear.

A Okay.

Q What appears to me is that -- here we go. I'm going to try to queue this up here. I've got it at 103:19 -- that after the suspect disappears, it seems to me that you're going back; you're like tracking backward, right, in the opposite direction, for those reasons that you just stated. But then it's --

A I was -- go ahead.

Q But then at some point, about the time that we hear Deputy Dietrick speak, you reverse direction and start coming back the creek a bit? That's what it looked like. Is that what happened?

A I was looking for an area to get up that embankment --

Q Gotcha.

A -- from the creek up that lip. And I was

just looking for a break in the trees and an area to step up there.

Q That makes sense. Good. Let's play from 1:03:19.

(Video played.)

BY MR. SCHWAIGER:

Q Okay. So what did we just watch?

A You watched me run towards Deputy Dietrick and attempt to triangulate on the suspect.

Q All right. And then what happened when you did that?

A I realized that I had a tree in my way that was overhanging that I could see through it, but I knew or thought in my head that it might have some adverse effect on my Taser.

Q Sure. I mean, that makes sense, right? It would also have some adverse effect on the suspect attempting to throw a rock at you; right?

A I don't know. I felt like it was -- there were small enough limbs that a rock may have made it through it pretty easily.

Q All right. It may have. So you show up; you see Deputy Dietrick. He's got the suspect under lethal cover; right?

A Yes.

Q What was the distance between Deputy Dietrick and the suspect when you saw that?
A About 10 to 25 feet, approximately.
Q And was Deputy Dietrick on the higher ground?
A He was.
Q So, when you get up there, you say you're attempting to triangulate. I think I know what that means. Tell me if this is right. You don't want to be in the field of fire of anybody else, and you don't want to be standing on top of each other. So in order to triangulate a suspect, you get in two opposing positions, not within each other's lines of fire, where both of you have a clear line of sight towards the suspect; is that right?
A Yes.
Q Okay. So at this point, how far are you from the suspect?
A Probably 20 to 25 feet away.
Q All right. Now, the X2 has an aiming laser; is that right?
A Yes.
Q All right. Does it have one laser or two?
A I believe it has two.
Q And each of those lasers is supposed to

indicate the point where the two Taser probes are going to impact; correct?

A Yes.

Q And the two lasers are set at angles, and those angles represent the spread of the Taser probes; correct?

A Yes.

Q So if we're really close, they're practically going to be on top of each other; right?

A Right.

Q And then if we're approaching the maximum range of the weapon, they're going to be a longer spread; correct?

A Yes.

Q So you have your Taser out. You have the laser deployed; correct?

A Yes.

Q And you see this as an opportunity where you might be able to use the Taser to take the suspect into custody; correct?

A I was attempting that, yes.

Q Do you have both of the lasers on the suspect?

A I couldn't see.

Q You couldn't tell?

A I could not tell.
Q How were you --
A The way -- I was aiming it instinctually.
Q Okay. All right. Do the Tasers on the X2 spread laterally or do they spread vertically?
A Vertically.
Q Well, that would make sense. That increases its effective range, I imagine, because if we're going laterally like this, we only have maybe a foot and a half of a man-sized target to engage; right?
A Yes, sir.
Q But if we're going vertically, we may -- might get 3 or 4 feet of a human-sized target to engage; right?
A Yes, sir.
Q Makes sense.
So you see this as an opportunity to engage the suspect with a Taser.
Do you?
A I deployed my Taser, yes.
Q Okay. And well -- let me back up. I'm just going to ask you to narrate for me. Tell me what happens as soon as you get up there; you see Deputy Dietrick has the suspect at gunpoint. You've

got your Taser out. Dietrick I think you said was 15 to 20 feet from the suspect; is that right?

A 10 -- 10 to 20.

Q Okay.

A 10 to 25 or so.

Q All right. Great. And you -- I think you said you were 20 to 25 feet from the suspect?

A Approximately.

Q What happens?

A He was pretty concentrated on Deputy Dietrick at this point. And it didn't seem like he was really keyed in on me at the moments that I was approaching. I kind of went to show Deputy Dietrick my Taser to let him know that I'm here and I have the Taser.

I was trying to aim around this bush or low-hanging limbs. I saw that the suspect had a rock in his right hand, I believe. And at this point, he was kind of bent over in a hunched position and it -- it looked like the rock had fallen from his hand.

And then, it's hard, again, time perception, even watching the video, it's hard for me to determine. But it looked like he had taken kind of just like before where it's that windup,

kind of telegraphing the -- the back shoulder that he picked up the rock and was coming up. At that time I tried to deploy my Taser and also he was fired upon.

Q Okay. Was the Taser deployed at the same time as Deputy Dietrick's service weapon?

A I'm not sure.

Q Okay. So you said that it appeared to you that he was taking that step back again?

A Yes.

Q And that he --

A Yes.

Q Might be getting ready to throw the rock?

A Yes.

Q Was he facing you or was he facing Deputy Dietrick when he grabbed the rock?

A I can't recall specifically which direction he was facing. But maybe more of like a -- a slight offset stance, like at -- as in like reaching down to -- I keep coming back to the baseball analogy, like an outfielder would go to grab a ball off the ground and then throw it.

Q Did you ever play baseball?

A I did.

Q Like in high school?

A No. I wasn't very good.
Q I wasn't very good either. That didn't stop me from playing in high school.
Okay. So you said kind of offset, so maybe he's like splitting the difference of the angle between you and Dietrick?
A Maybe, yes.
Q And then you said that he puts that leg back, like he's going to throw?
A Like, he's either going to throw or he's moving his foot out of the way to grab that same rock.
Q Okay.
A That's just what I perceived it as.
Q Yeah. And that's what I'm interested in. Your perception is what we're here to talk about.
A Yes.
Q So you perceived that he was -- that he put his foot back either -- tell me if I've got this wrong. Either, one, to get the rock, as in to like just pick up the rock; or two, that it -- in kind of a windup fashion to throw the rock?
A Yes. You said two separate things there. But, yes.
Q Yes. And that's what I -- what's what I

thought you said, that you perceived it to be, it could be one or the other; is that right?

A I perceived it as picking the rock up to throw it.

Q Okay. All right.

And the leg behind him -- sorry, I'm going to fixate on this for a minute.

The leg behind him being -- was that him winding up like -- like, he's going to make that long-bum throw?

A That's what it appeared like.

Q All right. So you said that he dropped the rock. Now, you've also mentioned a couple times throughout this deposition or we've talked about it about the suspect going into that resting position with his hands on his knees; right?

A Yes.

Q Is it true that the suspect was in that resting position immediately before dropping the rock?

A Yes.

Q And after he drops -- well, did it look like he dropped the rock on purpose, or did it look accidental?

A I couldn't tell.

Q Did --
A It fell out of his hand in such a way that it kind of looked like an accident, like maybe his knee pushed it out of his hand or something. I'm not sure.
Q Okay. Did you deploy your Taser before he picked up the rock the second time, like after he had dropped it, before he picked it up? Or did you deploy your Taser after he picked up the rock?
A I felt like it was all simultaneous, where he was going down for the rock when I believed I deployed the Taser.
Q Okay. Had he picked up the rock at the time you deployed the Taser?
A I don't recall.
Q So when you deployed the Taser then, it wasn't because he was picking up the rock; it was because you saw an opportunity to deploy the Taser?
MR. PRAET: Misstates his testimony.
MR. SCHWAIGER: He can tell me that.
THE WITNESS: I thought he was picking up the rock to throw the rock, so I tried to do whatever I could to stop him from throwing that rock.
BY MR. SCHWAIGER:

Q Okay. Sorry, I got to -- I got to pick this one apart a little bit. And it's obnoxious, and I apologize. I want to focus on why -- why did you deploy the Taser?

Was it -- strike that.

You believed he was going to throw the rock; correct?

A Yes.

Q That belief was based upon everything that happened before; right?

A Yes.

Q And the fact that he was about to pick up the rock, or he had already picked up the rock?

A Based on the totality of the circumstances, like you said, everything that happened before that, I reasonably believed after he ran at me with the rock that he was picking up that rock again to throw it at either me or Deputy Dietrick.

From my perspective, it looked like he was more zeroed in on Deputy Dietrick. But I reasonably believed he was going to throw the rock.

Q Okay. I got all that.

A Okay.

Q And if you don't have an answer for me, you don't have an answer for me.

A Okay.
Q Because I understand this is Monday morning quarterback. It's my living, and this is what I do.
A Okay.
Q And sometimes it's unfair that if you haven't -- if you don't know, you don't know. But what I'm trying to get at here -- I understand all the -- everything that came before.
A Yes.
Q What I'm trying to get at now is, your belief that he was going to throw that rock at you was based on the totality of everything that had happened before up to that point?
A Yes.
Q Plus -- plus, was it that it looked like he was going to pick up the rock, or was it that he had picked up the rock?
A He had picked up the rock. It was coming off the ground.
Q He had picked up the rock and then you deployed the Taser?
A I don't know exactly when I deployed the Taser, but I saw him coming back up with the rock. I deployed my Taser.
Q After he was coming up with the rock?

A I just saw the rock back into his hand, and it was coming off the ground.

Q Okay. Good. So he had picked up the rock; you deployed the Taser?

A Yes.

Q That's what I want to know. All right.

Okay. In your interview with Santa Rosa police, do you recall making the following statement:

"I tried to come up to where I was in line with Dietrick. But at the same time, like triangulating, and I could see he had a rock in his hand and I could at that point again, I was -- I was attempting to get a good bead with the Taser. He dropped the rock, and I deployed the Taser. But then he looked like he was continuing to go for that rock again. And then, in like a flinching kind of, it looked like he was about to throw pick -- he had grabbed the rock and he was like coming up again. And I, at that point, heard some shots fired."

A Yes.

Q Now, again, this is picking nits and it's a little artificial, I acknowledge that, all right?

A Okay.

Q But the timing of this is pretty critical

to what we're trying to examine here, and that's why --

A Yes.

Q -- when I -- when I read that statement, it seemed to me that you were indicating that you deployed the Taser after the suspect dropped the rock but before he went to pick it up again. Is -- is that what you said to Santa Rosa police?

A If that's what the statement says that I said, then I said it. But the way that I am trying to explain it to you is that it all kind of happened simultaneously.

I can't give you the minute detail, even though we are Monday morning quarterbacking my video and everything. I could watch the video and still not tell you exactly the exact precise second or millisecond that the Taser was deployed. But I do know that I fired my Taser.

The things that I observed with my eyes were things that happened and I perceived. I perceived that he dropped the rock and picked the rock back up and knew that I had shot the Taser. I can't give you the exact details of any of the exact moments.

Two days after I had given that interview,

I had watched the DWC. And in retrospect maybe I should have articulated myself a little bit better. But I was at that point, pretty still -- still pretty tired and pretty affected by the situation in terms of fatigue. I was very, very, very tired still.

Q Oh, I can appreciate that. I do. And I thank you for working with me through it even though it -- like I said it's somewhat artificial to go back and look at it millisecond by millisecond kind of way. But that's also important to finding out exactly what happened and why. Because "when" answers a lot of questions.

A Okay.

Q Okay.

MR. SCHWAIGER: Gentlemen and Madam, I suggest we keep going even though we're at the hour, and I think that I can finish in less than 15 minutes. Is that okay with everybody?

MR. PRAET: Sure.

MR. SCHWAIGER: Okay. Let's do that.

All right. I'm going to switch back to the video. Actually you know what I'm going to do? I'm going to make Exhibit 3 Deputy Dietrick's video and I'm going to bring that up.

Let me get that queued up. Okay. This video will also be subject to the court's protective order. All right. I've got this queued up to internal time stamp 1:22:28 I'll play it from here.

(Exhibit 3-Confidential was marked for identification.)

BY MR. SCHWAIGER:

Q All right. You've seen this video before as well; correct?

THE WITNESS: Yes.

(Video played.)

BY MR. SCHWAIGER:

Q I just paused it at 1:23:03. All right. Anything in this video that adds light on what occurred there that we don't see in your video?

A I think you see the rock drop and then him go for the rock again. I don't -- I don't believe that was in my video.

Q Now, after the suspect has been shot, what do you do?

A I ran over and took the two weapons that were close to him and threw them further away from him, put my Taser on the ground and then -- that's what I did.

I eventually checked his pulse after I

donned some sort of gloves. I didn't feel a pulse, and then I suggested to Deputy Dietrick that we unhandcuff him and start CPR or start lifesaving measures.

Q So Deputy Dietrick put this gentleman's body in hand cuffs; correct?

A Yes.

Q When you checked the pulse, there was none; correct?

A None.

Q Did you observe where the bullets impacted?

A Initially I didn't know where they had impacted.

Q When did you learn?

A When I ripped open his shirt, I saw a gunshot wound to, I believe, his upper left chest. And then when I further ripped off his shirt, I saw some sort of gunshot wound or a graze or -- of some sort to his left arm.

Q Did you see any other wounds?

A I did not see any other wounds. But he did have some blood coming from his head, maybe the left side of his head.

Q It was coming out of his ear; right?

A I believe so.

Q A considerable amount of blood, like it was being poured out like you might pour milk out of a carton; right?

A I don't think that that was the way I would have described it. I just knew there was a lot of blood.

Q Was it apparent to you that the suspect was dead?

A It was.

Q Based on what you observed, do you believe Deputy Dietrick was justified in shooting the suspect?

A I do.

Q Tell me why.

A Because based on the totality of the circumstances, he was in the open; I was not. At this point, I was his less-than-lethal cover. He was our lethal cover. And that subject had used rocks prior to this. Basically, based on the totality, he had this rock in his hand. He dropped it and quickly went to pick it up, and it appeared that he was throwing -- going to throw the rock at us.

Q All right. Let me recount that.

Dietrick was in the open; that's what you

said?
A More open, yes.
Q That the suspect had used rocks prior?
A Yes.
Q And it appeared that he was going to throw the rock?
A Correct.
Q And by "you" I mean you both, one or the other of you?
A Correct.
Q To be clear though, he had never thrown a rock at anyone, that you know of; right?
A The rock never left his hand, no.
Q Okay. And -- in none of the prior encounters he had with anyone, the homeowners where he had rocks on his possession, he didn't throw rocks at them that you know of; right?
A Just through a window.
Q And when he was carrying a rock in the streambed and held it above his head towards you, he didn't actually throw it toward you; correct?
A Do you mean when he ran towards me, and it appeared as if he was going to throw the rock at me?
Q Well, I wouldn't accept that characterization. I think that we've said he didn't

run towards you. He may have taken three steps or a hop or something. And it certainly looked like he was going to throw that rock?

A Okay.

Q But he didn't throw it; right?

A He did not throw it, but it certainly looked like he was winding up to throw it at me.

Q Have you ever heard the phrase "the best predictor of future behavior is past behavior"?

A No.

Q It's good --

A Yeah, I like it.

Q DAs use that one all the time at sentencing hearings.

When the suspect really looked like he was going to throw a rock at you in the water, you took 3 or 4 steps back to increase his distance; correct?

A Yes.

Q Was that option available to Deputy Dietrick?

A It was. But the reason I didn't -- if I would have had my firearm out, solely my firearm -- because I can't have my Taser and my firearm out, I believe I would have fired upon him.

Q When you were in the water?

A Yes.
Q Instead, you took three or four steps back; he put down the rock and moved on; correct?
A Yes.
Q So was that option available to Deputy Dietrick?
A I believe it was an option to him. But he didn't know any of my prior instances with the suspect at that point.
Q Right. So he didn't know the suspect might have attempted to throw a rock at you earlier; right?
A Correct.
Q He wasn't laboring under that presumption; right?
A No.
Q Do you know why Deputy Dietrick handcuffed the subject when it appeared to you that he was deceased?
A Maybe his training -- I'm not sure. But at -- we are supposed to handcuff suspects, especially when we're taking into them into custody, even if we don't know, in fact, if they are deceased. And at that point we didn't know.
Q All right. I want to go back to Exhibit 2,

your body-worn camera, and we're going to play from 1:23:03.

(Video played.)

THE WITNESS: Sir, my screen is completely frozen.

MR. SCHWAIGER: Okay. There we go.

BY MR. SCHWAIGER:

Q We're playing the wrong video screen aren't we?

A I'm not sure. It was frozen for a few seconds.

Q Could you hear the audio?

A I heard some towards the end. It looked like you pressed play.

Q Yeah. Let me -- I think I brought up the wrong window. I apologize. Let me try this again. All right.

Playing from 1:23:04.

(Video played.)

MR. SCHWAIGER: All right.

So that's the problem. I'm playing Dietrick's video, not yours. So I apologize.

This was Exhibit 3. I just paused it at 1:23:29.

///

BY MR. SCHWAIGER:

Q And I see Deputy Dietrick putting on the cuffs; is that right?

A Yes.

Q You say, "Let's not cuff him yet"; is that right?

A I did.

Q And why did you say that?

A Because he kind of appeared deceased to me, at that point.

Q All right.

A And I needed -- I felt like we needed to try some first aid.

Q Okay. Did you feel that the handcuffs would interfere with effective first aid?

A I did.

Q Such as chest compressions?

A Say again?

Q Such as chest compressions?

A Correct.

Q Now, in this frame here, on Deputy Dietrick's video, 1:23:29, I see kind of descending from the top left towards center what appears to be a Taser wire. Do you see that?

A Yes.

Q And I see some other Taser wire over here in the bottom right corner. Do you see that?
A Yes.
Q Did your Taser probes impact the suspect?
A I'm not sure.
Q Okay. I'm going to stop that.
Are you aware of any deputy ever being disciplined at the Sonoma County Sheriff's Office for the use of excessive force?
MR. PRAET: Beyond the scope of this witness. But you can tell him if you know.
THE WITNESS: Maybe a deputy, yes.
BY MR. SCHWAIGER:
Q Okay. When was that, and what was the deputy's name?
A I think his name was Blount, and I don't know exactly when it was.
Q November 27, 2000. What was the discipline that you believe that Mr. Blount received?
A I believe he was terminated.
Q Mr. Blount resigned, retired from the force.
Did you know that?
A I did not.
Q Other than Mr. Blount, are you aware of any

other deputy that you believe has ever been disciplined for the use of excessive force at the sheriff's department?

A Not that I can recall, no.

MR. SCHWAIGER: Madam Reporter, the question was: Other than Mr. Blount, are you aware of any other deputy that's ever been disciplined at the sheriff's department?

A I'm pretty new to the sheriff's department, so I don't know a ton of --

Q In the Marine Corps, are you familiar with the phrase "a bad shoot"?

A Sure.

Q What does that mean to you?

A It means an unjustified shoot.

Q In your time, your significant time in country, are you aware of any Marines in your unit or any others every being disciplined for a bad shoot?

A No.

Q Okay. Deputy Powers, thank you very much for sitting through this deposition, it's difficult to be deposed. You did a really good job. I appreciate your attention and your candor today.

I also appreciate your continued service to

your country. I -- that's very, very valuable, and thank you very much again for your long service in the Marine Corps. I appreciate that?

A Thank you, sir.

MR. SCHWAIGER: Madam Reporter might have some questions regarding spellings or something like that, so we'll give her a chance to ask that.

Unless, Mr. Praet, do you have any questions while we're on the record?

MR. PRAET: Yeah. And I was talking to you, but no.

MR. SCHWAIGER: All right. So, in that case, I believe that we're done here today.

Mr. Powers, thank you again.

THE WITNESS: Thank you, sir.

MR. SCHWAIGER: It was nice to meet you, and I hope never to see you again.

THE WITNESS: Me too.

MR. PRAET: All right. Are we off the record?

THE REPORTER: Quickly before we're off, Mr. Praet, would you like a copy?

MR. PRAET: Yes, please.

THE REPORTER: All right. Now we're off the record.

MR. SCHWAIGER: Off the record.

(Proceedings concluded at 12:47 p.m.)

DECLARATION OF WITNESS

I hereby declare I am the witness in the within matter; that I have read the foregoing deposition transcript and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed this _____ day of _____, 20___, at _____, _____.

(City) (State)

_____
ANTHONY POWERS

ERRATA SHEET

To add testimony, indicate "Add," and print the exact words you wish to add. To delete testimony, indicate "Delete," and print the exact words you wish to delete.

Deposition of: ANTHONY POWERS
Proceedings Date: WEDNESDAY, OCTOBER 25, 2023

I have made the following changes to my proceedings transcript:

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

____ ____ _____ _____

(Continued to next page.)

ERRATA SHEET CONTINUED

To add testimony, indicate "Add," and print the exact words you wish to add. To delete testimony, indicate "Delete," and print the exact words you wish to delete.

Deposition of: ANTHONY POWERS
Proceedings Date: WEDNESDAY, OCTOBER 25, 2023

I have made the following changes to my proceedings transcript:

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

_____ _____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

_____ _____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

_____ _____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

_____ _____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

_____ _____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

_____ _____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

_____ _____ _____ _____

PAGE LINE CHANGE TESTIMONY TO READ AS FOLLOWS:

_____ _____ _____ _____

_____ _____
ANTHONY POWERS DATE

CERTIFICATE

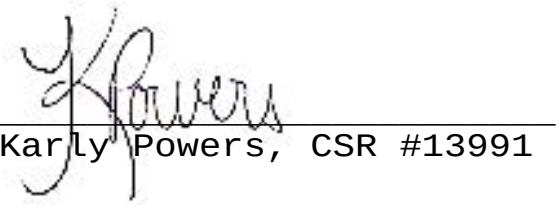
OF

CERTIFIED SHORTHAND REPORTER

I, KARLY POWERS, a Certified Shorthand Reporter for the State of California, do hereby certify:

That I am a disinterested person herein; that the witness, ANTHONY POWERS, in the foregoing videoconference deposition, did appear and was duly sworn by me to testify the truth, the whole truth and nothing but the truth; that the proceedings were reported in shorthand by me, KARLY POWERS, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting; that the foregoing is a true and correct record of the statements given by counsel and all parties present.

IN WITNESS WHEREOF, I hereby certify this transcript at my office in the County of Sacramento. State of California, this 6th day of November, 2023.



Karly Powers, CSR #13991

Exhibits

Exhibit 1 105:15,18

#

#13991 4:4

0

0311 19:12

0317 19:20

04 21:20 118:9,11

05 20:13 21:20 118:9

06 20:13 118:9

1

1 10:1 20:21 26:25 92:25 94:1,4,9 105:15, 17,18 106:16 108:9 124:2

10 9:14 36:6,9 66:21,23 67:12 85:12 133:3 136:3,5

10-minute 44:25

100 52:19 84:19

102:07 110:22

103 112:18

103:08 113:19

103:15 120:1

103:19 131:12

103:25 129:13

103:31 129:17

11 16:15 18:17

12 57:2

12:47 157:2

15 18:4 22:23 85:12 136:2 145:18

16 18:4

17 83:23 123:21,23 124:2,9

18 30:5,6,9 123:25

19 22:19

1:01:37 108:12,24

1:01:49 109:5,16

1:01:50 109:3

1:01:59 109:19 110:18

1:02:07 111:12

1:02:49 111:15 112:15

1:02:57 112:20 113:16

1:03:08 115:6

1:03:12 115:9,11,25

1:03:14 116:5,12

1:03:15 116:3 117:5 120:4

1:03:17 120:7,16

1:03:19 132:4

1:03:20 116:15

1:03:25 120:19

1:03:31 130:2

1:03:40 130:5

1:22:28 146:4

1:23:03 146:13 152:2

1:23:04 152:18

1:23:29 152:24 153:22

2

2 14:16,17 61:21 105:20 151:25

2-confidential 106:1

20 12:3 47:7,15 72:19 83:13 84:14 85:3,6 88:10 94:18 133:19 136:2,3,7

20- 93:17

20-year-old 107:10

20/20 121:19

2000 154:18

2001 30:11

2002 30:11,12

2003 18:21

2004 20:5,11,15

2005 20:7,17,18 22:5,14

2006 19:23 20:9,23,24 21:20

2007 18:21

2011 18:21

2016 18:4

2022 33:23 45:9

2023 4:1

210 65:24

25 4:1 90:2 133:3,19 136:5,7

27 154:18

29 45:9

29th 33:23 42:15

3

3 47:8,10 135:14 145:24 150:17 152:23

3-confidential 146:5

30 72:19 83:13 84:14 85:3,7 88:10

30-minute 93:18

31 22:12,14

31st 42:11,19

32 106:16

34 21:23

35 47:7

39 12:25

3rd 20:12

4

4 26:25 114:7 135:14 150:17

4.3 13:23,25 14:16

40 31:1

43 108:4

47 108:9

48 42:21,24

4th 20:12

5

5 9:14 36:6,8 44:25 66:20,22 67:11 114:7 130:17

5-11 66:1

50 63:16 90:2 101:17

594 51:25

7

7:00 45:13,14

8

835a 37:10,11,16

8541 19:17

8:00 113:20

9

9 83:24 84:10

9/11 22:22

9:00 109:5

9:06 4:1

A

A-N-T-H-O-N-Y 5:3

a.m. 4:1 45:13

abandoned 49:19

ability 6:8

academy 14:5 27:22, 23,24 28:2,4

accept 149:24

acceptable 11:22 121:22

accident 140:3
accidental 139:24
accommodate 9:18
account 98:20
accused 31:14,17,20
acknowledge 143:23
acquired 88:17
action 53:2 127:24 128:9,13 129:8
actions 67:24 104:4
actively 46:1
actual 129:8
add 54:15
adds 146:14
adjacent 48:15 49:15
administrative 32:2,3, 5
advantage 75:11 114:7,9,16 129:10
adverse 132:15,17
advised 87:6
advises 6:9,12
affairs 31:24
affected 145:4
afraid 110:6
afternoon 42:18
afterward 126:11
agency 41:15,21,22
aggression 87:7
aggressive 78:4 79:14
agree 10:3,5 96:6,21 97:1 104:11 109:7
agreed 55:12
agreement 96:20
agriculture 17:1 77:3
ahead 7:7 44:23 50:16, 17,18 74:14 76:16 87:15 89:22 93:11 101:17 108:9 131:17
aid 153:13,15
Aided 46:4
aim 136:16
aiming 39:20 133:20 135:3
air 57:5 104:6 115:12
Al-qa'im 20:24 21:20
all-encompassing 27:8
allowed 50:25 82:17 119:3
alternate 23:18 24:13, 16 25:2
ambushed 130:24
American 119:5
Americans 119:4
ammunition 123:22
amount 18:22 148:1
analogy 137:20
Analy 15:7
angle 35:9 123:3 138:5
angles 134:4,5
answering 7:21,25 8:1
answers 11:19 34:4 129:13 145:13
Anthony 4:2 5:3
anticipate 9:7
AO 20:15
apologize 32:17 65:11 141:3 152:16,22
apparent 148:7
appealed 17:17
appeared 50:2 55:1 61:4,5 66:13 67:21 70:9 76:1 79:3 117:16 125:16 137:8 139:11 148:21 149:5,23 151:18 153:9
appears 98:17 116:5 120:19 131:10 153:23
applied 17:17
apply 123:17
apprehend 90:9 96:5
apprehending 74:9
approaching 78:12 134:11 136:13
approximately 12:22 13:23 14:11 15:2 16:15 18:17 22:1 23:22 25:9 133:3 136:8
approximation 66:10
aquí 109:20
area 47:3 49:10 56:9 57:17 58:24 59:2,6,8 63:23 64:3 71:9 75:10, 19,21 93:8 100:22 101:9,12,18 126:1 131:22 132:1
areas 59:15 90:16 102:7,12
argument 108:8
arguments 7:8
arm 39:17 120:2 122:9 147:19
arms 121:22
Army 84:16
arrested 29:24
arrive 47:13 52:7 67:8
arrived 45:16 49:20,25 50:1 71:2
arrives 67:13 69:16
arriving 36:18
articulated 145:2
artificial 143:23 145:9
assigned 25:23 26:20
assignment 14:1 26:1
assignments 23:11
Association 43:4
assume 27:21 34:16 39:20
assumed 50:14 56:14 89:15
assuming 36:7 108:18
assumption 56:16 108:19,20
attempt 80:2,4 98:5 100:6 104:22 132:9
attempted 151:11
attempting 65:14,15 76:4 82:25 132:18 133:8 134:21 143:14
attend 19:21 24:19
attendant 14:5
attending 28:2
attention 91:22 119:21 155:24
attorney 4:12 5:20
attractive 13:5
ATV 58:18
audio 33:8,14 36:13 106:8 108:13 152:12
audio-video 11:1
authority 90:23
authorized 90:7,9,13, 25
AV 106:22
average 119:5
aware 46:10 92:20 105:2 129:24 154:7,25 155:6,17
Axon 85:14

B

bachelor's 17:16
back 10:24 23:3,8 45:3, 5,8 56:20,23 82:20 92:3,12 94:18 107:25 109:4,21 111:23 112:11,19 115:10 116:3,19 117:4 119:25 120:3,7,8,10,12 126:23 131:13,20 135:22 137:1,9,20 138:9,19 142:23 143:1 144:22 145:10,22 150:17 151:2,25

backing 116:10
backup 93:5
backward 131:14
bad 83:2 155:12,18
ball 137:21
ballistic 72:8,21
barbed 89:11
barefoot 54:13,20,21
barns 57:25 58:1
barrel 66:16
barren 75:20
barrier 96:23 98:10,20 103:19
bars 58:5
base 88:11,12 92:4
baseball 137:20,23
based 52:15 54:15,18 67:9 79:14 90:12 98:6 99:1,20 102:21 117:10, 15 141:9,14 142:12 148:10,15,19
basic 19:16 65:2 126:6
basically 24:10,17 46:21 52:5,21 53:10 72:1 75:19 77:23 80:14 81:4 88:2 91:15 97:11 100:10 126:13,20 127:22 128:6 148:19
basis 12:11
bathroom 9:15
Battalion 20:12
Battle 20:19,20
bead 143:14
bear 106:24
beat 46:21
bed 60:9,12 89:3,6,19 90:11 113:24 114:2 130:7
begin 53:3
beginning 59:19
behavior 54:23 96:15 150:9
behavioral 98:11
belief 141:9 142:11
believed 48:16 52:2 58:20 59:7 62:9 63:24 64:14,20 76:21 122:1,4, 5 140:11 141:6,16,21
bend 71:11 73:20
bent 62:14,23 136:19
bent-over 61:8
Berg 26:8
bet 94:15
big 8:11 73:12 96:23 117:9
bigger 66:13 74:2 117:12 121:12
biggest 6:1 7:5
binoculars 52:15
bit 12:8 59:10 62:20 67:7 73:13 77:6,7,8 91:21 92:12 95:3 104:21 106:19 109:4 114:6 115:2 116:4,19 117:4 119:6 125:19,20 129:5 131:20 141:2 145:2
blacked 4:14
blame 107:5,7,9
blood 147:22 148:1,6
Blount 154:16,19,21,25 155:6
board 94:7
body 104:7 147:6
body-worn 33:14 34:7, 14,20,21 35:2,8,15,22 36:4 43:25 44:4,8 68:18 152:1
bomb 92:3 117:7
bonk 73:24
bonus 19:6
boot 22:24
boots 54:11
border 21:2 119:15,16
bottom 53:11 63:22 75:21 78:13 154:2
boxes 59:10,12
brain 128:18
break 9:6,13,16,18,21, 23 31:3 44:23,25 71:16 94:17 132:1
break-in 46:18 47:17 50:9,12,14,20,22,23 51:3,5,8,9,11,24 52:2
breaking 54:19
breath 74:25
breathable 73:16
breathing 74:16,17,19
Bridgeport 18:12
Briggs 27:15
bring 103:25 104:25 145:25
bringing 114:15
brings 96:1
broadcast 51:18
broadcasting 51:18
broke 51:23
broken 45:21 51:4,21
brought 93:13 127:17 152:15
Bruce 107:10
build 66:6 70:3 77:24 95:12,22 100:4 111:5
building 96:2
buildings 57:15,17,24
built 58:4
bulletproof 72:2
bullets 147:11
bunch 10:10
bunker 58:3
burglary 46:18 51:19
bush 126:1 136:16
bushes 53:14,15
business 17:24
busy 85:2
button 123:5
BWC 33:7
Byrd 26:7

C

cable 89:14
CAD 45:25 46:3
California 18:13
call 5:6,7,12 26:24 38:9 45:16,20 46:10,15,24 64:8 88:8 104:10 111:19
call-outs 24:20
called 4:3 14:23 22:24 82:2
calls 25:18
camaraderie 29:10
camera 33:14 34:8,14, 20,21 35:2,8,15,22 36:4 43:25 44:4,8 68:19 152:1
camp 16:2,3,8,13 22:25
candor 155:24
canvass-skinned 118:14
capacity 21:12,14 123:22
car 77:10,12
career 23:9 29:5,15
careful 8:23 34:3
Cargo 73:6
carrier 71:24
carry 119:2
carrying 72:13 149:19
carton 148:3
case 31:5,7,11 33:18 38:20 69:5 82:1 156:13

catch 59:23 130:12
cattle 89:15
caught 60:1 63:15 76:19
center 18:12 127:11 153:23
chairman 119:19
Chalk 48:1,4
chamber 123:25 124:2, 7
chance 43:24 64:16 156:7
change 54:1 130:19
changed 19:18,20 47:16 131:3
channeling 55:19
chaotic 47:15
chaparral 49:3,10
characterization 149:25
charge 80:7,9,12
charged 30:1,3
charges 30:15 31:8
chat 105:14
checked 146:25 147:8
chest 147:16 153:17,19
chested 66:16
Chiefs 119:20
choose 22:20 24:1,3 29:5
chopping 57:4
choppy 107:4,21
chose 29:4
chosen 102:9
Christmas 57:4
circumstance 99:24 100:24
circumstances 54:18 81:23 90:10 98:2 99:8 128:17 141:14 148:16
civilian 18:14 118:22, 25 127:5
civilians 118:17
clarification 110:9
clarify 7:23 8:17
clarifying 50:11
class 29:14
clear 51:13 105:23 131:8 133:14 149:11
cliff 87:25 88:8
climb 62:19
climbing 75:3
clipped 89:15
clips 123:4
close 21:3,5 50:2 63:25 64:2 86:15 88:1 91:3,23 93:10 115:17,21 134:8 146:22
close-range 114:11
closer 77:22 86:12
closest 82:15,22 86:8
clue 57:1
clutched 61:6
co-counsel 4:13
code 37:12 47:8,10
codes 37:19
cold 58:13
collateral 23:12
college 15:20 17:8 29:14
color 12:9
combat 114:11 128:12 129:2
combination 81:8
commands 126:1
committed 90:16
common 127:23
communicate 8:12 76:20 77:9 95:9,11,14, 21 113:5
communicated 57:19 91:13
communication 8:13 55:8 70:3 96:19
community 30:16 31:1
complaint 69:4
completely 75:20 152:4
compliance 98:4 104:22
comply 97:2,10 98:6 109:12
compressions 153:17,19
compromised 11:3 22:11
Computer 46:4
computers 48:7
concealment 67:18 103:13,16,21,25
conceivably 96:14
concentrated 15:16 110:16 136:10
concept 99:13
concern 90:12
concerned 71:13 74:4, 8,9 112:4
concerns 73:17,21 74:3,7
concluded 157:2
conclusion 38:14 51:16 70:5
conclusions 67:8
condition 30:17 74:4, 11
conditions 73:25
confidential 6:17 7:1 32:21 69:14 105:22,24
confidentiality 6:15, 16
confine 101:2
conflict 41:14
confronted 127:20
connected 89:14
connection 10:20 106:22
considerable 126:17 148:1
consideration 85:12 97:12 98:25 100:2
consistent 98:13 100:14
consult 42:25
consulted 43:2
contact 47:14 52:9 64:16 77:16 86:11 130:18
contacted 65:1
Containment 101:10
contemporaneous 69:17
content 51:17
context 99:21 128:11 129:6
continue 89:18 107:20 108:25 129:14
continued 88:22 155:25
continues 87:20 95:20
continuing 121:23 122:8 143:16
contribute 67:4
control 18:11 101:2 127:6
controlled 100:22 101:9
convenience 10:21
conversation 23:7
conversations 69:13
conversely 96:13
convicted 30:2
convictions 31:9
Cooper 27:16

cop 105:3

cops 29:13 127:22

copy 156:22

corner 154:2

Corps 18:19,23 22:21 126:6 129:1 155:11 156:3

correct 15:23 26:22 30:10 38:10 41:24 42:6, 12,15,19,22 46:8 48:15 49:4 50:20 51:3 55:24 56:20 59:11 60:16,17 64:1 65:20 68:9 69:18, 23 70:25 72:8 75:7,12, 13 76:7,8,22,25 78:16 79:18,22,23 80:17,20, 23,24 82:3,13 83:5 84:7 85:7 89:3 90:4,24 93:3 94:2 96:24 99:5 101:12, 15 103:10 105:9 111:10,24 114:4,24 115:4,13,15 120:8 121:24 122:3 123:8,12, 19 124:3,12,20,25 125:15,22 126:18 127:4 128:21,24 134:2,6,13, 16,20 141:7 146:9 147:6,9 149:7,10,21 150:17 151:3,13 153:20

corrected 50:7

correctly 26:19 102:24

counseling 33:2

country 22:2 23:1 155:17 156:1

county 12:20 13:8,17 14:18 15:3 25:24 26:16, 17,21,24 27:9 28:8 30:7,8 45:17 48:18 107:7 154:8

couple 8:8 29:16 112:19 116:9 119:13 139:13

courses 17:5

court 4:16 5:13 8:9 9:3, 4 105:21 106:7

court's 6:18 146:2

courtroom 5:22 7:14

cover 78:8 80:23 82:1,9 92:7 103:12,16,18,24 132:24 148:17,18

coverage 81:15 83:9 86:4

covered 49:3

Coyote 102:16

CPR 147:3

crashed 49:23

creating 4:17

creek 60:9,12 63:22 64:3 79:5 87:24 88:11, 13,16,22,24 89:3,5,19 90:11 91:15 92:23 95:2 106:18 107:15 113:24 114:2 130:7 131:20,25

crest 60:15 70:24

crew 94:4

crime 30:2 40:16,20 90:12,20 99:1 119:20

crimes 51:2 90:15

crisis 98:11

critical 33:22 39:2 42:14 143:25

crossing 74:1

crow 21:4

cry 79:2,9

CSR 4:4

cuff 153:5

cuffs 147:6 153:3

custody 80:4 91:1 99:2 100:7 134:20 151:22

cut 7:17

cuts 102:13

D

DA 32:9

Dam 20:16

danger 113:11 130:25

DAS 150:13

data 46:7

date 23:15 37:8 45:8

day 43:1 44:22 45:10,13

day-to-day 94:5

daycare 102:2

days 144:25

dead 148:8

deadlier 127:12

deadly 37:14 81:22 82:2

deal 6:16

dealing 104:25

deceased 151:19,23 153:9

decent 24:7 76:11

decide 57:9

decided 57:5 79:20 92:5

decision 65:6

decreasing 103:5

deductions 50:25

deep 92:3 117:7

deescalate 77:24 95:21 96:11 98:21

deescalating 96:9,14

deescalation 95:23 96:6,20,24 97:3,6,16 98:14 99:12,22 100:5 104:12

defended 119:7

defense 23:17

defensive 23:13,21 24:5

degree 17:10,16,20,21 18:3

delay 128:16,20,24

delayed 45:24

deliberate 98:4

demeanor 64:24

Democrat 68:25

department 13:18 16:18 33:8 38:24 155:3, 8,9

department's 92:24

depending 7:12 23:7

depends 84:22 94:5

depiction 69:2

deploy 19:24 20:11 21:14 90:9 91:8,24,25 92:6 137:3 140:6,9,18 141:4

deployed 21:12 134:16 135:21 137:5 140:12, 14,16 142:21,22,24 143:4,15 144:6,17

deployment 21:8,13, 16,18,25

deployments 20:1 21:10,12

deposed 126:6 155:23

deposition 4:13,21 6:17,23 9:8 10:22 11:1, 5 29:20 33:6 34:21 37:23 105:16 139:14 155:22

depositions 7:9

deputies 93:8

deputy 4:9 5:5,6 12:1, 10 13:9 26:20 28:12,15, 22 35:6,8,15,21 43:4 44:4 45:7 46:16 47:22 52:9 53:8 55:9 56:18 57:19 60:2,7,9 65:18 67:13 70:1 71:3 73:12 74:7,11 76:6,10,16 78:1,6 94:7 97:24 98:3 106:15 120:24 129:18 130:6 131:19 132:8,23 133:1,4 135:25 136:10, 13 137:6,15 141:18,20 145:24 147:2,5 148:11 150:19 151:5,17 153:2, 21 154:7,12 155:1,7,21

deputy's 104:3 154:15

descended 92:23 101:20

descending 153:22

Describe 61:2
designate 6:25
designating 6:16
detail 95:4 144:13
details 144:23
determine 62:2 136:24
develop 53:1 80:1 81:5
developed 55:7 77:19
developing 47:19 77:15,17 80:2
development 37:22
developmentally 45:23
Devil 22:24
dialing 104:3
dialogue 100:5
Dietrick 12:1,10 46:16 47:22 52:9 53:8 55:9 56:18 57:19 60:3,7,9 65:11,14,18,19 67:13 69:16 70:1 71:3 73:12 74:7,20 76:6,10,17 78:1,6 80:10,16 83:3 85:20 86:18 87:6,10 120:24 126:1 129:18 130:6 131:19 132:8,23 133:2,4 135:25 136:1, 11,13 137:16 138:6 141:18,20 143:11 147:2,5 148:11,25 150:20 151:6,17 153:2
Dietrick's 35:6,8,15,22 44:4 74:11 137:6 145:24 152:22 153:22
difference 6:1 7:6 12:14 103:16 138:5
difficult 48:5 102:1 115:2 155:22
difficulties 10:19
dig 62:10
diminished 115:3,4
directing 81:1
direction 56:25 57:6,9, 20,22 67:17,20 130:7, 19,20 131:14,19 137:17
directive 80:15
directly 67:22
dirt 62:11
disadvantage 114:22
disappeared 70:17
disappears 131:12
discernible 61:25
discharge 124:15
discharged 44:13,17
discipline 154:18
disciplined 32:10 154:8 155:2,7,18
discovered 49:14
discuss 108:1
discussed 9:23 32:22
discussing 33:19
dishonesty 31:17
dismissal 30:18
dispatch 33:7,14 36:13 46:4 65:14,17
dispatched 36:16 40:11 46:17
display 87:7
disrespect 5:10
distance 62:3 63:13,14 76:10 83:5 92:22 102:21 103:2,4,6 115:17 116:11 133:1 150:17
distances 12:8
distorted 128:4
distortion 128:7
distraught 45:24
distribution 24:9
ditch 49:24
diversion 30:24
Donald 119:15
donned 147:1
door 58:1
double 23:3
draw 124:19
drawn 63:20,21
draws 102:13
drier 114:1 130:12
drive 21:5 59:15 93:16
driver 107:11
drop 146:16
dropped 30:15 52:19 139:12,23 140:8 143:15 144:6,21 148:20
dropping 139:19
drops 139:22
drug 98:10
dry 89:6 116:20
DT 24:12 37:17
duly 4:3
duties 23:12
duty 44:14,17 45:10,16
DWC 145:1

E

ear 147:24
earlier 50:6 112:3 117:6 121:1 151:11
early 42:18
easily 53:25 132:21
east 45:17 57:12 58:21, 24 75:17 88:22
easy 14:13
effect 52:13 55:21 132:15,17
effective 27:18,20 83:11 84:9,11,20 85:6, 10,17 86:3,7,19 100:15 124:24 135:8 153:15
effort 29:10
elect 70:7
elevated 52:18 66:11
elevation 52:20 75:12, 23 88:6,10 91:21 100:16 114:6,9
else's 69:2
embankment 88:3 120:20 131:23
employed 12:19,21 13:16,22 14:8 15:18 18:7,9
employee 16:17 47:20
employment 18:10
en 46:22 47:10,16,17 49:13
encompassing 27:6, 23 40:8,10
encounter 95:5 98:16 107:13 119:6 125:20
encounters 149:15
encumbered 73:15
end 19:3 40:12 61:24 96:2 152:13
ends 61:5,15 76:9
enforcement 23:9 29:6 80:1
engage 112:10 119:16 121:5 135:10,15,18
engaged 111:22
engagement 118:19, 21,24
engaging 96:14 114:20
English 77:7,8
enlist 22:20
enlisted 18:19,23 22:18
enlistment 19:7
entire 41:3
entirety 35:23 36:10
entitled 11:23
entry 30:18 51:8
equipment 72:18 73:16

erratic 54:23

escalate 104:21

escalates 82:2

essentially 130:24

estimate 11:23,24 12:3,5,6,12,15

estimating 12:8

Euphrates 20:25 21:1

evaluation 32:14

event 32:16 33:13,19, 21,24 35:1 38:14 128:6

events 11:13 33:24 34:17 38:2 43:10 44:22 68:14

eventually 62:6,8 67:16 146:25

exact 144:16,23

EXAMINATION 4:7

examine 144:1

examined 4:6

examples 100:12

Excellent 15:15 23:20 24:11

exception 6:8

excessive 31:20 154:9 155:2

exchange 111:17

excuse 27:17 33:12 65:10 100:8 106:20 108:3

exhaustion 71:14

exhibit 105:15,18,19, 20,23 106:1 107:2 145:24 146:5 151:25 152:23

exhibits 11:1

expect 11:11,19

expects 11:18

experience 51:1 79:2 99:21 126:4 127:19,20

experiences 23:4 64:16 119:10

explain 4:24 67:1 79:25 144:11

exposure 24:22 25:18 103:6

extra 73:16

eyes 65:12 74:21 130:15,23 144:19

F

face 39:7,10,14,16,21

facing 78:24 79:6 90:10 112:10 137:15,18

fact 52:4 54:12 90:23 116:25 126:20 141:12 151:23

factors 98:6

fair 21:11 30:23 48:20 49:9 64:8 113:10 114:7 115:23 125:14,18

fairly 37:5 48:20 96:18

fallen 136:21

falling 74:3

Fallujah 20:18,19,20, 21 21:20

familiar 97:5,7,8 99:13, 15,17 155:11

family 17:24 23:1 91:16 95:17,19 104:10 111:18

farm 15:19,25 16:11,14 18:5

Farms 16:21

fashion 138:22

fast 75:25 125:17

fastball 117:18 119:4

faster 128:9

fatigue 73:18 74:12,14 145:5

fatigued 62:17,19 63:7, 8

favor 77:13

feasible 58:24 98:25 99:5 100:8

feats 117:16

feature 60:23

feel 32:20 67:16 68:25 74:17 147:1 153:14

feeling 58:14

feet 52:20 61:22 83:13 84:12 85:7,12 88:10 114:7,10 130:17 133:3, 19 135:14 136:2,7

fell 140:2

fella 104:25

felt 39:22 58:23 67:17 78:4 79:14 113:11 117:18 121:7 130:25 132:19 140:10 153:12

fence 88:24,25 89:10

fenced 59:19

fences 89:12

field 133:10

fight 24:10

figure 55:22

figured 35:18

figuring 98:21

fill 92:13

final 90:20

find 13:5 57:8 64:2 85:13,15

finding 145:11

fine 37:20 44:25

finish 8:3 32:9 126:23 127:5 145:18

finished 7:22

fire 119:17 121:5 122:9 124:18 133:10,14

firearm 121:18 150:22, 23

firearms 84:2 126:4

fired 137:4 143:20 144:18 150:24

fit 25:5

fixate 139:7

flags 48:7

flak 72:1 73:5

Flat 102:15

fled 55:23 56:1 59:7

fleeing 56:2,4,8,9 105:4

flies 21:4

flight 70:19

flinching 143:17

fly 50:11 94:4,9

focus 141:3

focused 87:15

foliage 88:23 130:16

folks 24:8 44:24

follow 57:5 87:21 130:14

follow-up 8:5

Foods 16:18 18:6

foot 56:17 60:5 61:21 73:25 118:5 135:10 138:11,19

footage 34:8,20,21 35:2,5,22 36:5 43:25 44:4,8 68:19

football 15:9,13,14

foothills 49:2

force 31:21 36:25 37:3, 4,12,13,14 41:22 81:21, 22 82:2,6 90:25 100:10, 17 121:21 154:9,22 155:2

Forest 57:3

forgot 106:21

forgotten 11:17

form 12:12

forward 120:4,10 123:4

found 69:18

four-year 17:10

fractions 128:20

frame 108:1,17,22 109:4 112:20 113:20 115:10 153:21

frames 112:19
Francisco 13:18 17:6, 17 29:13
frankly 11:14 107:22
Fred 27:15
front 85:23 95:6
frozen 152:5,10
FTO 26:13 27:4,6,9
FTOS 27:12,18
fuck 75:3 116:16
fucker 104:6
full 5:1 25:6 124:2
full-fledged 24:23
full-time 18:6,8
fully 7:25
furthers 42:9
furthest 27:1
future 4:18 13:3 150:9

G

gain 104:22 130:11
gained 91:21
gal 45:24
gaps 92:13
garbled 112:24
garden 62:10
gate 57:15 58:23
gates 47:23
gave 42:4 43:13
general 99:24,25 100:23,25 102:11
generally 84:2 130:20
generate 38:19
generated 38:10,13
gentleman 53:8 120:2
gentleman's 147:5
gentlemen 9:22 55:18 145:16
geographical 60:23
Geographically 80:21
Geyserville 14:21 102:10,17
giant 39:7,10 121:8
give 5:19 6:7 8:5 11:19 12:3 24:22 52:12 63:18 77:25 100:12 144:13,23 156:7
giving 34:11 42:7 55:14 80:15 126:1
glimpses 88:23
Glock 83:23 84:10 123:10,11,13,21 124:9
gloves 147:1
glutton 20:10
goal 42:9
goals 42:8
good 4:9,10 7:15 8:14 10:18 13:3 14:4 15:9 23:2 29:2,14 45:1 47:12 49:16 50:11 63:13 64:23 66:17 72:25 73:2 74:3 101:10 132:3 138:1,2 143:3,14 150:11 155:23
Google 85:15
Gotcha 14:6 17:9,24 21:19 27:11 131:24
grab 116:6 137:21 138:11
grabbed 137:16 143:19
graduated 17:7 19:16
grapefruit 117:12 121:13
grapes 49:5
grapple 24:7
grass 103:21
grassy 75:19
gravity 114:15
gray 13:1
graze 147:18
Great 15:7 25:7,20 27:3 28:23 34:19 36:12 38:19 60:25 136:6
grew 18:1
ground 5:21 24:10 58:4 114:17 116:6,20 130:12 133:5 137:22 142:19 143:2 146:23
grow 49:1,3,5
grunting 61:12 62:24 63:9 64:8
guard 23:19 24:13
Guerneville 13:10,12 27:1
guess 11:25 12:11,15 32:7 41:4 42:2 47:20 55:25 72:19 73:7 77:14
guesstimating 85:9
guidelines 37:13
gun 82:23 83:1
gunpoint 135:25
guns 82:6 83:7 104:5
gunshot 147:16,18
guy 52:13 66:14 73:13 74:2 76:19 82:15 85:22 86:4 96:4 98:17 99:1
guy's 54:22
guys 55:15 73:4 85:25

H

Haditha 20:16 21:3,20 22:4
hair 13:1
half 42:3 61:21 107:23 135:10
halfway 17:1
hammer 62:4
hand 14:25 15:1,25 58:17 61:5,7,16 64:11, 22 103:20 109:11 136:18,21 140:2,4 143:1,13 147:6 148:20 149:13
hand-to-hand 129:2
handcuff 151:21
handcuffed 151:17
handcuffs 153:14
handles 61:19,23
hands 61:7,20 62:15 64:7 104:6 111:10 113:6 115:12 116:25 139:16
happen 11:6 77:16
happened 22:5,22 34:11,13,15 44:22 125:12 131:21 132:10 141:10,15 142:13 144:11,20 145:12
happening 81:2
hard 14:12 67:1 74:16 79:4 94:14 122:22 128:5 136:22,23
hardened 72:22
hatchet 62:5,9
head 8:11 39:17 47:2 55:19 95:7 110:13 121:2,15 130:20 132:14 147:22,23 149:20
heading 56:18 57:21 60:11,15 88:22
Healdsburg 45:17
healthier 119:23
hear 5:22 7:6 33:23 63:12 69:2,20 74:18 89:21 92:22 93:7 107:2, 3 108:13 109:20 110:22 129:18 131:19 152:12
heard 46:16 47:23 65:17,18 66:24 108:15, 18 126:1 128:9,10 129:23 143:20 150:8 152:13
hearing 130:6
hearings 150:14
heat 72:24 73:2,22 74:5
heave 121:8,15
heavyset 66:13

hefty 19:5
height 66:2,7
held 149:20
helicopter 91:20,23 92:17,21,22,25 94:12 109:22 110:4,24 111:2
Henry 92:25 94:1,4,9
hereinafter 4:6
Hey 104:9
hiding 53:14
high 22:22 24:6 137:25 138:3
higher 114:17 130:12 133:4
hill 48:1,4 53:11,12 56:19 57:14 60:16,19, 20,22,24 61:3 70:24 71:5,10 75:3,7,18 76:5 101:20 102:22 111:9 114:14
hills 49:5,6 102:12
hilly 102:4
hindsight 121:20
hired 28:1,21,25
Hispanic 53:20 70:9
hit 30:3 78:2,18 79:2,3,6 92:10
hits 78:16 86:25
hitting 103:20
hmm 81:16 104:8
hog 89:13 95:1
hold 18:16
holding 64:10 92:15 117:9
holds 123:2
holistically 99:12
holler 87:11
holster 122:20,23,24 123:13,15
Holton 27:15
home 46:17 51:22 92:3
homeowner 52:10 55:14 56:18 59:1
homeowners 149:15
homes 102:11
honor 23:19 24:13
hop 125:16 150:2
hope 29:20 156:17
hopping 92:4
hot 73:8
hour 9:7,13 42:3 44:20 94:16 106:16 108:4,9 145:17
hours 9:8 31:1 36:8 42:15,21 57:8
hours' 42:24
house 52:10,18 53:6 58:3 93:8
houses 101:14,18,21 102:19,20
housing 90:16
huck 39:18
human 7:18
human-sized 135:14
Humvees 118:14
hunched 136:19
hurt 5:21 30:21 110:7, 15,17 112:4,6

I

idea 56:24 81:14 83:2 87:4 94:10
ideal 73:25
identification 105:18 106:2 146:6
identify 53:24
II 28:12,22,25
imagine 84:6 86:14 96:18 135:8
immediately 26:15 139:19
impact 134:2 154:4
impacted 147:11,13
impairment 98:10
implement 78:5
implicated 6:25
important 7:15 36:1 145:11
impression 55:16
inability 97:1 98:5
incident 26:14 28:14, 18 32:3 33:1,22 39:2,4 40:4 41:3,20 42:14 43:1 66:3 87:14 96:2
including 5:1 98:6
inconvenience 10:21
increase 116:11 150:17
increases 135:8
increasing 103:6
indicating 144:5
individual 40:14 73:19 110:6 111:18
ineffective 83:4
Infantry 19:13 126:11
infantryman 21:13
influence 54:24 67:5 98:17
information 36:18 47:25 51:14 52:12 53:18 55:2 56:6 65:5
informed 45:20,21
initially 62:5 88:15 147:12
injuring 113:12
injury 122:2
inside 46:7
instance 6:19
instances 151:8
instantaneously 128:23
instinct 57:16
instinctually 135:3
instructor 19:6 23:13, 17,21 37:18 127:10
integrity 9:2
intend 53:4
intended 7:24 8:2 130:11
intensity 95:25 100:16 104:22
intention 17:19 121:8
intentions 95:13
inter-meth 55:19
interaction 98:11 122:14
interest 41:14
interested 25:14 138:15
interests 6:24
interfere 153:15
internal 31:24 106:16 146:4
Internet 107:8
interrogated 4:6
interview 41:23 42:1, 17 43:14,19 44:1,5 143:7 144:25
interviewed 38:23
interviews 43:9
intuition 57:10
invade 32:18
invasion 46:18
invasive 29:18
inventory 48:3
investigate 52:4
investigating 39:3 40:3,4,21 41:15
investigation 31:24
investigators 43:15
involvement 38:14

Iraq 19:5 20:24 73:5,8 117:21,23 126:16,17,23
Iraqi 119:5,7
issue 6:13 106:11
issues 6:15
items 64:10
Izaak 4:11

J

J-A-M-E-S 5:4
jacket 72:2
James 5:3
JC 16:6,7,9
jeopardizes 9:2
jerkily 11:5
job 24:2,5 25:17 31:15, 18 32:11 50:11 96:4 105:8 127:6 155:23
John 4:13
joined 4:13
joining 13:16
Joint 119:19
joke 85:2
Joshua 27:16
judge 6:1,6
judicial 5:23
July 33:23 42:12,15 45:9
jump 8:16 23:8
jumped 53:8 56:23
junior 15:14,20 17:8
justified 148:11
juvenile 16:3

K

Karly 4:4
keeping 73:11
keyed 136:12
kid 30:4
kill 122:2,6
killing 113:12
kind 21:4,5 27:5,8 30:24 48:2 49:8,23 52:11 58:1 59:9 60:10, 15 61:7,11 62:2,6,7,10, 24 63:4,9 67:19,21 69:16 70:2 80:13 81:1 85:25 86:17,24 94:25 95:19 96:7,19 99:12 111:20 113:23 122:20 123:2,13 124:23 125:9 136:13,19,25 137:1 138:4,21 140:3 143:17 144:11 145:10 153:9,22
knee 140:4
knees 61:7 62:15 64:7 111:10 139:16
knew 16:7 17:16 50:21 52:16 53:20 55:6 62:6 63:6 64:20 78:4 79:13 93:2,9,15,19,20 102:5 113:4 132:14 144:22 148:5
knife 129:6
knives 129:4
knowing 55:2 73:19 86:18
knowledge 12:12 37:17 52:5
Kydex 122:24 123:15

L

laboring 151:14
lack 71:13 98:4
lag 125:11,20 126:3 127:17,23
laid 64:12
land 57:7
landed 57:6
language 69:22 96:23 98:10,19 104:7
laptop 44:10,11 107:10
large 58:3,23 59:17,18 92:1
laser 133:21,23 134:16
lasers 133:25 134:4,22
Lastly 11:11
lateral 28:21
laterally 135:5,9
law 6:21 23:8 29:6 80:1
Lawson 13:13
lawsuit 31:12
lawyer 4:15 6:3,9,12 7:12 8:16 9:10,15 10:12 32:21 42:25 43:2,3,6,16 69:11 107:5
lawyer's 44:11
lawyers 7:8 69:14
leading 86:17
learn 24:8 49:14,18 68:15 76:24 147:14
learned 49:20 77:12
leave 32:4
leaves 126:21
leaving 103:20
led 51:14 53:10 55:10 67:24
left 22:4 49:19 93:9 94:25 98:12 113:21 123:10 147:16,19,22 149:13 153:23
leg 84:24 138:8 139:6,8
legal 31:12
less-than-lethal 148:17
lethal 72:14 78:5,7 79:21 80:23 81:8,14,20 82:1,8,16,22 83:4,8 85:22 86:4 92:7 100:9 119:17 121:5,21 132:24 148:18
lethal/less 79:21 81:8 85:22 100:9
lets 96:3
letting 8:4
level 43:23 74:11 95:25 103:25 131:4
levels 71:14 74:17
life 29:12
lifesaving 147:3
lift 55:15
light 146:14
likewise 82:11
limbs 132:20 136:17
limit 9:12 104:24
limited 82:8 98:7
limits 105:4
lines 99:11 133:13
lining 95:5
lip 131:25
list 98:9,12
listen 6:6,7
listened 33:7
litigation 11:14
live 126:13
lived 102:6
living 142:3
llaves 77:13
load-bearing 72:10
local 26:3 46:20
located 48:11,14 59:14 63:22
location 43:20 47:21 48:6,8,9,10 49:23 50:1 60:10 75:17
locations 47:16
log 10:23,24
long 12:21 13:14,22 14:10 15:1 16:12,14 18:16 21:25 23:20 25:7 26:10 37:9 42:1 47:5 61:19 66:18 71:23 72:4 117:3 127:4 128:6 156:2

long-bum 139:10
long-handled 61:16, 18
longer 100:2 130:15 134:12
looked 33:8 49:24 62:4, 5 67:19,20 68:4 69:6 75:18 76:14 87:17 89:14 121:19 130:9 131:21 136:20,24 140:3 141:19 142:15 143:16, 18 150:2,7,15 152:13
loop 89:12
lose 73:24
Losing 75:23
lost 57:2,4 88:5,10
lot 53:12,13 118:11 127:2 145:13 148:5
lots 24:3
loud 79:1
low 53:15
low-hanging 136:17
lower 43:22 53:15
lowers 95:24
lunch 9:23

M

Madam 10:7 105:14 106:10 145:16 155:5 156:5
made 43:9 52:9,16 57:14 58:5 70:16 77:16 130:18,19 132:20
magazine 124:2
magazines 72:14
main 26:3,10 27:7,9 46:13 47:1
major 17:1,12
make 7:2,19 8:9,14 12:6 26:18 28:12 34:17 47:13 50:8,25 51:8,12, 16 57:22 59:17 63:5 64:6 65:7 66:9,24,25 68:2,10,13,19 74:10 86:24 87:5 97:20 115:1 135:7 139:9 145:24
makes 35:20 62:12,25 82:5,14 86:20,21 90:22 99:19,20 123:25 131:7 132:3,16 135:17
making 61:8,10 62:23 63:4,11 64:7 69:20 81:3 85:2 143:8
male 45:21 53:20 70:9
man-sized 135:10
managed 115:17
management 17:4,12, 14
manager 17:23
manner 93:23
manpower 93:22
Marcus 27:15
Marine 18:19,23 22:20 126:6 127:13 129:1 155:11 156:3
Marines 20:12 80:5,6 127:22 155:17
marked 105:12,16,18, 20,24 106:1 146:5
marksmanship 127:2, 3
master 23:14
material 122:25
materials 33:11,12
matters 11:24
max 85:5
maximum 83:11 84:9, 11 85:17 86:19 134:11
means 7:25 30:25 32:5, 7 101:25 133:9 155:15
measures 147:4
meat 16:18
mechanism 123:2
mechanisms 124:14
medic 94:8
meet 13:6 56:19 156:16
member 23:19 24:23
memory 34:16 37:2 66:20
mental 98:10
mentioned 30:19 139:13
met 96:10
metal 14:9,16 61:5,15, 23
meter 8:23
meth 55:8 62:21
methamphetamine 56:14 67:6 98:18
middle 5:2 7:9 124:22
mile 102:25
military 22:25 23:4 29:5,9 30:16,18 127:8
milk 148:2
millimeter 83:24 84:10
millisecond 144:17 145:10
mind 73:12 74:1 77:15, 20 111:4 112:11
mini-marine 22:24
minimal 77:5
minute 108:3 139:7 144:13
minutes 9:14 45:3 47:7 52:14 66:21,23 67:12 94:17 107:23 145:19
misconduct 31:15
misdemeanor 30:3,12
missed 85:2
missing 29:11 58:19 127:7
Misstates 140:19
mistakes 7:19
mitigate 124:14
mitigating 100:16
mm-hmm 8:10 100:19 124:11
mobile 46:7
model 83:16,19
moment 40:13 50:23 63:8 109:25
moments 136:12 144:24
momentum 114:14 120:10
Monday 142:2 144:14
monitoring 43:19
month 24:19 25:9
months 12:23 14:11,16 16:15 18:17 22:1,2 23:22 24:12 27:2,5
morning 4:9,10 42:15 45:8,15 142:2 144:14
MOS 19:11,12,15
mother 104:6
mounded 118:16
Mountain 18:12 127:10
Mounted 118:5,8
mouth 125:5
move 10:8 91:23 109:4 122:16
moved 151:3
movement 52:22 101:2
movements 117:18
moves 129:9
moving 130:7 138:11
MRES 73:4
muffled 129:23
multiple 68:18

N

narcotics 54:25
narrate 135:23
National 57:3

nature 45:19
navigate 48:6
navigation 57:7
nearby 60:20
necessarily 14:7 63:10
needed 78:5 79:21 81:5 87:11 92:9 104:25 153:12
negative 32:13
negligent 124:15
nervous 52:11
nice 126:17 156:16
Nick 26:8
nits 143:22
nod 8:11
nodding 38:16
noise 61:9,11 69:21 70:16 86:25
noises 61:12 63:7,9 64:8 66:24
nonlethal 78:6
nonverbals 8:9,15
North 25:23 45:17
notable 53:22 57:22
notes 45:25 46:3,6 118:9
notice 105:15
noticed 16:5 112:21
November 22:14 154:18
nuh-huh 8:10
number 100:14

O

oath 5:24
object 46:2
objection 6:7 7:6 108:6
objections 6:2,3
obligation 106:7
obnoxious 141:2
observation 64:21 67:9 79:15 81:4 127:24
observations 38:1 57:23 64:6 74:10 102:21
observe 66:18,23 147:11
observed 12:7 34:6 144:19 148:10
observing 34:5 68:6
obviate 39:1
obvious 98:19
occasion 44:16
occupied 50:21
occur 110:5
occurred 11:13 33:22 42:14 110:10 146:15
occurs 107:23 130:5
OCTOBER 4:1
offense 29:21
offensive 29:18
office 12:20 13:8,17 26:3 27:8,9 28:8 36:22 41:19 43:22 46:13 154:8
office's 97:5,9,15
officer 6:20 13:20 14:3 23:13 24:18 44:12 53:23 96:15
officer-involved 41:7, 11
officers 43:15
offset 137:19 138:4
OIS 39:3
Okinawa 22:2
one-sided 69:1
ongoing 119:14
online 85:20,25
open 67:20 75:19,21 147:15 148:16,25 149:2
opened 58:1
operating 102:2
opinion 55:11
opportunity 42:25 44:3 134:18 135:18 140:18
opposed 25:3
opposing 60:12 133:13
opposite 130:7 131:14
opt 79:21
opted 53:11
option 82:21 103:14 104:20 150:19 151:5,7
options 72:14 82:7 100:10
oral 42:4,7,11 43:8,10
order 6:18,23 8:14 32:23 86:3 99:19 105:21 124:18,24 133:12 146:3
orient 106:20,21
orientate 106:20
originally 15:3 16:25 47:17
other's 133:13
outer 9:12 71:24
outfield 117:7
outfielder 92:2 137:21
outline 37:13
outset 89:5
overgrown 102:1
overhanging 132:13
overhead 92:17
overseas 20:1
overtaken 80:19
owner 45:25 53:6

P

P-O-W-E-R-S 5:4
p.m. 45:14 157:2
pace 89:1
paid 25:6
panel 89:13,18 92:14 95:1
pants 71:23
part 25:15 37:22 114:1
party 31:12
pass 28:4,10 48:2
passed 95:1
past 150:9
path 58:14
patrol 13:9 14:3 25:19 26:20 46:7,9 47:2 93:16 118:2,5,8,16 119:16 124:1
pattern 85:11
pause 10:23 106:25 107:24 130:5
paused 146:13 152:23
pay 24:18 119:21
peace 23:12 44:12
peeked 58:2
penal 37:12,19
penalties 5:25
pending 9:19
people 6:24 8:24 10:23 18:25 22:25 24:3 29:8 43:21 53:25 77:12 96:20 97:9 102:6
perceive 66:5 70:18 79:1 128:17
perceived 40:17 55:4 58:16 80:12 110:2 111:1 138:14,18 139:1, 3 144:20,21
perception 55:5 136:23 138:16
perceptions 128:24
perfect 10:9 12:17 101:25 106:9,13 108:16

perfectly 11:22
performance 32:14
period 25:5 26:12,13 27:10 28:7,24
perjury 5:25
permit 98:3 99:9
permits 100:1
person 35:12 43:11 47:20 48:2 62:25 64:17, 22 67:5 81:14 97:2 100:7 114:16 119:23
personal 8:13
personnel 6:20
perspective 68:3 141:19
pertains 97:9
pertinent 33:13
phone 44:10
phrase 128:9 150:8 155:12
physical 74:4,11 103:19
pick 24:5 75:14 98:8 138:21 141:1,12 142:16 143:18 144:7 148:21
picked 92:1 137:2 140:7,8,9,13 141:13 142:17,18,20 143:3 144:21
picking 103:10 116:10 139:3 140:17,21 141:17 143:22
pickup 48:13
piece 29:11
pilot 94:6
Pine 102:15
piss 9:4
pistol 84:3,19 124:18 125:13
pitched 117:19
place 48:14 70:23 75:16 123:1,2
places 126:17
plaintiff's 4:12
plan 53:1 77:15,17,19 78:6 79:17 80:2 81:5
plans 80:2
plastic 122:22
plate 92:3
plates 72:22
platform 11:4
platoon 21:17
play 10:25 15:13 105:11 106:19,25 107:20,21,24 108:9 110:18 111:12 115:25 116:8 120:16 132:3 137:23 146:4 152:1,14
played 11:5 15:14 108:10 109:1,17 110:19 111:13 112:16 113:17 115:7 116:1,13 120:5, 17 129:15 130:3 132:5 146:11 152:3,19
playing 108:3,7,25 109:16 112:15 113:16 115:6 120:4 129:14 130:2 138:3 152:8,18, 21
pleading 91:17
pocket 73:6
pockets 89:7
point 17:22 29:12 35:14 40:15 52:21 54:1 55:13 56:7 57:16 58:7,15,20, 25 63:19 64:15 65:13 68:3 69:24 75:12 76:15 78:3 79:24 80:15 81:7 82:2 87:18,24 89:2,24 91:14,19 92:5 93:16 100:17 101:19 102:18 112:3,5 113:2,3,10 114:20 121:21 124:19 125:9,24 130:15,25 131:18 133:17 134:1 136:11,19 142:13 143:13,20 145:3 148:17 151:9,24 153:10
pointed 57:6
pointer 10:18
pointers 5:20 8:8
pointing 110:23 113:8
points 107:25
police 6:20 13:18,19 27:21 38:24 40:2 53:23 143:8 144:8
policies 36:23,24 37:19
policy 33:8 36:22,25 37:2,3,4 97:5,9,16,24, 25 99:4
politeness 77:14
politics 119:22
populated 48:22
por 77:13
portion 95:4 127:7
portions 6:17,25
position 13:7 18:16 23:23 24:1,5 25:10 52:18 61:8 64:12 65:20 66:12,19 67:12 68:6 70:22 74:22 84:15 93:23 109:6 111:8,9 113:21 114:22 117:14 136:20 139:15,19
positions 133:13
positive 129:8
possession 149:16
possibility 112:13
possibly 32:4 54:24 55:8 95:15
potential 103:13
pounds 65:24 72:19
pour 148:2
poured 148:2
power 10:3 80:11 85:15
Powers 4:2,4,16 5:3,5, 7 65:10 106:3 155:21 156:14
practical 38:13
practically 83:8 134:9
practice 37:20
Praet 4:15 10:2 45:1 51:7 94:21 97:17,20 99:23 100:23 106:3,5 107:7 108:5 140:19 145:20 154:10 156:8, 10,19,22,23
preceding 26:15
precise 144:16
predictor 150:9
premium 24:18
preparation 33:10 34:20 37:23
prepare 33:5
presence 129:25
present 43:13,17
presently 12:19
preservation 7:15
press 68:21,25
pressed 152:14
pressure 123:17
Preston 27:15
presumption 151:14
pretty 5:12 11:15 14:13 15:11 19:5 24:7 29:7 52:10 54:4 63:13 68:25 72:24 73:2,7,14 74:3 75:25 76:15 77:5 88:1 113:9 132:21 136:10 143:25 145:3,4 155:9
previously 70:8,10
primarily 49:10
primary 19:12 20:15 80:16
prior 18:5,8,9 22:3 25:23 26:1 27:1,3,22 28:1 32:16 33:1 36:18 43:25 44:4,16 54:19 64:16 78:24 90:15 117:16 130:6 148:19 149:3,14 151:8
privacy 6:23 32:18 102:9

privilege 6:14
probation 16:1,3,7,12 27:10 28:10,17
probationary 25:4 28:7,24
probes 134:1,6 154:4
probing 29:18
problem 96:24 152:21
problems 119:15
proceeding 4:17 5:24 10:14 31:12
proceedings 157:2
process 128:18
processing 125:12
professional 31:15 37:21
proficient 84:6
progress 51:19
promised 9:10
promote 124:24
prone 64:12 67:12 68:6
property 46:1 48:15 49:15 54:20 57:13
protect 6:23 103:13
protections 6:21
protective 6:18 32:22 105:21 146:2
provide 37:13
provided 43:3 69:8,9, 10
proximity 86:15
psychological 33:2
public 6:21 7:2 35:18
puffy 66:15
pull 62:11 124:19,20
pulled 49:22
pulling 84:22,24
pulse 146:25 147:1,8
punishment 20:10
Pups 22:24
pure 110:12
purpose 24:22 25:1 35:7 36:13 37:1,15 64:13 95:23 139:23
pursue 17:14 24:1,4 29:5,6 89:6
pursued 59:10
pursuing 53:19 77:20 105:4
pursuit 71:14 73:18,25 74:12 80:10,19 85:21 86:3 110:6 121:23 122:8 125:21
pushed 88:25 140:4
put 39:17 40:23 47:22 61:20 73:7 84:13 104:5 105:14 109:9,14,20 121:22 123:4 124:5 125:4 128:15 138:18 146:23 147:5 151:3
puts 76:9 116:25 126:7 138:8
putting 76:9 153:2

Q

quality 65:6
quarry 73:24
quarterback 142:3
quarterbacking 144:14
Querce 14:23 15:17
question 6:6,10,13 7:8, 12,18,21,25 8:1,6 9:19, 20 11:12 14:6,7 25:1 38:6 41:5 45:8 51:2 71:15 73:11 90:7 155:6
questioning 9:20 105:23
questions 6:4 8:3,5 10:14 11:2 23:4 29:17 34:3 38:7 69:15 71:17 108:2 145:13 156:6,9
queue 131:11
queued 106:15 146:1,3
quick 117:17
quicker 124:24
quickly 8:25 76:15 85:16 88:4 148:21 156:21

R

radio 47:23 65:10,11,14 72:15 74:25 87:6,11
radioed 74:20
raises 95:6
ramping 96:15
ran 71:5 141:16 146:21 149:22
ranch 14:21,22,25 15:1 48:14 54:8 58:16,17 102:5
range 18:11 23:14 83:11 84:9,11 85:6,17 86:19 90:8 91:7,12 115:20,22 126:7,13 127:6 131:5 134:12 135:8
rapport 70:4 77:25 95:12,22 96:3 111:5
rare 96:18
ravine 87:21 95:2 101:21
re-holster 64:4
re-holstered 122:17
reached 116:5
reaching 137:19
reacting 128:14
reaction 128:9 129:7
read 37:9 68:21 69:4 97:14 98:9 144:4
reading 45:25 46:3 97:18,21,23
ready 44:21 82:1 94:23 116:17 120:3 137:13
reality 11:15
realize 130:17
realized 132:12
realtime 108:7
reared 120:2
reason 33:3 36:20 81:20 130:14 150:21
reasonable 47:11 51:16 113:9
reasons 29:7 131:15
recall 27:14 31:6 33:17 44:6 55:20 59:3 70:12 74:24 75:1,2 118:23 119:1,18,19,21 129:7, 11 137:17 140:15 143:8 155:4
received 32:13 154:19
recent 11:15
recess 45:4 94:22
recognize 63:7
recollect 36:15 59:18 128:5
recollection 117:11
reconnaissance 65:2
record 5:2 6:22 7:15 8:9,14,17 9:2 45:3,5 50:8 97:17 108:6 156:9, 20,25 157:1
records 6:20
recount 148:24
Reenlisted 19:5
reenlistment 19:6
referring 33:22
refresh 37:2
regular 24:17 47:9
regularly 37:6
reinforced 58:4
relaxed 104:7
release 123:5
released 35:17 67:19
releases 68:21

relevant 23:5

relieved 106:7

remain 105:22

remember 11:21 22:9 34:5,7,11,13 47:22 48:1 53:21 55:21 70:15 74:13,15 75:5 76:16 78:23 87:14,17 89:23 99:18 119:13

remembered 33:16 74:14

remembering 102:24

remind 36:15

remote 10:22

remove 123:18

render 11:24

report 38:10,12,20,21 39:1 41:11,12 50:12,19 51:3,4,5,12

reported 51:11 54:12 70:8,10

reportee 45:23

reporter 4:16 9:3,4 10:7 105:14 106:7,10, 12 155:5 156:5,21,24

reports 41:6

represent 134:5

represented 31:5

required 100:18

reserve 93:22

reservist 22:10

residence 45:22 50:21 54:19 58:5,6,8,18

resigned 154:21

resist 98:5

resource 29:14

respectful 5:8

respond 38:9 45:16 80:17 128:18,23

responded 65:19 90:23

responding 50:6,9 51:1 52:3,6

response 61:25 70:14 96:11 112:24 127:24

resting 111:9 139:15, 19

result 30:14 98:5

resulted 41:20

resume 125:21

retired 154:21

retirement 14:15

retrospect 82:17,18,24 145:1

return 21:7

reverse 131:19

review 32:2,5,14 34:24 36:20 37:1,4,21 43:24 44:3,9

reviewed 33:7 34:19 35:2 36:22 37:10

reviewing 33:11 35:8 36:14 37:16 41:20,21

reviews 68:18

ride 19:1 110:1

ridge 60:11,13 102:16

ridges 102:8

rifle 84:4 127:4,13

ripped 147:15,17

risk 124:15

River 13:10,14 25:21 26:2 27:6

road 15:22 48:1,4 57:14 102:16

roads 59:13,19

rock 39:7,10,11,13,14, 19,24 40:14 45:22 47:17 50:9,13 54:21 58:23 92:1,10,15 95:6 103:10,19 104:1 116:17,23 117:9,23 118:22,25 119:5,7,16 120:7,14 121:2,10 125:10,15 130:24 131:1,5 132:18,20 136:18,20 137:2,13,16 138:12,20,21,22 139:3, 13,20,23 140:7,9,11,13, 17,22,24 141:7,13,17, 21 142:11,16,17,18,20, 23,25 143:1,3,12,15,17, 19 144:7,21,22 146:16, 17 148:20,22 149:6,12, 13,19,23 150:3,16 151:3,11

rocks 53:13 118:1,17 119:2 148:19 149:3,16, 17

Rosa 15:19 17:7 26:4 38:23 40:2 143:7 144:8

route 46:22 47:11,16, 17 49:13 53:9,10

RP 45:22

rule 6:2,6

rules 5:21 118:19,21,24

run 10:12 30:4 57:12 82:5 112:11 132:8 150:1

running 54:20 70:23 87:2 89:1,7,23 95:10,20 104:5 111:4 122:15 124:1 125:10,14 131:4

rural 45:17,22 48:20 54:9 98:24 101:12 102:7

S

safe 80:3 81:9,15 93:24 108:19,20

safely 88:4 96:2,4 100:7 105:8

safest 82:21

safety 124:9,14,16

San 13:18 17:6,17 29:13

Santa 15:19 17:7 26:3 38:23 40:2 143:7 144:8

sat 42:17

scanned 52:17

scanning 52:22

scenario 92:15

scene 36:18 47:13 49:20 50:1 52:7

schedule 9:17

Schmidt 27:16

school 16:22,24,25 19:22 21:7,18 22:23 24:6 126:10,24 127:1 137:25 138:3

Schwaiger 4:8,11 9:22 10:6,17 44:24 45:2,5,6 51:10 94:23,24 97:19, 22 99:25 100:11,25 101:4 105:19 106:4,9, 13,14 107:1,9,16 108:8, 11 109:2,18 110:20 111:14 112:17 113:18 115:8 116:2,14 120:6, 18 129:16 130:4 132:6 140:20,25 145:16,21 146:7,12 152:6,7,20 153:1 154:13 155:5 156:5,12,16 157:1

scope 154:10

Scott 4:14

scout 19:16,21 21:7,14, 17 126:24 127:1

scream 86:25

screen 4:14 113:21 152:4,8

screw 5:9

seal 32:22

search 53:16

searching 46:1,2 53:3 75:10

Sebastopol 15:6 26:25

secondary 19:15

seconds 106:16,25 108:4,9 111:23 116:9 121:20 122:12,14 128:6,21 152:11

section 88:7 97:14

segment 35:25

segments 36:1

Sei 14:23 15:17
self-attached 46:23
senior 22:22
sense 7:3 34:17 35:20 62:13 82:5,14 86:20,21 90:22 99:19,20 131:7 132:3,16 135:7,17
sentencing 150:13
separate 60:12 138:23
separated 60:3
sequestered 40:12
Sergeant 13:13 26:7
serve 23:1 29:8
served 22:25
service 19:9 29:9 30:16 31:1 38:9 44:13 46:15 63:20 64:4 71:22 83:22 85:18 113:13 122:18 127:8 137:6 155:25 156:2
set 4:6 90:10 128:17 134:4
señor 108:15,18 109:20
SFPD 13:20,25 14:8,17 27:22,23 28:1
shake 8:10
shale 87:25 88:9
shared 55:5
sheet 14:9,16
sheriff's 12:20 13:8,17 28:8 41:19 154:8 155:3, 8,9
Sheriffs' 43:4
shift 45:12,13 79:18
shirt 71:23 147:15,17
shock 125:9,19
shoes 53:21,25 54:1,2, 10,11
Shone 15:19 16:14,20 18:5
shoot 84:18 94:12 102:20 118:25 119:3 155:12,15,19
shooting 41:7,11 42:22 107:23 148:11
short 44:23
shot 41:21 82:25 113:4 144:22 146:19
shots 143:20
shoulder 137:1
show 113:6 132:22 136:13
shown 35:16
shows 13:23
side 11:6 52:19 57:12 60:12 69:1 88:3 102:8 120:8 123:10,11 126:2, 21 147:23
side-by-side 53:7,9 55:15 56:19,23 58:18 63:22 64:3 90:21 93:14
sides 4:18 117:1
sight 63:15 73:24 133:14
sign 16:5 58:11
signed 22:23
significance 109:24
significant 114:10,13 155:16
significantly 85:17
Similar 123:15
Similarly 10:25
simultaneous 140:10
simultaneously 16:17 72:13 144:12
sir 4:19 5:7,15 8:19 12:19 13:2 19:10,14 20:14 23:16 24:15,25 25:1 27:25 42:20 45:11, 18 46:5 48:25 49:5,17 50:18 60:14,24 62:22 64:9 65:4,9,23 71:6,12 73:3,9,21 75:5 83:25 84:5,8 94:13,25 119:9, 21,24 126:15 127:8,15 129:11 135:12,16 152:4 156:4,15
sister 57:2
sit 41:23
sitting 43:25 44:5 155:22
situation 82:1,7 95:15, 25 98:22,24 100:3,6,17 127:21 128:3 145:4
situations 25:18 86:15 96:17 97:4 104:19 127:23
skinny 66:14
skip 59:22
skipped 95:3
sleeping 126:20
sleeves 72:4
slide 123:4
slight 137:18
slip 5:10
slower 129:8
slows 95:24
smacks 78:21
small 132:20
smaller 25:16 117:11 121:11,12
smashed 47:24
smashes 79:10
snap 123:1
snapshot 80:25
sniper 19:16,22 21:7, 15,17 94:9 126:24 127:1
soft 72:21,23
SOI 126:14
solely 150:22
somebody's 44:10
someplace 75:15
Sonoma 12:20 13:7,17 14:17 15:3 27:7 28:7 30:8 45:17 48:18 154:8
sort 47:20 54:24 63:3 70:3 78:5 100:5 111:5 147:1,18,19
sought 33:2
sound 29:17 62:24 67:2 68:12 98:13
sounded 46:17 50:22, 23 51:24 52:1 61:12 63:2,8,9 67:2 68:11 104:16 129:18
sounds 29:2 42:13,20 62:24,25 63:4 84:16 85:10 86:22 98:15
south 75:18
spaces 53:12
spade 62:10
Spanish 68:12 70:2,7, 11 76:22 77:4,5,7,11 91:17 95:19 109:14
Spanish-speaking 77:3
Sparely 48:22
speak 77:6 82:17 106:21 131:19
speakers 77:6
speaking 6:5 70:11 77:11 83:8 84:2 102:10
special 15:11 23:11 29:19
specialist 18:11 127:6
specialized 84:1
specific 17:20 25:1 50:19
specifically 6:9 21:14 33:12 51:2 56:5 70:15 102:16 129:11 137:17
speculation 110:12
speech 8:24 104:21
speed 47:11 115:3
speeds 47:9
spell 5:1
spellings 156:6

split 79:21 85:22

splitting 138:5

spoke 76:22

spots 54:9

spotted 60:18 103:22

spread 85:11 134:5,13 135:5

spree 90:13 99:1

spring 19:23

sprinting 76:2,5 117:17

SRPD 41:24 42:18 43:9,14,15

stable 84:15

Staff 119:20

staffing 94:6

stage 94:1

stalled 10:20

stamp 146:4

stance 137:19

standards 84:16

standing 91:14,20 108:6 112:9 133:11

stared 67:22

start 6:19 7:21 29:15 44:21 75:10 76:4 82:19 89:7 99:17 131:20 147:3

started 17:7 47:19 68:1,8 70:22 122:15

starting 88:4 120:20

state 5:1

stated 131:15

statement 42:4,5,7,8, 11 143:9 144:4,9

statements 38:1 43:8, 10

stating 75:2

stay 19:1

stealing 90:20

steel 58:4 89:14

steep 75:19 88:5,9

step 132:2 137:9

steps 39:18 92:1 116:11 120:8,9,11 124:22 150:1,17 151:2

stick 57:5

stipulate 106:6

stolen 47:24 58:19

stone 116:6,10

stood 67:21

stop 10:13 95:10 118:7 138:3 140:23 154:6

stopped 108:12,22 109:3,19 110:21 111:15 112:18 113:19 115:9 116:3,15 120:10 129:17

story 69:1,3

straight 87:15 126:10

strange 18:22

strap 123:6,16

strategically 102:9

streambed 149:20

street 96:7

strength 117:17

stressful 127:21,22 128:3

stretch 9:14

strike 19:25 141:5

stroke 73:23 74:5

structure 86:16

structures 101:14

struggle 80:12

stuck 49:24 50:3

student 18:6,8

stuff 22:5,6 73:4 96:1 102:13 109:20 110:23

stumble 8:14

stumps 53:13

subject 5:24 6:17,20 24:20 31:23 32:1 39:6, 9,11 41:20 46:1 47:3 53:3 54:2 96:3 105:21 146:2 148:18 151:18

subject's 98:4

subpoena 105:15

Substation 13:10

successful 111:16

sudden 80:14

Suffice 85:16

suggest 145:17

suggested 119:16 147:2

suggestion 81:3

supervisor 13:11 26:5

supposed 133:25 151:21

survive 24:10

suspect 54:3,6,12 55:23 56:1,25 59:7,10, 14,24 60:2,19 61:1 63:15,24 64:7 65:12 66:18 68:15,22 69:20 74:9,21 75:7,10 76:12 77:23 78:2 80:4,20 81:21 82:15,22 86:8,12 87:20 88:13 89:1,6,19 90:1,8 91:13 95:2,6 96:3,13 98:18 103:7 105:5 107:18 108:17,21 109:7,21 113:20 114:20 115:12,18 116:5,10,22 130:13,14,21 131:12 132:9,17,23 133:2,12, 15,18 134:20,23 135:19,25 136:2,7,17 139:15,18 144:6 146:19 148:7,12 149:3 150:15 151:9,10 154:4

suspect's 66:5 67:24 70:14 103:20

suspects 53:24 151:21

suspicion 56:10 67:4

suspicions 67:9

sustainable 16:25

SWAT 23:18 24:14,17, 23 25:3,13

switch 17:3 122:9 124:16 125:3 145:22

switched 16:8 17:1

sworn 4:3 13:19 23:12 44:12

Syrian 21:2

systems 86:19

T

tactic 101:10 103:5,8 104:12

tactics 23:13,17,21 24:5 99:14,22 100:5,10, 13,21 101:1 104:18

taker 81:15

takes 78:15 117:3

taking 4:12 137:9 151:22

talk 6:22 7:16 8:25 9:15 11:13 77:24 99:13,22 127:16 138:16

talked 139:14

talking 6:19 22:7 32:17 33:24 34:2 36:17 44:21 48:17 84:11 86:17 99:23 100:4,23 109:10 111:17,18,23 126:3 156:10

tall 65:25 103:21

target 135:10,14

Taser 44:17 82:25 83:2, 12,17 90:4,9,14 91:8, 24,25 92:6,8 95:5 113:5 115:15,21,22 121:6 122:17,20,22 123:10 125:22 132:15 134:1,5, 15,19 135:19,21 136:1, 14,15 137:3,5 140:6,9, 12,14,16,18 141:4 142:21,23,24 143:4,14, 15 144:6,17,18,22 146:23 150:23 153:24 154:1,4

Taser's 85:16

Tasers 82:12 135:4

taught 53:24

team 15:9 23:18 24:14 25:3,13,15,16 29:10,11 80:13

tech 10:19

techniques 57:7 96:24 98:14

teenager 77:11

telegraphing 137:1

telling 34:16

tells 7:12 69:1

ten 94:17 106:25

tend 10:3

tendency 8:25

terminal 46:7 93:16

terminate 59:20

terminated 154:20

terms 30:25 32:5 93:8 125:10 145:5

terrain 52:16 59:9 73:14 88:9 101:24 102:1,5,8

Terrific 5:5 7:5 8:22 10:6 11:10

testified 5:13 121:1

testimony 5:23 7:14 140:19

Teton 57:3

That'd 110:12

then-president 119:15

therapy 33:2

thing 7:21 34:9 36:7 40:8 97:21 111:20 123:16

things 5:9,25 9:1 10:11,13 11:17 12:7,8 24:4 34:4,6 59:22 72:14 75:3 115:1 138:23 144:19,20

thinking 17:22 48:1 77:22 110:11,12 111:1, 3 114:19

thinks 32:21 110:14

thought 24:8 26:19 27:18 35:13 50:10 53:14 57:25 91:8 121:1 132:14 139:1 140:21

threat 87:16 100:22 101:7 103:6,13,25 127:24,25 131:4

three-seater 53:7

threw 39:14,24 40:14 146:22

throw 39:11,13,16 57:5 92:2,4 104:1 116:17,22 117:23 118:17 120:3 121:2 125:17 132:18 137:13,22 138:9,10,22 139:4,10 140:22 141:6, 17,21 142:11 143:18 148:22 149:5,16,21,23 150:3,5,6,7,16 151:11

throwers 119:17

throwing 39:6,10 118:22,25 119:8 140:23 148:22

thrown 47:18 50:10 149:11

time 6:2 7:10,20 8:15 9:16 13:24 14:2 16:12 17:22 18:5,22 19:17,18 20:2 21:23 25:6 26:6, 12,13,15 28:5,10,14,18 35:1 38:1 40:11,13 42:24 45:8,15 52:5 55:3 56:7 60:1 63:19 64:17, 18 65:13 66:3,23 67:13 68:8,14 71:4,15 76:21 81:1 83:2 85:24 87:17 94:17 98:2 99:8,13,22 100:1,2 104:24 105:4,7 107:19 110:3 113:8 120:25 122:10,11,13 124:4 125:4,11,20 126:3,18 127:17,23 128:4,7,16 129:7,9,24 131:18 136:22 137:3,6 140:7,14 143:11 146:4 150:13 155:16

timeline 9:11 11:15

timely 93:23

times 5:16 35:21,24 36:2,6,9 77:23 78:18,19 104:20 139:13

timestamp 106:16

timing 82:8 143:25

tired 145:4,5

title 5:8

today 4:13 9:12,24 33:6 83:19 155:24 156:13

today's 23:15 105:16

told 10:12 31:8 58:25 78:3,6

ton 43:21 155:10

tool 62:6,7,9 79:10 87:1

tools 61:4,15,16,18 62:3 72:2,3,13,18 78:15 91:4

top 60:19 61:3 71:5 75:7,17 89:15 101:20 102:22 111:8 133:11 134:9 153:23

torso 66:13

total 26:11,14

totality 54:18 141:14 142:12 148:15,20

totally 62:25 73:23 83:4

tour 27:8

tours 117:21 126:16

town 27:7

tracking 131:14

traction 115:3

trail 58:13 75:14

train 25:17

trained 21:18 94:11 128:16 129:7

training 12:8 18:12 24:19 84:2 98:13 99:21 100:14 126:5,7 127:2, 11,18 129:2,4,6 151:20

transcript 4:17 7:1

transition 121:17 125:13,24

transparency 41:16, 18 42:8,10

Traps 72:24 73:2

travel 93:13

traveled 88:5

traveling 76:15

tree 52:17 57:4 77:18, 20 78:2,12,16,18,21,22 79:3,7,10 86:25 132:12

trees 53:13 75:20 132:1

tremendously 74:24

triangulate 132:9 133:8,12

triangulating 143:12

triangulation 100:8

trick 38:6,7 41:5

trigger 84:22 124:20 126:18

trough 91:15

truck 47:21,24 48:10,13 49:23 50:2

true 60:2 65:8 76:25 81:2 83:9 85:23 104:23 139:18

Trump 119:16

truth 4:4,5

turn 78:10 86:24

turned 120:19

turning 78:24

turns 87:1

two- 53:7

two-way 96:7

type 102:9 123:15

typically 6:5,12 7:7 38:8,12 105:3 114:17, 18

U

uh-huh 8:10 33:20

ultimately 48:13 49:12 55:14 56:17 59:13,21, 23 65:19 75:14 76:24 116:22

unclip 89:18

unclipped 88:24 89:10 92:14

understand 12:14 28:23 62:8 81:11 99:4, 15 103:15 107:21 142:2,7

understanding 41:9, 10 59:9 60:18 64:23 97:15,24

understood 26:19 40:15 120:23

underwear 12:10

undone 123:7

unfair 142:5

unfortunate 10:21

unhandcuff 147:3

unholstered 122:17

uniform 71:23 72:6

unimproved 59:13

unincorporated 48:18

union 14:9,20

unit 22:8,10,15 46:19 155:17

units 46:20

University 17:6,16 29:12

unjustified 155:15

unsafe 82:25

unsure 101:17

up-armored 118:12

update 37:6

updated 37:5,12 48:10

upper 147:16

upset 52:11

V

vague 51:7

valley 52:20 82:6

valleys 102:13

valuable 35:11 156:1

vantage 35:14 101:19

vegetation 126:2

vehicle 46:7,9 47:2 49:13,14,18 54:22 59:15 93:16

vehicles 48:3 59:16 118:12

Verbally 46:25

version 76:4

vertically 135:5,6,13

vest 71:24 72:2,6,8,10, 17,22

vests 73:5

victim 39:4,5,6 40:16

video 105:12,19 106:8 107:3 108:10 109:1,17 110:19 111:13 112:16 113:17 115:7 116:1,9, 13 117:10 118:7 119:25 120:5,17 129:15 130:3 132:5 136:23 144:14,15 145:23,24 146:2,8,11, 14,15,18 152:3,8,19,22 153:22

videos 11:5

view 68:3 70:17

vineyard 17:23 54:7 58:15,16 59:18

vineyards 14:23 48:24 49:1,10

visible 101:15

visual 88:14,16,17

voicing 81:4

volition 69:7

volleyball 117:11 121:12

volleyball-sized 121:10

volunteered 23:23 25:11 46:21

W

waist 66:15

waiting 32:9

walk 53:11 93:15,18 120:20 131:6

walked 125:25

Walking 112:7

wall 58:23

wanted 23:1 29:8 53:15 64:21 86:20 91:16 129:12 130:17

war 79:2,9 119:20

Warfare 18:12 127:10

warm 71:20 73:5,15

wash 77:10,12

waste 7:10

watch 35:19 36:8 132:7 144:15

watched 36:10 132:8 145:1

watching 35:19 67:11 136:23

water 70:2,5 71:17 73:17 89:7 91:14,15,20, 22 103:10 104:11 106:18 114:4,23 115:1 116:20,21 150:16,25

waving 109:21

weapon 44:13 63:20 64:4 83:22 86:19 113:13 122:18 124:5,25 126:21 127:13 134:12 137:6

weapons 64:22 78:3 85:18 91:5 109:11 112:21 113:1,8 131:5 146:21

wearing 12:10 53:21 123:14

WEDNESDAY 4:1

weeds 62:11

weeks 126:7

weigh 65:23 72:17

weighs 73:13

weight 24:9 66:2,8 73:16

weird 22:5,6 64:7

well-off 102:6

west 26:15,17,20,24,25 27:1 58:22

Westside 15:21

whatnot 49:2

Whereabouts 15:5

winded 63:1 73:23

winding 139:9 150:7

window 45:21 47:18 50:10,13 51:4,24 54:20 149:18 152:16

Windsor 27:7

windup 136:25 138:22

wins 7:10

wire 89:11,12,13 153:24 154:1

women 13:5

wooden 61:4,14

word 56:1 66:17 71:14

words 63:10 67:2 68:8 69:21 99:19 125:4

work 9:24,25 14:12 15:1 27:22 54:8 65:3 96:16,21 101:24 103:2 105:3,4 118:3

worked 14:9,19,21 15:19 16:17 18:11 77:2, 10,12

worker 58:17

workers 54:7,9 77:4

working 15:17 16:20

45:12 77:5 80:13 102:5 145:8

works 28:20

world 127:13

wound 147:16,18

wounds 147:20,21

wrap 124:4

wrestler 24:6

wrestling 15:16

write 41:6,10,12

written 37:25 38:21 39:1 42:5,8

wrong 54:14 81:12 138:20 152:8,16

X

X2 83:18 85:6 133:20 135:4

Y

yards 12:4 63:16 84:12, 14,19 85:3 90:2 101:17

year 11:14,16 12:22 13:15 15:14 16:19 18:3 25:22 28:8

years 13:23,25 14:17 15:2 18:20,24 19:4 30:9 57:2 77:4 84:14 119:13

yell 78:23

yelled 78:23,25

yelling 66:24 67:3 68:8, 11 78:24 79:2

yells 79:9

yesterday 10:19 11:4

Z

zeroed 141:20

Zone 26:25

Zoom 11:4