

EVIDENCE TAPE

People v. Isaac Serrano
RIF 136250
Transcript of Interview of [REDACTED]
March 24, 2007
074137

Key: BRYANT: Detective Andy Bryant

AUSTIN: Sergeant Fred Austin

[REDACTED]

[REDACTED]

[BEGINNING OF TRACK 1; DURATION: 29:50]

BRYANT: Okay, what time is it? It's about 0735. And, okay, my name's Andy Bryant. I'm a detective, and, uh, uh, this is Fred Austin. He's a detective sergeant.

AUSTIN: Hi.

BRYANT: [REDACTED]

[REDACTED] Nice meeting you.

AUSTIN: Pleasure.

BRYANT: [REDACTED]

AUSTIN: You got punched?

[REDACTED] I got punched, sir.

BRYANT: Oh, do you need medical attention, or no? Okay.

[REDACTED] It's okay. I'll be alright.

AUSTIN: We'll get some pictures of you here in a little while, though.

BRYANT: Yeah, let's see...

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AUSTIN: Where'd he punch you, in the mouth or...

[REDACTED] In my face.

AUSTIN: Oh, okay.

BRYANT: What's your middle name, [REDACTED]

[REDACTED] Uh, [REDACTED] I don't know how to spell it, sir.

BRYANT: [REDACTED]

[REDACTED] Yes.

BRYANT: Uh, let's see. Your birthday's [REDACTED]

[REDACTED] Yes, sir.

BRYANT: Okay, very good.

AUSTIN: What do you do at the restaurant?

[REDACTED] I do, uh, [REDACTED] uh, drive-thru, clean.

AUSTIN: How long have you worked there?

[REDACTED] Two months and a half, I think. Tomorrow, it's either two or, thought, like, three months, two months.

BRYANT: Oh, okay. You're 18 years old, then, and let's see, do you have a cell phone?

[REDACTED] No, sir.

BRYANT: Okay. You don't know the address to this Long John Silver do you?

[REDACTED] No, sir.

BRYANT: That's fine.

[REDACTED] No.

BRYANT: Let's see, do you, do you cook or your...

AUSTIN: Do you have a CR yet?

Uh, cashier, I clean tables...

BRYANT: ...I don't know, I ... Okay.

AUSTIN: *[On phone]* Hey, it's Austin. Hey, what's the CR on this OIS? And what time? And what's the address for Long John Silver's? Okay, great. Thank you. Bye. Ready?

BRYANT: Yeah, 1340, that it, El Sobrante?

AUSTIN: Yeah.

BRYANT: Okay.

AUSTIN: And the, uh, is CR is 4137-1709.

BRYANT: Okay, okay. Okay, so you say you've worked here for a couple of months.

Yes, sir.

BRYANT: And what time did you come to work today?

4:30, I believe.

BRYANT: Okay, and what was your assignment today at work?

Was to do everything that I usually do.

BRYANT: All the normal, sort of the front end of the restaurant stuff?

No, yeah, normal thing.

BRYANT: Yeah.

My boss picked me up, you know.

BRYANT: What do you mean?

[REDACTED] My, my, my boss, like my, uh, [REDACTED]

BRYANT: Uh huh.

[REDACTED] I met him, he picked me up at home.

BRYANT: Oh, he brought you to work?

[REDACTED] He brought me to work.

BRYANT: Okay, well, that's nice. Do you know [REDACTED] last name? I haven't met him yet.

[REDACTED] No, sir.

BRYANT: That's fine.

[REDACTED] I call him by [REDACTED]

BRYANT: Yeah, I gotcha. So, you clocked in about 4:30 or so, and then, uh, what can you tell me about what happened?

[REDACTED] Well, it all started when my, uh, boss picked me up.

BRYANT: Oh, uh huh.

[REDACTED] Um, he told, we were at my, my house. He told me that, uh, if I had any problems with [REDACTED] husband or me or my other friend [REDACTED] [REDACTED]

BRYANT: Okay.

[REDACTED] And, um, I told him, "no". I mean, we don't have problems. I was just talking to him face to face yesterday, friendly. Me and him, we had no problems. I, I go to his house, like, not to his house but, like, where he lives, and, like, I was there yesterday.

BRYANT: Who? [REDACTED]

[REDACTED] No, it was, 'cause my other manager lives there.

BRYANT: Oh.

[REDACTED] And, like, they live, like, almost in the same part of the building.

BRYANT: Oh, okay.

[REDACTED] So, like, I don't talk to him. He doesn't talk to me.

BRYANT: Who?

[REDACTED] The husband.

BRYANT: Oh, okay.

[REDACTED] Most of the times I talk to him, he's all, "hi, how you doing?"

BRYANT: Oh.

[REDACTED] Or how you guys doing, you know.

BRYANT: Yeah.

[REDACTED] All right.

BRYANT: So, he knows you work here, probably, but, well, obviously, but he doesn't really know you. Is that how it is?

[REDACTED] Well, he knows me...

BRYANT: He's just hi and bye?

[REDACTED] No, he knows me now, by now.

BRYANT: Oh, okay.

[REDACTED] Uh, I seen him, like, every afternoon probably.

BRYANT: Oh.

[REDACTED] Because he picks up his wife.

BRYANT: I see.

[REDACTED] And um I see him every time hi or...

BRYANT: Oh.

...or not.

BRYANT: Okay.

He's just always sitting in his car, and I'm like, he always sits in his car, and he doesn't talk a lot.

BRYANT: Yeah.

Until my boss told me that, uh, there was something wrong with him.

BRYANT: Uh huh.

And I'm, like, no, "I don't have a problem with nobody, nothing."

BRYANT: Oh, okay.

Until, uh, my boss told me that he came over the restaurant, and he walked in the restaurant, like, uh, and, and where the cashier's at.

BRYANT: Uh huh.

And he grabbed my friend, and he socked him.

BRYANT: Oh, who, who's your friend?

And then he was...

BRYANT: Okay.

And then, and then he was looking, he told that he was looking for me to talk to me.

BRYANT: Oh.

And I'm all, okay, I want to talk to him, too, if he's looking for me, if he wants to talk to me.

BRYANT: And this all happened before came to pick you up from work? It all happened today...

[REDACTED] No, no...

BRYANT: Oh...

[REDACTED] Like, oh, with, in the morning I think it did.

BRYANT: But, yeah, okay.

[REDACTED] I don't know what time it happened, but he told me it happened.

BRYANT: Okay.

[REDACTED] And he told my friend if you wanted to make a police report, he said, "no, just leave it alone."

BRYANT: Oh.

[REDACTED] He told him to leave, I guess, and my boss told me, well, if he goes over there, just try not to do anything stupid.

BRYANT: Oh, okay.

[REDACTED] And I'm all, okay, I won't. Um, I go to work, clock in at 4:30, I think.

BRYANT: Uh huh, yeah.

[REDACTED] 4:30, 37, I think, and then I go throw the trash out, and I, he hasn't got shown up. He shows up while I was starting things, some tables over to the window that his car's parked at.

BRYANT: Right.

[REDACTED] Because I go in, and I see dirty tables, I start cleaning.

BRYANT: Oh, okay.

[REDACTED] 'Cause that's my job.

BRYANT: Was he there when you came to work, or did he, or...

[REDACTED] No, he was not there.

BRYANT: He showed up after...

[REDACTED] He showed up...

BRYANT: ...you'd already been working.

[REDACTED] ...uh, he showed up after I clocked in...

BRYANT: Oh, okay.

[REDACTED] ...threw the trash away.

BRYANT: Right.

[REDACTED] Like, 30 or 40 minutes later he showed up.

BRYANT: Oh, okay, gotcha.

[REDACTED] Then, uh, he was looking at me.

BRYANT: Uh huh.

[REDACTED] I'm not gonna look at him back, because I don't have no problems.

BRYANT: Is, is he inside his car?

[REDACTED] He's inside his car looking at me...

BRYANT: I see.

[REDACTED] ...doing what I'm doing I go, I'm not gonna look for problems. I'm just gonna stay away, and the wife told me, "when he comes, tell me if he gets out of the car."

BRYANT: Okay.

[REDACTED] And I'm, all, "well, your husband's here, and I don't want to have problems", just want, uh, and I told her, she told me, 'cause he socked [REDACTED] and I'm, I'm not scared. What is, why am I gonna be scared...

BRYANT: Yeah.

[REDACTED] ...of him, I don't have nothing to do with him. I have never told him nothing. I'm not scared, okay, um, and then he pulls out of the car. I was cleaning the table, but he goes in, I didn't tell her way. He just pulls in friendly, actually, and he goes, "Come here. I want to talk to you", like, friendly, and I'm, all, oh, okay. I took my hat because [REDACTED] the one that, uh, was on the floor...

BRYANT: Okay.

[REDACTED] ...um, it was time for him, him to clock in. He let him borrow his hat.

BRYANT: Oh.

[REDACTED] And he wanted it back, and I put it back where, where my trashcans is at.

BRYANT: Uh huh.

[REDACTED] Put it right there, and I went outside, and I'm all, so, I heard you were looking for me, talk to me. He's all, "yes", and he said, are you trying to get some, I'm all, what, "what is it that you want to talk to me about?" He said, "are you trying to get smart on me", and that's when he threw the first sock at me, and I backed up, then he started throwing 'em, and then I got mad. I took my shirt, like, [REDACTED] came out.

BRYANT: Uh huh.

[REDACTED] And [REDACTED] came out. [REDACTED] standing, like, beside me, and he stopped for a while, socking me, and then I, that's when I took off my apron and my shirt, and I'm all, you know what, you can piss me off. I'm gonna start socking you back for socking back. [REDACTED] came out, and I guess that guy thought that [REDACTED] was gonna, was hooked now with him, and he got problems with him, too.

BRYANT: Oh.

[REDACTED] And then [REDACTED] said, I don't have nothing. I'm just trying to stop you guys from fighting so they don't call the cops on you and go to jail.

BRYANT: Yeah.

[REDACTED] And I, and I saw, like, I saw him telling [REDACTED] "now you're against me, huh?" And [REDACTED] said, "no, I nothing to do", then he starts socking

██████ doesn't want to hit him. He's just telling him, "don't hit me."

BRYANT: Yeah.

██████ "Stop hitting me because I know I'm not gonna sock you."

BRYANT: Yeah.

██████ "I don't have nothing to do with you; I don't want no problems."

BRYANT: Yeah.

██████ He keeps socking him, we pull him away, away from ██████ cause ██████ dropped him to the floor because he socked him.

BRYANT: Oh.

AUSTIN: ██████ socked him?

██████ Yeah, 'cause he...

AUSTIN: And knocked him down?

██████ Yeah, 'cause he wouldn't stop socking him. And, uh, we grabbed him. We were holding him, and then, uh, he said he was, he, he told them that, uh, he was against, he was against him, and he's just all, oh, "I had nothing to do with you. I don't have, I'm not against you. I'm just trying to stop this before the cop shows up before someone calls the cops."

BRYANT: Uh huh, yeah.

██████ And he's all, "if I get arrested, I don't give a shit. I'm still going to beat your asses up when I get out." I don't have a problem, and then I didn't tell him nothing. I just tell him, "just calm down..."

BRYANT: Yeah.

██████ And he, "he just calm down and just take off", because he smelled like alcohol.

BRYANT: Oh, okay.

██████████ And so he said he was gonna be calm. He got up and started socking him again. Uh, then ██████████ I guess, started socking him back. We got him back down on the floor. It was me, ██████████ and ██████████ I was holding his feet because he was trying to kick already.

BRYANT: Oh, okay.

██████████ And one of his, uh, I think it was his left arm.

BRYANT: Uh huh.

██████████ And then my friend, ██████████ was holding his other arm, and ██████████ was holding both of his arms. As he was trying...

BRYANT: Both of his arms or both of his legs, uh, his feet?

██████████ No, both of his arms. Like, I was holding one...

BRYANT: Leg?

██████████ The elbow...

BRYANT: Oh.

██████████ Because he was trying to get out.

BRYANT: Oh, okay.

██████████ And we wouldn't let him out.

BRYANT: Yeah.

██████████ He, he was fighting, and he was drunk, I think.

BRYANT: Yeah.

AUSTIN: Was he slurring his words when he talked?

██████████ Well, he always slurs his words.

AUSTIN: Um.

[REDACTED] But, he's, I could smell it, like, bright strongly.

BRYANT: Yeah, yeah.

AUSTIN: Okay.

[REDACTED] And, I, 'cause he said that we went to ask for condoms for his wife. And...

AUSTIN: Why, why would he think condoms...

[REDACTED] That happened, no, that actually did happen, but it happened months ago, months, 'cause we're friends with the gr—the wife, and he knows that, that we, like, are friends, and stuff. The manager that we go visit, she lives right there. One day we were going to go to a party...

BRYANT: Yeah.

[REDACTED] And, uh, she told us to meet her at her house. So, uh, we did, we went, and she was in there, so we, uh, we came back; we saw [REDACTED] walking. We uh, [REDACTED] wanted to talk to her, so they talked for a while.

BRYANT: Uh huh.

[REDACTED] She had her daughter with her. So, and, um, and [REDACTED] started talking to her, then [REDACTED] all, "can I have some condoms?" And she asked, "for what?" "'Cause we were gonna put it, we were gonna put a prank on my friends, [REDACTED] We were gonna put condoms in his car."

BRYANT: Oh.

[REDACTED] And so, she's all, "yeah, I got condoms. I'll give 'em to you, don't worry."

BRYANT: Yeah.

[REDACTED] She gives us the condoms, and I guess she told him that she gave us condoms.

BRYANT: Oh.

[REDACTED] And that's why the whole thing started.

BRYANT: Oh, and this was months ago, you said?

[REDACTED] Yeah, it was...

BRYANT: Yeah, for a couple months?

[REDACTED] ...not, like, I'm not gonna say months ago, a couple of months.

BRYANT: When you were kind of a new employee over there?

[REDACTED] No.

BRYANT: A little bit after you started, or had you started yet?

[REDACTED] I had already started.

BRYANT: Oh, you don't, okay.

[REDACTED] Yeah, so, uh...

BRYANT: So, did you know these people before you got hired here?

[REDACTED] I only knew [REDACTED] He's the one that, uh...

BRYANT: Oh, okay.

[REDACTED] ...got me the job.

BRYANT: I see, okay.

[REDACTED] Uh, and, and he used to talk to her.

BRYANT: Oh, okay.

[REDACTED] You know, and then I got introduced, and...

BRYANT: Oh, yeah, right.

[REDACTED] ...that's how I met her.

BRYANT: Okay.

[REDACTED] And so the second time that we pulled him down on the ground...

BRYANT: Uh huh.

[REDACTED] His wife came out, and we told him, "You got to calm down. You have a kid, you got to calm down."

BRYANT: Yeah.

[REDACTED] Before they call the cops and they take you away.

BRYANT: Yeah.

[REDACTED] You gotta think about your kid, and the wife, he told the wife that he was gonna be calm. He was just gonna stop. He stopped struggling, and then what's it called I, I walked away.

BRYANT: Uh huh.

[REDACTED] I let him go, now. I was, I was, as soon as I started walking away, some cop told me, some cop told me to get down on the floor and put my hands up.

BRYANT: Uh huh.

[REDACTED] I was laying down on the floor, and then, I guess, he, they let him go. [REDACTED] got up, and then he pulled a kni—I don't know, I didn't see that part.

BRYANT: Oh.

[REDACTED] But I saw a knife.

BRYANT: Uh huh.

[REDACTED] And then...

AUSTIN: You saw him holding a knife?

[REDACTED] Well, when my friend got stabbed, I saw him.

AUSTIN: You, you, so you saw him stab your friend?

[REDACTED] Yeah, on the side. And so, um, what's it called, uh, I didn't see that part because I was on the floor laying down.

BRYANT: Uh huh.

[REDACTED] And I saw [REDACTED] running towards me. He, he slipped, he fell, and then that guy came and try to stab him in the side, I guess, that's what I, I think I saw a knife.

BRYANT: Okay. Okay, so the cops arrive, and you were walking away from [REDACTED] and...

[REDACTED] No, from the guy, because he was on the floor still.

BRYANT: Yeah, what's his name, I'm sorry. I don't know his name, [REDACTED] husband.

[REDACTED] I don't know his name.

BRYANT: You don't know, okay. Uh, okay, so, he's still on the ground.

[REDACTED] Yeah, 'cause we were holding him...

BRYANT: Okay.

[REDACTED] ...from not doing anything stupid anymore.

BRYANT: Right, and then what happened?

[REDACTED] And then I got up.

BRYANT: Uh huh.

[REDACTED] 'Cause the wife was there, and like, she, he, she, she was telling him to calm down already.

BRYANT: Oh, okay. Where was this at in the...

[REDACTED] It was not in the front entrance where, like, uh, it was where the bathrooms are at. I don't know if you seen where the bathrooms are.

BRYANT: Yeah, I think I know.

[REDACTED] On this side...

BRYANT: On the side entrance kind of?

[REDACTED] Or on the other side.

BRYANT: Okay.

[REDACTED] It was outside...

BRYANT: Yeah, right.

[REDACTED] ...where we were holding him down.

BRYANT: Oh, okay.

[REDACTED] And then I walked away...

BRYANT: Well, where did you walk toward?

[REDACTED] Where my shirt and my apron are, on the floor.

AUSTIN: And that was outside?

[REDACTED] Yeah, that was outside.

AUSTIN: Yeah.

BRYANT: Uh, did you walk more into the parking lot or...

[REDACTED] I didn't walk near the parking lot.

BRYANT: More toward the doors, then?

[REDACTED] Where, no, where my apron's at.

BRYANT: Yeah, I didn't see it.

[REDACTED] No? Well, my apron's there, and my shirt is there.

BRYANT: Okay.

[REDACTED] I was walking over there to put it on, and then...

BRYANT: Oh.

[REDACTED] ...until the cops told me, "you go down and sit down and put your hands up."

BRYANT: Okay, how did you do that? Did you lay on your stomach or...

[REDACTED] Just lay on my, uh, just lay on my tummy more like this.

BRYANT: Okay.

[REDACTED] And I told 'em "I work here."

BRYANT: Okay.

[REDACTED] And he's all, "I don't care, just put your hands up."

BRYANT: Okay, and which way were you facing? Were you facing the street, then?

[REDACTED] I was facing the, the way, the street, the street way.

BRYANT: The street way?

[REDACTED] And then I looked back, and then I saw [REDACTED] running.

BRYANT: Okay, so you looked over your left shoulder?

[REDACTED] And I saw running, [REDACTED] running.

BRYANT: [REDACTED] is?

[REDACTED] The skinny guy.

BRYANT: Okay, all right.

[REDACTED] I saw him, he slipped...

AUSTIN: He's the guy that was stabbed.

BRYANT: Oh, right, okay. He, oh, he fell down.

[REDACTED] I saw him slip and then, fell down on the little bushes.

BRYANT: Oh, okay, gotcha, and then, and then, what did you see next?

[REDACTED] Saw him trying to go like this, and the cops tased him.

BRYANT: [REDACTED] husband?

[REDACTED] Yeah.

BRYANT: Okay.

[REDACTED] Uh, the cops tased him, one of 'em, and he...

BRYANT: Now, do you remember which hand he had a knife in?

[REDACTED] To tell you the truth, I don't know my left to right.

BRYANT: Not sure? Okay.

AUSTIN: Now, who...

[REDACTED] I don't know my left to right, so...

BRYANT: No, that's fine.

AUSTIN: Was [REDACTED] was he laying on his back or...

[REDACTED] He was laying on his, on, I think...

BRYANT: When he fell?

AUSTIN: Well, when he...

[REDACTED] Well, I didn't see. I, I was so scared, I...

BRYANT: Yeah, yeah.

AUSTIN: Okay, when you, when you saw him stab...

[REDACTED] He was going like this, like, to the side.

AUSTIN: Were they, were they, were they on the ground?

[REDACTED] Uh huh, he was on the ground, and he was, like, uh uh...

AUSTIN: Can you show me?

BRYANT: Who was on the ground? [REDACTED]?

[REDACTED] [REDACTED] was on the ground.

BRYANT: Okay.

[REDACTED] And he was...

AUSTIN: Show me how [REDACTED] was laying?

[REDACTED] [REDACTED]

AUSTIN: You can lay down on the floor here, it's no big deal.

[REDACTED] Like, I didn't see how, 'cause I was scared 'cause the guy was, "put your hands up" and...

BRYANT: Oh, right.

AUSTIN: Okay, the, the guy with the knife, how was he?

[REDACTED] He was like this.

BRYANT: So...

AUSTIN: But he wasn't kneel—he, he was just bent over?

[REDACTED] And that's when he got...yeah, he was, like...

BRYANT: Standing over [REDACTED]

AUSTIN: Standing over him.

[REDACTED] That's when he got, he got, uh, tased from the back.

BRYANT: Okay.

AUSTIN: What happened when he got tased?

[REDACTED] He, I guess he didn't stop, and then that's when they shot him.

BRYANT: Okay, do you know about how many feet away you were from, uh, [REDACTED] husband when he was stabbing [REDACTED]?

[REDACTED] Nah...

BRYANT: Is it more than a car's length away or?

[REDACTED] Not even to the car, it's...

BRYANT: Oh, it's pretty close.

[REDACTED] Pretty close.

BRYANT: Okay. With, with, maybe within ten feet or so, you think, or...

[REDACTED] Probably like...

AUSTIN: How, how, how far away from here?

[REDACTED] Well, I could say from here to that chair right there, that...

AUSTIN: This chair right here?

[REDACTED] Yeah.

BRYANT: So, at least eight feet or so?

[REDACTED] Yeah.

AUSTIN: Yeah.

BRYANT: Uh...

[REDACTED] Because the bush is not from far away from there.

BRYANT: Okay. Do you remember where the officers were when you heard the shooting?

[REDACTED] One was in the back and one was in the front.

BRYANT: Oh, okay.

AUSTIN: How far, how far from [REDACTED] husband were they?

[REDACTED] Well, the...

AUSTIN: How, how many feet do you think they were?

[REDACTED] Well, the Taser guy was, like, right in back, almost right in back of him.

BRYANT: Okay. How. How...

[REDACTED] ...To the side.

AUSTIN: How, how far away do you think he was from him?

[REDACTED] Like, three or four feet.

BRYANT: Oh, okay.

AUSTIN: What did they say to [REDACTED] [REDACTED] husband?

[REDACTED] Uh, put your hands up.

AUSTIN: Were they yelling or...

[REDACTED] Yeah, and they were telling him, uh, "put your hands up", and, 'cause they were screaming, or I, I could hear were, like, they were saying a lot, too.

AUSTIN: The, the officers were screaming?

[REDACTED] Yeah, they, they told me to put my hands up, and that's when they were screaming at me, and...

AUSTIN: Right.

[REDACTED] Kind of wiggled out, and like...

BRYANT: Yeah.

[REDACTED] I was scared, put my hands up, and I didn't do nothing anymore. I didn't walk away...

AUSTIN: Okay.

BRYANT: Yeah, yeah.

AUSTIN: What I'm, what I'm getting at is what did you hear the officers tell [REDACTED] husband, just to put his hands up?

[REDACTED] Well, they got me first and...

AUSTIN: Right.

[REDACTED] They got me first on the floor, and then, I guess they saw him running and thought he was punching him, until they told him, they tased him and they told him, stop, they were, like, stop, and, and I guess the other officer saw the knife or something.

AUSTIN: Did...

BRYANT: Could, could you tell what, uh, can you describe the knife?

[REDACTED] Not pretty much.

BRYANT: Not really?

[REDACTED] Nuh uh.

BRYANT: How...

[REDACTED] I just saw something he was trying to go like that.

BRYANT: Oh, okay, you saw him making stabbing motions?

[REDACTED] Uh huh.

BRYANT: Oh, okay, I got you. Didn't, but did you, did you...

[REDACTED] I think it was black, I'm not sure.

BRYANT: Oh, it might be a black knife?

[REDACTED] Yeah.

BRYANT: Okay.

AUSTIN: Did you see how many times he, he stabbed [REDACTED]?

[REDACTED] Three, three, I don't know.

AUSTIN: All in the side here, or...

[REDACTED] Well, his shirt, like, he got some right here, 'cause he was trying to cover.

BRYANT: Oh.

AUSTIN: What did, what did you see is what I'm asking...

[REDACTED] What did I see?

AUSTIN: ...not what you heard.

[REDACTED] Oh, I, well, I saw that he tried it, like, two times or three.

AUSTIN: Into his side?

BRYANT: In [REDACTED] uh, right sort of rib, ribs area here, or the right side, anyway, under his armpit?

[REDACTED] Uh huh.

BRYANT: Okay, that's fine. Yeah, I don't expect you to be exact.

AUSTIN: Yeah.

BRYANT: And there's a lot going on, I understand. Uh...

[REDACTED] They were just telling him to stop. I guess he didn't stop so they tased him, and he didn't do nothing tased, so then I think they shot him.

BRYANT: If the cops weren't there, what do you think would have happened with [REDACTED]?

[REDACTED] With [REDACTED]? Well, we were holding him down until the cops showed up.

BRYANT: Oh, I see. So, when the cops got there...

Yeah, we stopped holding him and then he still got up and started hitting him.

BRYANT: I see, I gotcha.

AUSTIN: But had the police never shown up...

If the police would have never shown up?

AUSTIN: Yeah.

We would not let him go until you guys showed up.

BRYANT: Okay.

AUSTIN: So, you let him go when you saw the officers get there?

Uh huh, as soon as the officer said, as, as, 'cause I saw my manager calling the officers, and I saw the cops pulling in...

AUSTIN: Oh, you guys let him go?

Yeah.

AUSTIN: And then he jumped up and started running.

Yeah.

AUSTIN: Oh, okay.

And then [REDACTED] started running, and that guy started running behind [REDACTED]

BRYANT: Were they yelling at, were the officers yelling at those two like they yelled at you to stop or get down?

[Head Nod? No Audible Response]

BRYANT: Okay.

AUSTIN: How many, excuse me, so you heard him, you heard the Taser, right?

[REDACTED] Uh huh. I saw the actually, the tase going on.

AUSTIN: Okay. How many, and then...

[REDACTED] 'Cause first they pointed at me with a Taser, man, with a gun, tell me to get down or I was gonna get tased, too.

AUSTIN: Okay, and then you, you saw them shoot him or you heard it?

[REDACTED] I saw it.

AUSTIN: Okay, how many times?

[REDACTED] Two. I heard two.

AUSTIN: One guy, okay, did you see it or just hear it?

[REDACTED] I saw it, but I heard it, too.

AUSTIN: Okay, did, there were two officers?

[REDACTED] One.

AUSTIN: One officer, and he, he shot twice?

[REDACTED] Uh huh.

AUSTIN: Like, bam, bam?

[REDACTED] Yes, sir.

AUSTIN: Was he the officer that was in front or behind?

[REDACTED] The front.

AUSTIN: Okay.

BRYANT: Okay. How many officers were there at that time that you saw? That you can remember?

[REDACTED] I saw, like, five.

BRYANT: Oh, you saw, like, five, okay. Uh, when the shooting happened or just, or after?

[REDACTED] When everything happened.

BRYANT: When it all happened...

[REDACTED] Yeah.

BRYANT: ...there were about five guys, five officers there?

[REDACTED] Yeah, 'cause I was getting in handcuffs, and the two guys were over there.

BRYANT: Oh, oh, okay. I gotcha.

AUSTIN: Had the officer not shot [REDACTED] husband, what do you think would have happened?

[REDACTED] Angel would have got stabbed more.

AUSTIN: You think he would have continued to stab him?

[REDACTED] He wouldn't stop with the tase, so I pretty much think he would have kept on going.

BRYANT: Oh, gotcha. Okay. Did anybody have a relationship with [REDACTED] and, and this is between us, nobody's gonna get in trouble or anything, was anybody seeing [REDACTED]?

[REDACTED] Between me and my friend, no.

BRYANT: Not you, you didn't, you weren't sort of dating her at all or, or flirting with her, anything? It, it's okay.

[REDACTED] Well, when I started...

BRYANT: Uh huh.

[REDACTED] When I started...

BRYANT: She seemed nice, yeah.

When we started, yeah, we did kind of start flirting, but I told her, "I didn't want nothing."

BRYANT: Yeah, yeah.

'Cause, like, I didn't, I told her, "I didn't want nothing."

BRYANT: Yeah.

Um (inaudible)

BRYANT: Why'd you tell her that?

Why?

BRYANT: Why, yeah.

I found out that she was married, and she, she had a kid.

BRYANT: Oh, had a kid.

I didn't know she didn't have a kid when I started...

AUSTIN: How old is she?

I think she's, like, twenty-something.

AUSTIN: Okay.

BRYANT: And what about [REDACTED]?

[REDACTED]?

BRYANT: Yeah, what's his relationship with her?

Well, what I heard is that, yeah, he probably does have a relationship.

BRYANT: Oh, okay.

[REDACTED] But they're like, they don't go out or nothing. They talk during work, and that it.

BRYANT: Oh, okay.

AUSTIN: So, are they having an affair, do you think?

[REDACTED] [REDACTED] and her?

AUSTIN: Yeah.

[REDACTED] Well, what I heard is that they were through, and like, she keeps saying, she, like, is not, not the type of person that gets mad about something. She'll just keep going on.

AUSTIN: She's not?

[REDACTED] She'll just keep going, like...

AUSTIN: Do you think they were having sex?

[REDACTED] No, no...

AUSTIN: No, they were just friendly?

[REDACTED] No, they were just friendly, like...

AUSTIN: Okay.

[REDACTED] What, I think it was friends with, like, some privileges. I don't know what kind of privileges. I never saw nothing.

BRYANT: So, they might have been messing around a little bit, but you didn't, they weren't going crazy?

[REDACTED] Nah, not going crazy.

BRYANT: Okay, gotcha. Do you think the husband found out about that, or he just picked this condom thing as a reason to...

[REDACTED] Well, the condom thing, I think she told him.

BRYANT: Uh huh.

[REDACTED] And then I think he kind of picked it up.

BRYANT: Oh.

[REDACTED] 'Cause if they, if he would have found out, I had nothing to do with that.

BRYANT: Yeah, yeah.

[REDACTED] Because I don't like her; she doesn't like me a lot neither.

BRYANT: But not like that, yeah

[REDACTED] Nah, I have my girlfriend.

BRYANT: Oh, okay.

[REDACTED] We're straight, everything.

BRYANT: Yeah, yeah.

[REDACTED] I found out she had a kid, so I told her, you know what, we're not having nothing. You know what I mean.

BRYANT: Yeah, that's fine.

AUSTIN: Anything else?

BRYANT: Did, um, did your jacket get ripped in this incident today?

[REDACTED] Nah, this was here-

BRYANT: -from before?

[REDACTED] They let me borrow it right now.

BRYANT: Oh, I see, I gotcha.

AUSTIN: Oh, it's not yours?

[REDACTED] No.

BRYANT: Okay, what did, uh, did he call you by name, [REDACTED] husband?

[REDACTED] He called me by [REDACTED] He called [REDACTED] he told [REDACTED] that, uh, he was gonna, he said, "I'm coming back for your hommie, [REDACTED]"

BRYANT: Oh.

[REDACTED] And I'm all, well, I don't, "I'm not scared. I'm not gonna be scared because I have nothing to hide."

BRYANT: Right.

[REDACTED] I didn't do nothing.

BRYANT: Yeah.

[REDACTED] I have nothing to do with this guy.

BRYANT: Right.

[REDACTED] We're friends, and you know, and if he's gonna sock me, I guess, he's gonna have to sock me.

AUSTIN: Is he a gang member?

[REDACTED] I don't know.

AUSTIN: Does he look like it?

[REDACTED] Well, well, the way he talks about it, he said that he used to be.

AUSTIN: He used to be? Does he look like a gang member to you? (Pause-Inaudible response) No?

[REDACTED] No.

BRYANT: Did he say who he used to be with?

[REDACTED] No.

BRYANT: Oh, okay.

[REDACTED] He, he just said that, yeah, I belong to this gang, and, but, I, like, I don't believe...

AUSTIN: How old is he?

BRYANT: Oh.

[REDACTED] I don't know.

AUSTIN: Well, I mean, if you had to guess?

[REDACTED] 40.

AUSTIN: 40?

[REDACTED] Nah, no, 30 to 35.

BRYANT: Oh.

AUSTIN: Okay. Um, have you ever seen him hit anybody else before today?

[REDACTED] No, sir. He's a pretty calm man.

BRYANT: Have you ever seen him drunk before?

[REDACTED] Uh huh.

BRYANT: Yeah.

[REDACTED] He comes in, he turns the TV on in the restaurant, they let him.

BRYANT: Yeah.

[REDACTED] Uh, he watches a game, and then he waits for his wife, and then he takes off.

BRYANT: Yeah.

AUSTIN: So, he's never started problems there before?

[REDACTED] No. Not that I have heard.

AUSTIN: What do you think caused, caused him to get all upset today?

[REDACTED] The fact that he was probably drunk, and the condom part.

AUSTIN: Did he just find out about the condoms, do you think?

[REDACTED] I don't, I don't know.

AUSTIN: But you said that happened a couple months ago, right?

[REDACTED] Yeah.

BRYANT: Did he tell [REDACTED] that was his problem? Or do you know?

[REDACTED] No.

BRYANT: Okay.

[REDACTED] I don't know, he just told me, they told my, my bosses...

BRYANT: Yeah.

[REDACTED] No, not my boss. He told me about the condom.

BRYANT: Who did?

[REDACTED] [REDACTED]

BRYANT: [REDACTED] said that?

[REDACTED] About the condoms, so I don't know, well, who told 'em.

BRYANT: Yeah.

[REDACTED] He didn't know who told 'em.

BRYANT: Yeah. So, earlier today, [REDACTED] husband comes to the restaurant, picks a fight with [REDACTED]—uh, [REDACTED] or [REDACTED]?

[REDACTED] [REDACTED]

BRYANT: [REDACTED] Okay.

AUSTIN: What time was that at?

[REDACTED] I don't know, sir. I was not working at the restaurant.

AUSTIN: Oh, you weren't there, yet?

[REDACTED] No, my boss told me when he picked me up...

AUSTIN: Oh, okay...

[REDACTED] ...that if we had a misunderstanding with [REDACTED] husband...

AUSTIN: I see.

[REDACTED] ...or with her.

AUSTIN: Okay.

BRYANT: Uh, yeah.

AUSTIN: Right. Okay.

BRYANT: And then, uh, after you got to work, then all this, about a half hour later, all this came about?

[REDACTED] Yeah.

BRYANT: Okay, I see.

[REDACTED] He came to me, and then he showed up, become friendly. I thought he was gonna talk to me.

BRYANT: Right, yeah.

[REDACTED] He's not gonna throw no blows, so I'm all, I guess, because he was far, he was pretty far from me...

BRYANT: Uh huh.

[REDACTED] ...for him to hit me.

BRYANT: Yeah.

[REDACTED] I was not gonna stand his face knowing that he hit my friend.

BRYANT: Right.

[REDACTED] So, I'm all, I heard that you were looking for me to talk to me. What's up? What do you want to talk to me?

BRYANT: Yeah.

[REDACTED] And he's, like, trying to get smart with me.

BRYANT: Yeah.

AUSTIN: What'd he say?

[REDACTED] What's he say?

AUSTIN: Yeah.

[REDACTED] Uh, well, he's all, "come here - I want to talk to you", and, oh, okay, yeah. By now I took my hat, put it in, in the trash...

AUSTIN: Was he, was he staggering like he was drunk or anything like that from walking like he was drunk?

BRYANT: Not really?

[REDACTED] He didn't walk that much, so I didn't see.

AUSTIN: When, when he first said, "hey, come here, I want to talk to you", could you tell that he was drunk then?

[REDACTED] Nuh uh.

AUSTIN: No, he didn't.

[REDACTED] Well, we were holding him down. That's when I know he reeks.

BRYANT: Oh.

[REDACTED] His, uh...

AUSTIN: Until that point, you couldn't tell he was drunk?

[No Audible Response]

AUSTIN: Okay.

BRYANT: Uh, yeah, so what was the first thing he said to you that was kind of smart or, or not very nice before he hit you?

Well, he told me, "you trying to get smart with me?"

BRYANT: Oh, he told you that, I see.

So, I guess he thought I knew what the hell was going on.

BRYANT: Right, yeah.

Uh, he's, like, "you trying to get smart with me", and he threw a blow at me.

BRYANT: Oh.

Backed up.

BRYANT: He tried to hit you with his right fist, then, in your face?

Well, he tried. I, I don't know. I don't know.

BRYANT: Whatever, uh, his fists.

He tried to hit me in the face.

BRYANT: Yeah, yeah, right.

And he hit me right here.

BRYANT: Oh, he hit you under your left eye there? Okay.

Uh huh, yeah, and I backed up.

BRYANT: Uh huh.

[REDACTED] And he started swinging at me more.

BRYANT: Oh, okay.

[REDACTED] And then that's when I'm, I'm all, [REDACTED] went and came out, and...

BRYANT: Oh.

[REDACTED] He got, like, first, like, the handicap park right here.

BRYANT: Right.

[REDACTED] And the first...

BRYANT: Yeah.

[REDACTED] There's three. There's a first one, and he was standing right there, 'cause that's where everything happened.

BRYANT: Oh, okay, yeah.

[REDACTED] And then he stopped for a minute, and then I took my apron and my shirt off. I'm all...

BRYANT: Oh, okay.

[REDACTED] ..."I'm mad."

BRYANT: That's gonna happen, yeah.

AUSTIN: Is he a big guy?

[REDACTED] He's pretty big.

BRYANT: Oh, okay.

[REDACTED] He's about, he's a little taller than me, pretty big.

BRYANT: Yeah.

[REDACTED] Not fat, he's the same tall as me, he's bald. He's like, about, uh, I can't tell you. He's like, about the size of my friend, [REDACTED]

AUSTIN: Okay.

BRYANT: Okay.

AUSTIN: Where, where is he right now? Do you know?

██████████? He's, uh, Long John Silver's. Still working.

AUSTIN: He, he's still there?

██████████ Yeah, he's still there.

BRYANT: Okay. How many times did he, uh, hit you with his fist?

██████████ He hit me a couple times.

BRYANT: A couple times.

██████████ He was throwing, he was throwing it, so I got mad at him and started throwing back, too.

BRYANT: Okay, good.

AUSTIN: Did you hit him?

██████████ Yes, I did, sir.

AUSTIN: How many times do you think you hit him?

██████████ I only hit him, like, two times, because he was hitting me, and I was going like this.

BRYANT: Oh, okay, you were just sort of ducking the blows and throwing your own.

██████████ Yeah, throw...

AUSTIN: Just kind of wild, wildly, he was throwing?

██████████ Wild.

BRYANT: Okay.

[REDACTED] No, he was trying to aim.

BRYANT: He was trying to aim?

[REDACTED] Yeah.

BRYANT: Yeah.

[REDACTED] So, that's when I got mad, and I started hitting back 'cause...

AUSTIN: Right.

BRYANT: Yeah, you can defend yourself. That's not a problem.

AUSTIN: And you knocked him down or somebody else.

[REDACTED] No, ah, I didn't knock him down. He stopped, and that's when [REDACTED] walked in, too, and...

AUSTIN: Oh, okay.

[REDACTED] He thought [REDACTED] was against him, so...

AUSTIN: I see.

[REDACTED] Then he started throwing blows, and [REDACTED] got mad, too, and socked him, and [REDACTED] knocked him out.

BRYANT: Okay, how does, uh, how does [REDACTED] know him?

[REDACTED] I guess by work, too.

BRYANT: Oh, okay.

[REDACTED] [REDACTED] works there.

BRYANT: How old's [REDACTED]?

[REDACTED] 17.

BRYANT: Oh, he's a young guy.

[REDACTED] Yesh.

BRYANT: Oh, okay, oh.

[REDACTED] He works there. Like I told you this, a calm man until today.

BRYANT: Oh, okay.

[REDACTED] He comes in and turns the TV on and minds his own business.

BRYANT: Yeah, never had any problems.

[REDACTED] Never had no problems. I'd talk to him. I see him by his driveway all the time most likely.

BRYANT: Right, right, right.

AUSTIN: He lives in the same apartment that you do?

[REDACTED] No, I live in a house.

AUSTIN: Oh.

[REDACTED] I go visit my manager.

AUSTIN: Oh, he lives in the same apartment as your manager?

[REDACTED] Uh huh.

AUSTIN: Where's that at?

[REDACTED] Yeah. It's by the, it's by Sixth Street. I don't know what apartment's in, right, but...

AUSTIN: Okay.

BRYANT: Okay.

[REDACTED] I don't know what they call 'em.

BRYANT: All right.

AUSTIN: Anything else?

BRYANT: No, I think we're good.

AUSTIN: Okay.

BRYANT: Uh, this 737-0471, are you going to be there later tonight, then? If I have any more questions, I might call you.

[REDACTED] Yeah.

AUSTIN: Let's make sure we get the pictures of him.

BRYANT: Yeah, we're gonna take some pictures of you, and, uh, tell you what, I'm gonna have you sit with the lady over here, and uh, she's a T.I.P. volunteer.

AUSTIN: Oh, okay.

BRYANT: Because he's kind of shaken up, and she'll talk to you about, uh, oh, she'll just talk to you about how you're feeling, that kind of thing, and help you out while we go get our photographer. Is that okay? Okay, she's real nice. In fact, I'll have her, yeah, I'll have her come over here, because I don't know who else is still over there. Anybody else still over there?

AUSTIN: Yeah.

BRYANT: Oh, she's out with, she's with somebody right now.

[REDACTED] I don't know, but can I go to the restroom?

BRYANT: Oh, sure, yeah. Here, I'll...do you know where it is?

[REDACTED] Yeah.

BRYANT: Yeah, go ahead.

[END OF TRACK 1; DURATION: 29:50]

EVIDENCE TAPE

People v. Isaac Serrano

RIF 136250

Transcript of Interview with [REDACTED]

March 24, 2007

074137

Key: NEVINS: Eric Nevins, Investigator, District Attorney's Office

[REDACTED] [REDACTED] Witness

[BEGINNING OF TRACK [REDACTED] DURATION: 14:34]

NEVINS: Do you have any I.D. with you?

[REDACTED] No.

NEVINS: Okay. How do you spell your last name?

[REDACTED] Um, [REDACTED]—no, oh, I'm sorry. [REDACTED]

NEVINS: [REDACTED]

[REDACTED] [REDACTED]

NEVINS: [REDACTED]

[REDACTED] [REDACTED]

NEVINS: [REDACTED]

[REDACTED] [REDACTED]

NEVINS: [REDACTED]

[REDACTED] [REDACTED]

NEVINS: [REDACTED] That's right?

[REDACTED] Yeah.

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NEVINS: And [REDACTED] with a [REDACTED]?

[REDACTED] With a [REDACTED]

NEVINS: With a [REDACTED]

[REDACTED] Yeah.

NEVINS: Just like that?

[REDACTED] Yeah.

NEVINS: What's your middle name?

[REDACTED] [REDACTED]

NEVINS: [REDACTED] And your date of birth?

[REDACTED] um, [REDACTED]

NEVINS: [REDACTED] Okay.

[REDACTED] And my marriage name is [REDACTED]

NEVINS: [REDACTED]?

[REDACTED] Yes.

NEVINS: And are you legally married?

[REDACTED] Yes.

NEVINS: Okay. And that's the correct spelling?

[REDACTED] Yes.

NEVINS: So it would be...

[REDACTED] [REDACTED]

NEVINS: [REDACTED]?

[REDACTED]
NEVINS:

[REDACTED]
Oh, so it's hyphenated?

[REDACTED]
NEVINS:

[REDACTED]
Yes.

[REDACTED]
NEVINS:

[REDACTED]
Okay. And do you have a, like, a driver's license or I.D. with that name?

[REDACTED]
NEVINS:

[REDACTED]
No, I don't have nothing.

[REDACTED]
NEVINS:

[REDACTED]
You don't have anything? Okay. And, uh, what's your occupation here?

[REDACTED]
NEVINS:

[REDACTED]
I'm a [REDACTED]

[REDACTED]
NEVINS:

[REDACTED]
Oops. And, uh, what's your home address?

[REDACTED]
NEVINS:

[REDACTED]
Is that a house or apartment?

[REDACTED]
NEVINS:

[REDACTED]
Apartment.

[REDACTED]
NEVINS:

[REDACTED]
What's the apartment number?

[REDACTED]
NEVINS:

[REDACTED]
And the phone number there?

[REDACTED]
NEVINS:

[REDACTED]
Um, [REDACTED]

[REDACTED]
NEVINS:

[REDACTED]
Okay, and do you have a cell phone?

[REDACTED]
NEVINS:

[REDACTED]
Uh, yes.

[REDACTED]
NEVINS:

[REDACTED]
What's the cell phone?

[REDACTED]
NEVINS:

[REDACTED]
Uh...

[REDACTED]
NEVINS:

[REDACTED]
Is it [REDACTED] also?

[REDACTED]
NEVINS:

[REDACTED]
Yes.

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NEVINS: Okay, [REDACTED]

[REDACTED]
NEVINS: [REDACTED]

[REDACTED]
NEVINS: [REDACTED] Okay. You understand that you're not under arrest, you're not being charged with anything, we just need to talk to everybody that was here, right?

[REDACTED] Yes.

NEVINS: Okay. Um, you, were you working when this happened?

[REDACTED] Yes.

NEVINS: Okay...

[REDACTED] I was working.

NEVINS: Um, is, is your husband one of the people that was involved in the fight?

[REDACTED]
NEVINS: Okay, what's his name?

[REDACTED] Isaac Serrano.

NEVINS: What is it?

[REDACTED] Isaac.

NEVINS: How do you spell that?

[REDACTED] I-S-A-A...

NEVINS: Oh, Isaac?

[REDACTED] Yes.

NEVINS: With a C?

[REDACTED] Yes.

NEVINS: Serrano?

[REDACTED] Yes.

NEVINS: And am I spelling Serrano correctly?

[REDACTED] Yes.

NEVINS: How old is he?

[REDACTED] Uh, uh, I don't, I don't remember.

NEVINS: You know about how old?

[REDACTED] Twenty-seven?

NEVINS: Twenty-seven? Okay. And he lives with you?

[REDACTED] Yes.

NEVINS: Okay.

[REDACTED] With his brother.

NEVINS: All right. And, um, what was going on today?

[REDACTED] I don't know what happened. All I know is that, the, there, he was hitting people, they were hitting each other, I don't know, I was with a customer. All I knew the, they were outside fighting...

NEVINS: Um hmm...

[REDACTED] Then I don't know what happened. All I knew that they were all, those, all the employees, like, the three kids were on top of him...

NEVINS: Um hmm...

[REDACTED] And I told them to let him go, and then, I don't know. That's all I know.

NEVINS: Well, after they let him go, what happened?

[REDACTED] After they let him go...

NEVINS: Were you outside at that time?

[REDACTED] Yeah, I was still outside, they let him go, they were still yelling at each other. And then, um, my husband told them to "stay away from, from us," and then, um, well I think that he started hitting, um, one of the boys again...

NEVINS: Um hmm. Was—did, did he have anything, did he have any weapons when he hit him?

[REDACTED] I didn't see any. I didn't see...

NEVINS: You didn't see anything?

[REDACTED] No, I didn't see nothing.

NEVINS: Was, uh, was the boy that he was hitting, was it [REDACTED]?

[REDACTED] Yes.

NEVINS: Was [REDACTED] standing up when he was hitting him?

[REDACTED] Uh, I...

NEVINS: When Isaac was hitting him?

[REDACTED] I don't even—well, [REDACTED] was running and Isaac was running, too, after him...

NEVINS: Uh huh...

[REDACTED] Or something. All I remember is that [REDACTED] turned around and punched, they punched each other and then they, they, then you got in the ground...

NEVINS: Um hmm...

[REDACTED] My husband is there...

NEVINS: Um hmm...

[REDACTED] Of course, he got in the ground and, and, and hit him. That's all I know. He started hitting him.

NEVINS: So Isaac was hitting him—[REDACTED]—while he was on the ground?

[REDACTED] Uh huh.

NEVINS: Okay. And did you see, did you see the police arrive?

[REDACTED] Yes.

NEVINS: Did, were the police telling Isaac to stop?

[REDACTED] Yeah.

NEVINS: Did Isaac stop when the police were telling him to?

[REDACTED] No.

NEVINS: Okay. Did Isaac, like, acknowledge that the police were telling him anything, or did he just keep going?

[REDACTED] I... I, I don't think he, he was, I don't think he realized that the police was here. I don't know...

NEVINS: Okay.

[REDACTED] He was so into it, so I don't know what happened.

NEVINS: Does, does Isaac have any, like, drinking problems, or drug problems or anything like that?

[REDACTED] No...

NEVINS: Do you—

[REDACTED] Today...

NEVINS: Did he, was he drinking today?

I think so, 'cause I smelled him when I, I, I got on top of him to stop, to stop, um, to like, I, I got on top of him because he was on the ground...

NEVINS: Um hmm...

And that way he won't, if he, if he got up, he wouldn't hit them...

NEVINS: Um hmm...

You know, so I got in, in between them, and that's when I smelled.

NEVINS: Okay...

And he, he had a scent of beer. But he doesn't drink all the time.

NEVINS: Okay.

Just like...

NEVINS: And...

Maybe today because it was a weekend, I don't know.

NEVINS: Did he come in and hit someone earlier?

Yes.

NEVINS: Do you know why?

I don't know, I was, I was, I'm always busy on drive-thru, so I didn't know, when I turned around, it, it, when—I heard someone push some, something that he pushed or I don't know what happened, I didn't even know that he was in the back of me. He didn't, um...

NEVINS: Do you know why he would be angry at any of your co-workers?

Oh, the last time we talked about it, it's because one of my, uh, co-workers send me a text message on my cell phone, and he said, and he said, oh, 'cause we didn't talk that day, I didn't feel like talking, and we didn't talk

and, and then he said, he asked me, um, "who exactly was," um, you know, "what happened, how come we didn't talk today or whatever," you know? "I'm sorry if I, if I didn't talk to you, you know, I don't want to lose a friend, 'cause we didn't talk today or something..."

NEVINS: Um hmm...

He thought I was mad, and I thought he was mad at me, too...

NEVINS: Um hmm...

So my husband, uh, I didn't even notice that he text-messed me...

NEVINS: Um hmm...

And my husband got the message on my cell phone...

NEVINS: Um hmm...

And then he told me—

NEVINS: Hang on just one second. (Speaking to third party: *Dave, I already talked to him and him. I've, I've interviewed these two right here.*)

And he told me, um, "you have something going on with him?" He makes it, he made it sound like you guys got something. I was, like, no...

NEVINS: He thought you were cheating?

No.

NEVINS: Something like that?

No, no. Not even like that. He knows I wouldn't, I wouldn't cheat on him. But he's, like, well what happened? I was, like, I don't know, I said we just didn't talk today, and then he's all why was he saying, you know, this and that, why, if, if we didn't talk today. I'm like I don't know, I just didn't...

NEVINS: So he was jealous?

[REDACTED] He didn't act like he was jealous. He was, he was just, like—'cause he already told me not to talk to them, 'cause they're kids...

NEVINS: Uh huh...

[REDACTED] 'Cause, um, sometimes they, they act their little weird, but he, he already knows, like, I told him, yeah, they're just kids, and he goes whatever, you know?

NEVINS: Um hmm...

[REDACTED] And then he's all, all—I said well, I don't like the, the way they, they act, you know. Sometimes they act weird. They ask me dumb questions, he told me once. I'm like oh, okay, but he never told me what. And then he's all—I was, like, oh "I don't talk to them that much," you know, "I just talk to them, hi and bye, and that's it. And, at work, that's, that's it," and then he's all, "okay." And, all I noticed today that he was, he was hitting him and I don't know what happened. All I seen that he pushed him, but...

NEVINS: That who, who pushed who?

[REDACTED] My husband...

NEVINS: Uh huh...

[REDACTED] He came from work...

NEVINS: Uh huh...

[REDACTED] And, and I guess he came in. And he went in the back. And, um, and I don't know what happened. And I think he hit, um, [REDACTED]

NEVINS: Um hmm...

[REDACTED] For something—but, when I turned around...

NEVINS: But you said you saw him push someone.

[REDACTED] Yeah. He pushed, uh, [REDACTED]

NEVINS: Isaac pushed [REDACTED]?

[REDACTED] Uh huh. That's what, what I, what I seen. When I turned around...

NEVINS: Um hmm...

[REDACTED] I seen him push him, like this. And I was, like, what are you doing? Leave him alone. And then he stopped and then laughed, like, I don't know why—

NEVINS: What time was that?

[REDACTED] It was, like, around 2:45.

NEVINS: Okay.

[REDACTED] But then he laughed. And then, and that's it. And then he came back, though, and [REDACTED] and, and [REDACTED] went outside.

NEVINS: Were they already going outside, or were—

[REDACTED] They were...

NEVINS: Did they...

[REDACTED] They were working...

NEVINS: Go outside to talk to him?

[REDACTED] No, they were working here. I don't know why they went outside.

NEVINS: Okay, if they take...

[REDACTED] I didn't know how...

NEVINS: If they took a break, would they normally walk outside there, or would they normally go out back or something?

[REDACTED] No. They, they would, um, when they take a break, they sit over here...

NEVINS: Okay.

[REDACTED] I don't know, 'cause they're nice people, I don't, I don't know. But since they heard that my husband came and, and hit him, I don't know what happened...

NEVINS: Okay...

[REDACTED] All I know is that they were already punching each other outside and I don't know what happened, all I seen is that they was all outside.

NEVINS: Now you said you kinda, like, you laid on Isaac...

[REDACTED] Yeah...

NEVINS: And tried to stop him from fighting?

[REDACTED] No, I laid on him because there, there was [REDACTED] [REDACTED] and [REDACTED]..

NEVINS: Uh huh...

[REDACTED] Holding him back.

NEVINS: Right.

[REDACTED] And they wouldn't let him go. They were, they were, the three of 'em were jumping on him.

NEVINS: Were they just holding him down, or were they punching him while he was down?

[REDACTED] Uh, the three of 'em were hitting him outside when I, when I, when I went outside...

NEVINS: Uh huh...

[REDACTED] I told them, "you guys stop," I, and "you guys can't be doing that," um, "you know, we have a life..."

NEVINS: Uh huh...

[REDACTED] And "you guys are just kids, you guys don't care." And I told 'em "stop," and that's when they, they all pushed him to the ground...

NEVINS: Um hmm...

██████████ And, um, and put him down, like, pulled him back to the ground...

NEVINS: So when he was on the ground, they just held him down?

██████████ Yeah.

NEVINS: Okay.

██████████ They were already done punching him...

NEVINS: Okay.

██████████ Like, when I came out, and then, then, then I went in the middle, between all of 'em...

NEVINS: Uh huh...

██████████ And told 'em "leave him alone, let him go, just," um, "let him go. Let him get off the ground," and then I was holding onto him, and then ██████████ kept walking back and telling him stop. I don't, I couldn't hear what they were saying, and my husband was so mad I guess that when he, he, he was still, uh, following ██████████.

NEVINS: So he chased ██████████ after that?

██████████ Yeah, because ██████████ was still yelling at him, and that's it.

NEVINS: Okay. Does your husband have any tattoos?

██████████ Yes, he has a lot.

NEVINS: Okay, did, did he used to be in a gang?

██████████ No.

NEVINS: So none of them are gang tattoos?

██████████ No.

NEVINS: Has he ever been to jail?

[REDACTED] Yeah.

NEVINS: Has he ever been to prison?

[REDACTED] Yeah.

NEVINS: Is he on probation or parole, to your knowledge?

[REDACTED] That was, like, a long time ago.

NEVINS: Okay. Is, was he, like, born and raised here, or is he from somewhere else?

[REDACTED] No, he, he was here.

NEVINS: So he's never, he's never, like, run with CVL or any of the other gangs around here?

[REDACTED] Not that—no, we don't, we don't hang around with people like that, we don't, he doesn't even do that.

NEVINS: Okay.

[REDACTED] I mean, you can check on his record, he's right there...

NEVINS: Okay...

[REDACTED] He's in for, over, like, a lot of years, he...

NEVINS: Okay...

[REDACTED] He hasn't done nothing bad anymore. And we were getting along great.

NEVINS: Is there anything else that I need to know about what happened today?

[REDACTED] No. That's all I know.

NEVINS: And, outside of that text message, is there any reason your husband would have been upset?

[REDACTED] No, nothing. That's the only thing I think he got upset that he, like I said, he came from work and I didn't know, I didn't even know what happened. I don't know what happened, why he, he get mad. I don't even know, I didn't even get a chance to talk to him about it or nothing.

NEVINS: Okay. I appreciate your, uh, your, uh, time.

[REDACTED] Um, I have some questions.

NEVINS: Okay.

[REDACTED] Um, is he—are you, uh, did you guys shot him, or what happened? You guys—

NEVINS: I, I think somebody got shot, but I wasn't here when it happened.

[REDACTED] Okay. Um, is, is he gonna be okay?

NEVINS: I, I don't know yet, but I'll try to find out.

[REDACTED] Oh. What else? Is he, is he going to jail?

NEVINS: Um, again, I'm, I'm not sure. I'm just here doing interviews right now, but I will talk to whoever the investigator is in charge, and I'll, I'll make sure that he comes and talks to you, okay?

[REDACTED] 'Cause I'm not, uh, I don't know if I'm gonna be able to go see him, you know...

NEVINS: Um hmm...

[REDACTED] 'Cause I don't have any type of I.D. or anything...

NEVINS: Um hmm...

[REDACTED] To go see him, so I don't know if I'm gonna be allowed to see him or anything.

NEVINS: Okay, well I'll, I'll try to find out who's gonna, uh, be in charge of the investigation and have 'em talk to you. Okay?

[REDACTED] Okay.

NEVINS: Anything else?

[REDACTED] Um, I had some other questions. When, when he, when he's in the, if he's in the hospital, can I go see him?

NEVINS: You know, I, I don't know, that, it depends on, uh, on where he goes. If he's in-custody, probably not.

[REDACTED] Okay.

NEVINS: All right?

[REDACTED] Okay.

NEVINS: Okay, you can, uh, have a seat if you want.

[REDACTED] Um, when am I gonna go home?

NEVINS: You know what, again, that's up to the investigator in charge. I think they just want to make sure that there's, there's nobody else involved before they start clearing people out, and they also want to make sure that the crime scene is preserved before they start letting people out and walking through the crime scene. Okay?

[REDACTED] Are you gonna have, like, the person charge, is, is that person gonna come and talk to me...

NEVINS: Yeah...

[REDACTED] About big problems and like...

NEVINS: About what?

[REDACTED] About his problems, like, if he's gonna go to jail or prison, like...

NEVINS: Well, you can ask him whatever questions you like, yes...

[REDACTED] And then they're gonna let me know?

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NEVINS: I'll, he, I'll let you ask him whatever questions you like. He'll tell you what, what he can, what he can, is allowed to tell you.

[REDACTED] Okay.

NEVINS: Okay?

[REDACTED] Okay. Thank you.

NEVINS: All right.

[END OF TRACK [REDACTED] DURATION: 14:34]

DDS:dmk
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EVIDENCE TRANSCRIPT

People v. Isaac Serrano
RIF 136250
Transcript of Interview with [REDACTED]
March 24, 2007
074137

Key: STAYNOR: Detective Jay Staynor

[REDACTED] [REDACTED] Witness

MALE: Unknown Male

[BEGINNING OF TRACK [REDACTED] DURATION: 15:38]

[REDACTED] Right now I just wanna.

STAYNOR: Oh okay.

[REDACTED] I'll look down here in the...

STAYNOR: Okay. What's your address now your current address?

[REDACTED] It's right there in my wallet.

STAYNOR: Oh that's okay.

[REDACTED] You know 'cause I watch the police—the you know, cops and things.

STAYNOR: Yeah, where is [REDACTED] at in [REDACTED]?

[REDACTED] Um, off of um, [REDACTED]

STAYNOR: Oh okay.

[REDACTED] In [REDACTED] in between there.

STAYNOR: Okay.

MALE: Those are cool staplers...

STAYNOR: Oh yeah.

[REDACTED] Oh you like this one they have here huh...

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STAYNOR: That's a great big printer believe me a great big printer. It prints great big banners and stuff like that.

[REDACTED] Yeah. I just seen the officers face and he was, like he was scared.

STAYNOR: Right.

[REDACTED] You could take—I see this poor guy in front of the officers shot. The jerkiness that their trying to dodge a bullet.

STAYNOR: Uh huh.

[REDACTED] Waiting for the guy to shoot or something.

STAYNOR: Uh huh.

[REDACTED] I don't know if you seen that one where the officer and the guy took off and cop got out of the car. You probably seen, seen more guys then... Well you know the fear in an officer's face when somebody shoots you.

STAYNOR: Sure.

[REDACTED] He was just um, was like, he was like moving.

STAYNOR: Like nothing else.

[REDACTED] He wasn't standing still with a happy face. The officer was like...

STAYNOR: Yeah.

[REDACTED] ...crouched and he was hanging on.

STAYNOR: Right.

[REDACTED] Just the look on his face was like fear. Suddenly then I just couldn't believe that—I thought he had the knife.

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That wasn't in control at all.

STAYNOR: Can I get your home number [REDACTED]?

[REDACTED] Hold on what is it, I just got the phone. I'll give you my cell phone okay.

STAYNOR: That's fine.

[REDACTED] [REDACTED] area code.

STAYNOR: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

STAYNOR: [REDACTED] uh huh.

[REDACTED]

[REDACTED]

STAYNOR: Uh huh.

[REDACTED]

[REDACTED]

STAYNOR: And what...

[REDACTED]

I _____.

STAYNOR: ...do you do for a living?

[REDACTED]

I'm a [REDACTED] I'm a ...

STAYNOR: Do you have a work address or...

[REDACTED]

Um.

STAYNOR: ...business name or.

[REDACTED]

Yeah I work for.

STAYNOR: Company name?

[REDACTED]

[REDACTED] uh... my employer.

STAYNOR: Um hmm.

[REDACTED] How's that, right here is my card.

STAYNOR: Oh okay.

[REDACTED] This is, this is.

STAYNOR: Oh okay.

[REDACTED] [REDACTED]

STAYNOR: Okay.

[REDACTED] Do you ...

STAYNOR: Yeah that be great.

[REDACTED] I think it's you know, I just—like I said—but I was just back there when I heard some I don't know, it looks like a domestic violence thing or something I guess. I don't really know because I didn't stop you know. _____, My work number PMA's cause I...exactly that's all we can give is [REDACTED] and that's their phone number [REDACTED] area code to and they're in [REDACTED] on [REDACTED]

STAYNOR: Okay. And what's the [REDACTED]?

[REDACTED] That's my work number. That's how they—see right here? That's how they they, they really identify you.

STAYNOR: Oh okay.

[REDACTED] They look at the number and say we're just numbers you know.

STAYNOR: Oh okay, so that's basically their...

[REDACTED] Yeah, they really don't.

STAYNOR: Identification.

[REDACTED] Yeah exactly and they—before they know your name they know this.

STAYNOR: Okay.

_____. They have to look the
number up and they say oh that's _____.

STAYNOR: Okay.

I've been there for 38 years 39.

STAYNOR: Alright. Seems how I have a little um, drawing here already.

Oh you must have been drawing a...

STAYNOR: It was um, already yeah. Okay so, about what time did this happen that
you were driving and...

I'm just—I really didn't look at my watch until afterwards.

STAYNOR: Okay.

But by the time I looked at down my watch it was already—it was like
4:30 or something because I stopped right here at the Arco.

STAYNOR: Um hmm.

To put gas.

STAYNOR: Um hmm.

When it happened. I just turned right here on _____
_____.

STAYNOR: So about 4:30 p.m.

I'm just, I'm just estimating but I know it was around 4 ish or...

Yeah in between there.

STAYNOR: Okay and you were driving.

And I, I just made the turn I was gonna go into 6th Street. I really don't
know...

STAYNOR: So you're right.

[REDACTED] _ (talking over)___.

STAYNOR: This is—yeah this is this, this is the restaurant.

[REDACTED] You know, yeah.

STAYNOR: Do you know what kind of restaurant it was that you drove.

MALE: Coco's.

[REDACTED] It was—I don't know, it was between—I don't know if it's Coco's or the AmPm.

STAYNOR: And you're (mumbles).

EGNATOFF: No.

MALE: I saw it when we drove over there.

[REDACTED] ...on the way back. We were also going home and I figured well you guys are still there so I figured well I better maybe see it. You know, anything can help.

STAYNOR: So you were coming down this way towards 6th Street.

[REDACTED] Yeah.

STAYNOR: About here—let's just say this is the restaurant.

[REDACTED] Okay, where the officer is standing and and the victim that got shot was right here, I was right here. I mean, I was right there.

STAYNOR: So this is the street? I'm talking about this was the street.

[REDACTED] Oh yeah.

STAYNOR: So you were driving.

[REDACTED] Yeah.

STAYNOR: Just—there's 2 lanes, there's a median.

[REDACTED] Uh huh.

STAYNOR: And there's 2 lanes on the other side.

[REDACTED] Okay I was, I was driving on the fast lane.

STAYNOR: Okay. So you were about right.

[REDACTED] Right even with the police officer that was standing...

STAYNOR: Okay so.

[REDACTED] ...in the parking lot.

STAYNOR: About right in here.

[REDACTED] Yeah right directly.

STAYNOR: Going that way.

[REDACTED] And then I heard the two shots. I see the... I seeing the two shots.

STAYNOR: Okay so you're driving here. What's the first thing you see as your driving past the restaurant?

[REDACTED] Well I, I see some kind of commotion. I see the police, the police cars there.

STAYNOR: Uh huh.

[REDACTED] And then I I, you know, as I'm coming I sort of slow up and I see the officer standing up with his gun pulled.

STAYNOR: And.

[REDACTED] That's when he was _____.

STAYNOR: Uh huh.

[REDACTED] Yeah.

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STAYNOR: The officer—what was he wearing?

[REDACTED] Was wearing his uniform black.

STAYNOR: Black uniform.

[REDACTED] Black yeah, and a jacket. He was crouched and looked very scared

STAYNOR: He was like pointing.

[REDACTED] The gun at the guy in the like in the bushes or wherever it was at. It looked like.

STAYNOR: At someone.

[REDACTED] Yeah.

STAYNOR: Did you see the person in the bushes?

[REDACTED] Yeah yeah.

STAYNOR: In the bushes. Was it a guy cozy... you say it was a guy?

[REDACTED] Yes yeah, Mexican fellow.

STAYNOR: Okay.

[REDACTED] Your half Mexican but you're half Russian...

STAYNOR: Okay and you say...

[REDACTED] I think I heard...

STAYNOR: _____(Talking over)_____...

[REDACTED] ...screaming at at—I don't know if it was at the guy you know.

STAYNOR: Okay you heard—did did you hear what anybody said?

[REDACTED] No I no.

STAYNOR: You just heard someone.

[REDACTED] I just heard someone

STAYNOR: Yelling.

[REDACTED] Screaming and I know she was screaming at—I don't know if it was at the officer or the guy that...

STAYNOR: Oh you saw a female?

[REDACTED] No I didn't I just heard her screaming.

STAYNOR: Oh heard. Okay you heard someone screaming.

[REDACTED] Yeah.

STAYNOR: Heard the female.

[REDACTED] Yeah.

STAYNOR: You didn't hear what it was for sure?

[REDACTED] No it was just, just...

STAYNOR: Anything else anybody else was saying or.

[REDACTED] No.

STAYNOR: Male voices that you heard.

[REDACTED] No I just—all I could see is the officer's face which was fear. It's like um, you know, like if somebody was pointing something at him or...

STAYNOR: But you didn't see, you didn't see a female you just heard something.

[REDACTED] Yeah I just heard her screaming.

STAYNOR: About where was the officer at.

[REDACTED] I seen two guys really. I seen one guy standing.

STAYNOR: Okay.

So they are far farther away and then he...

STAYNOR: Why don't you put—this being the front of the restaurant.

Yeah.

STAYNOR: Right here.

And the parking lot is right here.

STAYNOR: And the parking lot is right here.

The bushes right...

STAYNOR: and the beginning of the parking lot right here.

Some bushes and then...

STAYNOR: And there's some...

...the officer was right here.

STAYNOR: Okay the officer was here?

Yeah.

STAYNOR: Okay and he was pointing a gun.

Yeah. He was more like going crazy like he's dodging ready to—it was like.

STAYNOR: Officer nervous.

Really nervous yeah, just jerking around like he was scared.

STAYNOR: Crouching.

Because I—that's the first thing I noticed how, how he was acting and he looked like he was...

STAYNOR: Frightened.

Yeah really frightened on his face like something—like if he was going to get shot. You know, like I've seen those things where officers are getting shot.

STAYNOR: Um hmm.

That look on their face you know, when they're surprised or somebody is pulling a gun on them, especially before they even shoot is what I'm talking about. Because I've seen actually officers when somebody points a gun at them and they haven't...

STAYNOR: Right.

You wonder which way the bullet is gonna go.

STAYNOR: Yeah.

and you're like...

STAYNOR: Okay, so where was the guy that he was pointing his gun at?

He was right like—okay the parking—okay he's right here in some bushes like.

STAYNOR: Like right here?

_____ the sidewalk and there's some bushes yeah. In the—right in the middle of the bushes. Seemed like he was doing something right here.

STAYNOR: Bushes here.

Yeah. It seemed that he was in there somewhere. It was just like in this—and the officer was like standing back just jerking you know like

STAYNOR: Okay.

Um he wasn't still.

STAYNOR: And did you see anybody else besides those two people?

[REDACTED] No that was—basically I focused on the officer first...

STAYNOR: Uh huh.

[REDACTED] ...and the guy in the bushes. I knew that guy in the was his problem, you know what I mean.

STAYNOR: Okay. And as he was pointing the gun and was crouched around then what happened?

[REDACTED] He was very nervous and scared, just basically scared like if somebody had something on him.

STAYNOR: Right.

[REDACTED] Because like I said all programs I've seen where officers would shoot with fear on their faces like...

STAYNOR: Um hmm.

[REDACTED] I mean, you know like when someone pulls a gun an you, you don't know if his gonna shoot this way

STAYNOR: Oh yeah.

[REDACTED] ...or should I go

STAYNOR: Right.

[REDACTED] Like this guy he...

STAYNOR: Wondering whether to...

[REDACTED] It was like he was didn't know what you know.

STAYNOR: We call it whether to fight or flight.

[REDACTED] Yeah that's what it is he was just go left right down go.

STAYNOR: Right.

[REDACTED] That's whatwhen....

STAYNOR: Okay, and then what happened?

[REDACTED] And I heard the 2 shots and that was it. And then you know...

STAYNOR: Two shots.

[REDACTED] ...

STAYNOR: And then you were driving and then you drove on by.

[REDACTED] I drove by yeah. I figured well we might as well.

STAYNOR: Two shots. Did you see shots or did you...

[REDACTED] Yeah I seen it, I seen the, I see the you know, small from _____ you know. It sort of shocked that I turned I didn't want to hit anybody. I mean I didn't want to sock this guy he had enough problems already as it is because I was here and I seen all the officers pointing down there.

STAYNOR: Did you see any um, did you see him do anything? This person this guy that was in the bushes?

[REDACTED] He was like moving around just really funny looking you know.

STAYNOR: Like.

[REDACTED] It was like _____ but his face is like angry. You know the kind of face...

STAYNOR: What did he...

[REDACTED] ... he wasn't ...

STAYNOR: ...was he looking at you, was he looking around?

[REDACTED] No he was looking at the officer.

STAYNOR: He was looking at the officer.

[REDACTED] He was looking all just, you know. I couldn't tell but I just basically noticed the officers face that he was scared, you know what I mean.

STAYNOR: Okay so move—what do you mean by moving around? He was...

[REDACTED] He looked like he, he was crouched down, you know like I don't know if he was on his knees or what but basically I focused on the officer his face.

STAYNOR: Uh huh.

[REDACTED] Because you know, he did look like he had everything under control.

STAYNOR: Right.

[REDACTED] In time because the guy was still on his...

STAYNOR: And as he was moving around you said he looked at the officer or did he?

[REDACTED] I don't know. Yes he wasn't, he wasn't paying attention. He was like—his head was faced I don't know.

STAYNOR: He wasn't paying attention the officer? Is that what...

[REDACTED] Yeah well...

STAYNOR: ...is that what you said?

[REDACTED] I think he—I could tell that he knew the officer was there.

STAYNOR: Right.

[REDACTED] He just wasn't just not paying attention.

STAYNOR: Oh okay.

[REDACTED] Basically and that was real quick they said I focused on the officers face and what he was doing because usually he has it in control and he has his gun out but you're not moving around like he was, like if he was gonna be shot.

STAYNOR: Right.

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[REDACTED] Just that scared um...

STAYNOR: Right.

[REDACTED] ...look.

STAYNOR: In the officer.

[REDACTED] Yeah, the officer he looked really scared like he didn't know what was gonna happen.

STAYNOR: Right.

[REDACTED] That especially trying to dodge something that he, you know.

STAYNOR: Okay.

[REDACTED] But he was like jerk and look. You know, like he didn't, I don't know. Like I said, I just seen the guy there and I really didn't pay any attention to him. I just seen that look on the guy was really you know, like pissed off and not really, you know, taking orders, you know what I mean. When somebody.

STAYNOR: Okay, okay. So the guy that was on the ground looked like he was mad?

[REDACTED] Yeah it seemed like he he could—officer was trying to either look to see what was going on or what happened you know, because the guy was like—I guess they were—I don't know it looked like a, it looked like a domestic violence because she was screaming.

STAYNOR: Um hmm.

[REDACTED] And the other guy there was...

STAYNOR: Did you see anybody else?

[REDACTED] You know when a guy is, he's pissed off or he just doesn't, you know that.

STAYNOR: Yeah, yeah.

[REDACTED] It looked like that kind of thing.

STAYNOR: I don't care what happens.

Yeah I don't care shoot me. You know, you know, you know that kind of stuff because I've seen it a few times. If some guy got on me I mean, I'm gonna finish crying.

STAYNOR: Um hmm.

My hands can't get at me...

STAYNOR: Um.

It's just...

STAYNOR: Did you see anybody else around this guy that was in the bushes?

Another guy was standing you know—it looked like maybe he was trying to break it up or whatever but you know. A bunch the officers there...

STAYNOR: So the guy is in the, in the bushes.

In the bushes.

STAYNOR: The officer is pointing a gun.

STAYNOR: And was there another person?

It seemed like a guy was back here somewhere.

STAYNOR: Back over here?

Yeah...

STAYNOR: Quite a ways away?

Yeah right on the sidewalk.

STAYNOR: On the sidewalk?

Yeah.

STAYNOR: About where?

[REDACTED] Probably about 10 feet away from this guy so.

STAYNOR: Ten feet away from this guy?

[REDACTED] Yeah.

STAYNOR: Was he out...

[REDACTED] He was up on the...

STAYNOR: ...parallel to him or was he over by.

[REDACTED] Yeah he was behind him right here.

STAYNOR: Like right over here on this sidewalk?

[REDACTED] Yeah at the walkway yeah, he was right in there. It looks like when the cops came he just started sort of walking. I don't know why I can't tell but you know, I just...

STAYNOR: Uh huh.

[REDACTED] He was there that's all I could we got him, him and the police officer.

STAYNOR: Okay.

[REDACTED] I didn't see any other officers at the time.

STAYNOR: What did he look like?

[REDACTED] A Mexican fellow.

STAYNOR: Okay.

[REDACTED] It looked like he was just you know, watching or had something—I don't know what was going on.

STAYNOR: Um hmm, okay.

[REDACTED] But I didn't see the girl I just heard screaming.

STAYNOR: Okay.

And that's all I seen ... I ain't gonna do much help but I just seen that face that look on his face. It wasn't like a happy face.

STAYNOR: Right.

You know. It looked like he was scared for himself to tell you the truth you know. Its stuff like you know, I was gonna shoot this guy.

STAYNOR: Did you see anybody directly next to or within arms reach of this Mexican guy in the bushes? Did you see anybody there?

The closes one was the other Mexican.

STAYNOR: The other Mexican was the closest to the scene.

Yeah yeah, and I seen, I seen...

STAYNOR: And this Mexican, this officer—and you heard a woman screaming but you didn't...

Yeah, I don't know where she was at.

STAYNOR: ...know where she was at.

Yeah. _____ gun and then I didn't see the officer I just seen him by himself and just started jerking and like trying to dodge Some, some kind of something. I was expecting to get something.

STAYNOR: Um hmm.

That's a crazy job you know, what I seen. I didn't even notice that the guy had a gun and wasn't—what what he seen was—scared him enough you know, because it wasn't like you know I have a gun on somebody okay you know, get out of the car.

STAYNOR: Um hmm.

It wasn't like that you know what I mean? It was like somebody had something on him. It's always a bummer when somebody else has a gun. Like drive-by's they ain't no fun.

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STAYNOR: Yeah.

But the other guy has got him a different story. Then there's a shoot out O.K. corral. But he, he looked like um, he wasn't very relaxed and he was pissed at something.

STAYNOR: So you saw that heard that and drove past.

And that was it.

STAYNOR: And that's all you saw?

And then I seen all you guys (makes verbal car sounds).

STAYNOR: Yeah or there's...

Yeah well yeah.

STAYNOR: ...a lot of them.

Yeah, yes it was.

STAYNOR: Yeah. Okay, let's see.

And basically that's all I just wanted to tell you what I've seen is...

STAYNOR: What kind of car your...

I have a Dodge, red Dodge truck that...

STAYNOR: A red Dodge truck?

Yeah.

STAYNOR: That's fine, that's all.

Extended cab. I was like right there. I mean, I was right you know, I couldn't—from the fast lane to where the officer was standing with all...

STAYNOR: And you were by yourself at that time?

[REDACTED] Yes yeah, I was going to... I was late too. So I figured well I'll stop by if they need me because it wasn't because I was there and I heard what was it all about. I just seen what—on his face and it looked like—you know what I mean?

STAYNOR: Yeah.

[REDACTED] And I was beside him. All I can say is he looked like he was...

STAYNOR: Anything else?

[REDACTED] Is the guy alright?

STAYNOR: Which guy?

[REDACTED] Which one the officer looked like.

STAYNOR: The officers are fine.

[REDACTED] He's probably, he's probably a little scared but he...

STAYNOR: The officers are fine.

MALE: No no the Mexican guy.

[REDACTED] I can't say.

MALE: Oh.

[REDACTED] Yeah. Well you know whatever it was...

STAYNOR: If you watch the news if you get home and—well it's to late. It's probably gonna be on the news, it's probably on the news right now.

[REDACTED] Yeah. Yeah, but whatever it is.

STAYNOR: Yeah. It'll run the paper tomorrow

[REDACTED] Yeah that's a good idea. I'll look in the paper. I don't know if it will be in Murrieta.

STAYNOR: Um, should be yeah.

[REDACTED] Well I watched that girl on the freeway _____
_____ it's like...

STAYNOR: Oh he saw a girl on the freeway _____.

[REDACTED] Yeah remember that's what _____ I was—I got
there and the car is all _____ I thought it an
accident.

STAYNOR: Uh huh.

[REDACTED] And I, I'm in a lane I saw it pull off the fast lane. I pulled up because
everything stopped.

STAYNOR: Uh huh.

[REDACTED] I pulled over to the slow lane and cars are still going by.

STAYNOR: Uh huh.

[REDACTED] And then I see this girl standing in the fast lane, good looking
_____.

STAYNOR: Right there by the the...

[REDACTED] Off the 15 over there by um, Elsinore right...

STAYNOR: Oh okay.

[REDACTED] A little past Elsinore.

STAYNOR: Uh huh.

[REDACTED] And she she's standing in the fast lane. Her boyfriend is in the—stopped
on the side.

STAYNOR: Uh huh.

[REDACTED] And he his window is down and she's cussing him out she's yelling at him.
I just see her like this and all of a sudden she pulls the top up like that.

STAYNOR: And showed everybody.

[REDACTED] And then yeah, and as I'm driving by I said get back in the car...

STAYNOR: He embarrassed himself.

[REDACTED] Yeah.

STAYNOR: He probably like a kid.

[REDACTED] That's all I need to _____ like a kid.

STAYNOR: He's like a kid who caused an accident.

[REDACTED] Oh yes, why she got out of the car in the middle of _____ I don't know. She it it's—if she wants to get out she can leave. But I mean I couldn't believe it and then I get, I get off the freeway here and I see the shooting.

STAYNOR: Totally unrelated to the the...

[REDACTED] Yeah, I _____ it was just on my mind. How can you see two things like that at one time?

STAYNOR: That's really strange.

[REDACTED] It's really—yeah _____ Go to the casino or just go home and lock myself away, you know what I mean?

STAYNOR: Save some...

[REDACTED] I didn't know...

STAYNOR: It was—stay away from the casino.

[REDACTED] Stay away from anything. I didn't know what to do so I just tried to get back.

STAYNOR: Alright.

[REDACTED] But I you know, I just like I said, I just—the officer was really scared.

STAYNOR: I think I've got everything.

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[REDACTED] I don't need _____.

STAYNOR:

Yeah I appreciate.

[END OF TRACK [REDACTED] DURATION: 15:38]

DS:nh

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EVIDENCE TAPE

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RIF136252
Transcript of Interview Sergeant Frank Barron
March 24, 2007
074137

Key:	ANDERSON:	Detective Mike Anderson
	ROULSTON:	Sergeant Adam Rouston
	PEARSON:	John Pearson, Attorney
	BARRON:	Sergeant Frank Barron

[BEGINNING OF TRACK 07-4137barron, DURATION: 23:12]

ANDERSON:	Okay. Is yours ready.
ROULSTON:	It'll probably take a second.
ANDERSON:	Okay. This, look.
ROULSTON:	Okay. Ready to go.
ANDERSON:	Okay. Let me get mine goin' here.
ROULSTON:	I'm 22, don't forget.
ANDERSON:	Yeah, I know. I was just thinking about that.
ROULSTON:	Almost 23.
ANDERSON:	Yeah. Okay. This is Senior Detective Mike Anderson. It is March 24 th , 2007, 22:55 hours. This is going to be an interview of Sergeant Frank Barron, in reference to a OIS that occurred at A & W/Long John Silver's located at 1340 El Sobrante in the city of Corona. With me in the room is, I'll go around for voice identification, is...

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ROULSTON: Sergeant Adam Roulston.

PEARSON: John Pearson, Attorney with Lackie & Demmeier. Last name's spelled P-E-A-R-S-O-N.

BARRON: And Sergeant Frank Barron, B-A-R-R-O-N.

ANDERSON: Okay. We've been told that you're going to make a voluntary statement tonight, Frank, in reference to the incident that happened.

BARRON: Yes, I am.

ANDERSON: Okay. I think what we'll start with is, um, what time you came on, unit designator. I understand you were riding with a partner tonight. Um, but before we do that, I just wanna—your uniform of the day was, is what you're wearing right now.

BARRON: Yes, it is.

ANDERSON: Okay. And I'm looking at dark black pants, uh, nylon gun belt, similar to what a patrolman what wear. A black polo shirt with Sergeant F. Barron, S-G-T, F. Barron on the right, uh, chest. And on the left side, Corona Police, a cloth badge flex team under that. That sound right?

ROULSTON: Also on the gun belt is a, a...

BARRON: Badge...

ROULSTON: A Sergeant, Corona Police Department Sergeant's Badge.

ANDERSON: And basically the gun belt has, would appear, everything that a patrolman would carry...

BARRON: Yes...

ANDERSON: Would be about right, Frank?

BARRON: Um hmm.

ANDERSON: Okay. Um, tonight—today, like I said, we'll just let you start with what time you came on. Your unit number, designator, that kind of thing. And then we will fast forward to the incident.

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BARRON: Okay. Uh, today we came on at, uh, 2 o'clock p.m., and unit designator would be the Zebra Unit, which is Zebra 50 with Laura Dodd.

ANDERSON: Do you know what the unit number was, that you were in?

BARRON: The unit number, no. Usually we ride with in my unit, and today we rode in Corporal Jurado's unit. And I don't remember what Unit Number that is.

ANDERSON: Was that the, uh, silver...

BARRON: Silver unmarked police unit, yes.

ANDERSON: Crown Victoria?

BARRON: Yes.

ANDERSON: The one that was parked at the scene?

BARRON: Yes.

ANDERSON: No plates on it?

BARRON: No plates.

ANDERSON: Have the lights still on the sides?

BARRON: It had spotlights on the sides. It has a front take down red light to the front, and a rear, um, caution lights to the rear of it.

ANDERSON: And your current assignment is?

BARRON: I'm a sergeant for the, uh, flex team.

ANDERSON: Which is a?

BARRON: A special unit assigned to assist patrol.

ANDERSON: And tonight was, or today, was there any—were you guys kinda working any special assignment or just working this, the city.

BARRON: Uh, today we were just working, uh, the city and patrolling the downtown area.

ANDERSON: Okay. Um, let's fast forward to you hear a call come out at the, at the, uh, A & W, um, Long John Silver's.

BARRON: Okay.

BARRON: Yeah, Corporal Jurado, who was driving and I was the front passenger. And we were traveling eastbound on the, uh, the East Sixth Street, in the area of Main Street just, uh, driving around through that area when we heard the call coming out at Long John Silver's of a 415 physical. Uh, we're—now, at that time, we're pret-, pretty close to the area of Grand, East Grand and Sixth Street. So, we started heading that was maybe to assist the primary officers with this, um, call. Uh, Corporal Jurado and I proceed going, now turning, uh, right on El Sobrante and going towards Long Song, Long John Silver's location. At that moment, I, I see another unit coming, uh, northbound from El Sobrante and about ready to turn into Long John Silver's, uh, patrol unit. Which later I learned is, uh, Corporal, um, Jason Viefhaus' unit. Um, as we're approaching, and based on my experience, I saw that he slowed to, uh, a stop. And then as he made his turn into the parking lot, it appeared that he had saw something to make him accelerate quickly. Either the subjects were still fighting, something was not right. So, he accelerated fast. And I felt that there were something on, usually a fight. So, when Corporal Jurado pulled up into the parking lot, Viefhaus parked first and then I got right away. I had my gun drawn, at that moment, I saw a male subject wearing a white t-shirt run by. And he looked like he was in fear of someone, or someone was chasing him. He runs by me, at that time, Corporal Jurado is now gonna be making contact with him. At the same time, I see another two individuals coming towards my direction. And one, uh, falls and then another, uh, is right behind him. I could see him having something in his hand, but I can't make it out. At that time, the other guy, the guy that falls, um, is now turned up on his back. And he's, like, trying to protect himself. The guy immediately jumps on him and starts swinging at him with both hands. And at that same time, I'm thinking he had something in his hand. I didn't know what it was. Somebody in the crowd yells out, "he has a knife." And as I'm advancing up, you know, I'm yelling police officer, Corporal Viefhaus is to my right. And I know that he had his taser out, and I saw him when he, when I was arrived and I saw his taser out. And as I'm trying to approach, I'm, I'm also trying to see what he has in his hands. At that time, I saw he had a knife in his hand. And I was like,

man, "this, this guy's stabbing this person right in front of me." Here I am in full uniform, a police officer, and he's not stopping. I'm yelling at him. This guy's about ready, you know, he wanted to kill this guy. You could see it in his face, he had anger. He had, he was just zeroed in and trying to kill this guy. So, again, I'm yelling at him and, uh, I'm moving more to, to an angle because I could see that there's people on the other side, um, in the windows. And I did—and I could see Viefhaus to the right, so I, I—if I was gonna take a shot, I was gonna have to be a pretty good so I wouldn't hit anybody. Um, and, at that time, the guy stood up. And when he stood up, I could hear either a popping noise from a taser going off, and it seemed like it didn't have an effect, um, on the person at all, the guy. And he turned really quickly, and I didn't see what he, I didn't see his hands at that moment. But I knew he had a knife, and when he turned quickly, I thought, oh, shoot, he's gonna stab Jason, the officer. And that's when I, I fired one shot and then, and then he fell. And at that moment when he fell, I went ahead and approached him. Uh, I, I made sure this other guy on the bottom that was getting' stabbed, didn't have a weapon either. And I glanced back at him, and I'm looking for the knife because he had one arm tucked on his hand and one arm out. But I just grabbed him, and then I handcuffed him and then I waited. And then I could see that he had the knife was on the floor or the ground next to him. Um, and at that time, I just, uh, pretty much, uh, directed Corporal Jurado to, uh, once he secured the other guy, to secure this other victim. Because we didn't know what we had, but secure him with handcuffs. And then we secured the scene, and called for paramedics to arrive for the person that was stabbed and for the gunshot victim.

ANDERSON: Okay. I'm gonna back up just a little bit. When you, when you guys got there, you are the passenger, Corporal Jurado's the driver?

BARRON: Correct.

ANDERSON: You parked, where we saw your unit tonight, that's—the car's weren't moved or anything. You never touched the car. So the car's parked basically in the driveway kind of facing in a, I'd call it a south direction?

BARRON: Cor-, correct, in a south direction.

ANDERSON: Kind of...

BARRON: In the driveway...

ANDERSON: Facing up towards like Magnolia, McDonalds...

BARRON: Right, right...

ANDERSON: The restaurants, okay. And when you exit the car, you go up to, to start to approach up to where you can see if there's someone running. And they're running in front of the business?

BARRON: Yeah, along the side of the business on that sidewalk area.

ANDERSON: So, I'd call that like an Eastbound direction towards you?

BARRON: Correct. Eastbound, correct. Right in...

ANDERSON: Right in front, on the sidewalk?

BARRON: Right.

ANDERSON: And he's—this guy's running kinda—you're coming up and he's kinda running...

BARRON: By me.

ANDERSON: By you?

BARRON: Yeah.

ANDERSON: He ran right by you?

BARRON: Well, right by me as I'm—and I didn't pay too much attention to him because I saw the other two coming at me at the same time too. And then I saw that one guy drop, and then I saw something in this other guy's hand.

ANDERSON: Okay. And then when—the first guy, when he ran by you, did—could you tell that he had been in a fight or your attention was just he's getting' away, so I'm focusing on the other two coming at me?

BARRON: You know, I couldn't tell if he was in a fight. But I just knew he was running from someone.

ANDERSON: Okay. So, then you see—now, to describe the area, there's—it's a parking lot area, and he's—they're both running on the sidewalk in front of the business...

BARRON: Right...

ANDERSON: Running Eastbound towards you, to a vantage point that you're at?

BARRON: Yeah, they're running toward, directly towards me, yeah. And, I'm...

ANDERSON: Okay. So you're in the drive-thru area, basically the exit where the drive-thru is like if you were getting your food? You're kind of on the, in the parking lot near the exit to the drive-thru?

BARRON: Yeah, pretty close to the drive-thru there, yeah, correct.

ANDERSON: Okay. And there's a planter between you?

BARRON: Correct.

ANDERSON: And then you have the, um, the area where this, where the victim falls down and the suspect is on him there?

BARRON: Yes.

ANDERSON: So, how far are—do you think you're away, at that point, when you see them coming towards you, um, and the guy falls down in the, in that area? How far do you think you are?

BARRON: From the part where I first see them to, it's probably about ten feet and then I narrow the gap down as, as I advance.

ANDERSON: Okay. So, when you first see him, you're ten feet from him?

BARRON: Probably.

ANDERSON: And then the guy's on the ground, and, and you can see the punching motion you made...

BARRON: Yeah, he's, he's...

ANDERSON: And see that he's going down?

BARRON: Punching to the sides a lot, like this...

ANDERSON: Side to side?

BARRON: Yeah, like this motion.

ANDERSON: So, at this point, you're thinking that it's a fist fight maybe?

BARRON: Yeah, at first.

ANDERSON: That there's blows being thrown, and then that's when you approach closer?

BARRON: Yeah, and then somebody yells out, he has a knife. And that's when I, I, I kinda wanna make sure, and when I—as I'm moving to, I'm looking to see where—if I see a knife, and I definitely saw a knife in his hand.

ANDERSON: Okay. So, you're, you're moving forward and then you're kind of making motions to the side?

BARRON: Yeah.

ANDERSON: So, you're leaning forward and to the side?

BARRON: Yeah.

ANDERSON: Are you, are the things you're taking into consideration—you made comments, are you looking at your back now?

BARRON: I'm looking at everybody that's possibly might involved, okay.

ANDERSON: Okay.

BARRON: Because there's witnesses that are—or people looking out the windows. You have also the Officer Viefjaus to the side. I have him. I have the victim on the floor and also the person right behind me.

ANDERSON: Okay. When you heard someone yell, it's a knife, is it the crowd that's now, like it came somewhere from the front of the business?

BARRON: It sounded like a female voice, and it sounded like somewhere in the front of the business.

ANDERSON: Like by the front door areas?

BARRON: Right in that general area.

ANDERSON: So, it would have been, um, leaving the area that they came from then?

BARRON: Correct.

ANDERSON: Somewhere in that area?

BARRON: Yes, from the front business area.

ANDERSON: So, they're on the ground near the—in the planter or right in that area?

BARRON: Right in that area, the planter area.

ANDERSON: So, ten feet now becomes now many feet do you think you were?

BARRON: I was maybe probably about five, five to, five feet there.

ANDERSON: So, you're basically coming right up to the planter?

BARRON: Right.

ANDERSON: Past to where now, there's only the divider in the actual planter box?

BARRON: Correct.

ANDERSON: Okay. And you have a clear sight vision...

BARRON: Yes.

ANDERSON: You could see everything that's happening on the ground right in front of you?

BARRON: Right, correct.

ANDERSON: And do you remember what you were yelling? Were you yelling at them?

BARRON: I was yelling "police, stop." But and "police." You know, trying to tell him to, you know, pretty much stop what he's doing.

ANDERSON: So, you realized now when you get this close that this isn't fists anymore, you can see a knife in one hand?

BARRON: Yes.

ANDERSON: Okay. Do you remember which hand it was?

BARRON: Right-hand.

ANDERSON: He had the knife in his right-hand?

BARRON: Right.

ANDERSON: Was he—you made a motion to the side to this side, was he still moving with two hands or was it just one hand with the right?

BARRON: You know what, I, I saw one time him move, move like a striking motion to the left with his fist. But definitely I saw his right-hand with the knife.

ANDERSON: You're making a motion going towards his...

BARRON: When you like back, like in the side of his, of the victim's side here.

ANDERSON: So, he was hit in like the torso area?

BARRON: Like the sides, yeah.

ANDERSON: Like in the chest area or just behind the body?

BARRON: No, it's more like in the back area, upper body.

ANDERSON: To the sides?

BARRON: Yeah, the sides, like maybe in the back.

ANDERSON: Okay.

BARRON: Uh, because he, you know the victim was struggling too.

ANDERSON: He would move?

BARRON: To, to defend him off, and he was hittin' him in the sides here.

ANDERSON: Can you show us with my pen, just do you remember how he had the knife he was holding?

BARRON: Yeah, he had it just like this.

ANDERSON: So, you have a closed fist and you have—the blade would have been out?

BARRON: Right.

ANDERSON: So, he's basically got a fist, got the knife in his hand and the blade's protruding out.

BARRON: Correct.

ANDERSON: And he's going to the side?

BARRON: He's going to the side to get behind his ...

ANDERSON: Do you remember how many times he, he'd made that motion?

BARRON: Um, it was several times, but it—maybe, you know, I—um, he did it several times, so I would say maybe three to four times. I'm not so sure.

ANDERSON: Okay. Somewhere along there?

BARRON: Yeah.

ANDERSON: What's running through your mind as you're seeing this?

BARRON: I'm seeing that, uh, you know, obviously this guy's—he's, uh, not wanting to stop. He knows the police officer's are here and, uh, he's not wanting to stop and—this guy want's to kill this guy. You know, he wanted to kill him. And I can't believe that, especially with police officer in full uniform standing right in front of him. Yelling at him to stop, the gun's drawn, and he's still going. And I cannot believe this, in my mind. So, I'm thinking, I'm gonna—you know, to sit—he's gonna kill this guy unless I do something and that's why I tried to make it, uh, more of, of an angle too, to get better shot in hitting him verses the victim. 'Cause the victim was still struggling to fight and I was afraid that he would pop up and—if I took a shot there, so I was trying to make another angle to get a better shot on him.

ANDERSON: So, there was no doubt in your mind that this guy, he—basically you're witnessing a murder right in front of your eyes?

BARRON: Correct. He's gonna kill this guy right now, unless I do something. And then, you know, um...

ANDERSON: Did the guy ever, did the suspect ever make any eye contact with you? I mean, do you remember looking, do...

BARRON: You know, he was so focused in what he was doing. It, it—at that moment, he was so focused on what he was doing, he didn't even make no eye contact at all. All I saw was anger in his face, and just trying to pound...

ANDERSON: I hate his guts...

BARRON: This guy with this knife.

ANDERSON: Okay. And then you see this on the ground, you see that, that this is happening. Out of your—are you seeing now, Officer Viefjaus coming up also?

BARRON: Yep, uh, Corporal Viefjaus was, uh, to the, to the right, and I saw him move up a little closer. And I hear him deploy the, the taser. Uh, it appears it doesn't work. And the guy stand up immediately and turns. And, and I know he had the knife at one point, but then when he turned, I lost sight of it. And he turned and flips a fast ma-, motion, I thought he was gonna stab Corporal Viefjaus.

ANDERSON: Could you tell how far apart they were?

BARRON: They were real close. Um, it appeared very close. Um, I would say no more than maybe two feet or so.

ANDERSON: Two feet between the suspect and Corporal Viefjaus?

BARRON: Correct.

ANDERSON: When he turned, was it in an aggressive manner towards...

BARRON: Oh, immediately quick, um...

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ANDERSON: Do you remember which way he turned?

BARRON: he, he stood up. Um, and he turned to his right. And that's when, I think I fired right then.

ANDERSON: So, he—when he stood up, he was facing westbound then?

BARRON: He was, he was facing eastbound.

ANDERSON: Facing you?

BARRON: And then when he stood up—facing me...

ANDERSON: Okay...

BARRON: Um...but he never made contact, eye contact with me. And he turned, um, turned around to his right and, and was turning towards Corporal Viefjaus.

ANDERSON: So, in your mind, do are you thinking at this point, you may have witnessed a murder? 'Cause you don't know what the condition is of him, and now this guy is going to attack...

BARRON: Oh, yeah, definitely he was gonna stab...

ANDERSON: Going to attack you...

BARRON: In my opinion, he was gonna stab Corporal Viefjaus...

ANDERSON: He was turning to go to him...

BARRON: To stab him.

ANDERSON: Okay. And when you, and you fired one, one shot?

BARRON: One round.

ANDERSON: Did you, did you hear Officer Viefjaus, or did you see him fire a round also?

BARRON: I heard, uh, another round. Yeah, I did.

ANDERSON: Was it simultaneous to your ears?

BARRON: He was, he was pretty close to my—he may have fired first, and then me.

ANDERSON: So, it's kind of boom, boom.

BARRON: Yeah.

ANDERSON: Okay. Um, when you heard the sounds of the taser being deployed, did you, you described like a popping sound, you thought you were hearing?

BARRON: Popping and a little, like electricity charge going.

ANDERSON: So, it's not a popping sound like a gunshot...

BARRON: Yeah.

ANDERSON: It's more of a popping sound, like a deployment of a taser?

BARRON: Of a taser. Yeah, a little electricity charge I could hear.

ANDERSON: You thought you could hear, okay.

BARRON: Um, okay. I don't think—you think you have anything right now?

ROULSTON: Uh, did you hear anybody else giving commands, officers?

BARRON: You know, I heard yelling, and I, I like believe cor... you know all I can say is, all I can say is I know I was. I couldn't hear. I know there was a lot of chaos there at the scene. People yelling all, all, you know, citizens and the officer and myself. But I can't say if anyone else exactly what they said.

ROULSTON: Okay. And then, um, when the victim fell, did he initially fall on his face and then roll or...

BARRON: You know, I don't know. I was looking at the suspect. And I, I lost the victim when he fell...

ROULSTON: In the bushes?

BARRON: In the middle of that, yeah.

ROULSTON: Did you hear the suspect say anything?

BARRON: No.

ROULSTON: And then, uh, have you ever seen that suspect before?

BARRON: No.

ROULSTON: No contact with him?

BARRON: No.

ROULSTON: Um, after you said that you initial—or you went up to assist on taking him into custody?

BARRON: No, I did take him into custody.

ROULSTON: So, you walked around the planter after you shot or...

BARRON: No, I, I made the direct course, so I walked through the planter. And, um, I made my gun safe. I put it on safety and holstered my gun, and then I went ahead and handcuffed him.

ROULSTON: Uh, did ever make any statements at all? Did he ever—did the suspect ever say anything?

BARRON: Yeah, he made one statement out there. He was just saying that, hey, you're gonna let me die. I'm hurting, get me the ambulance. I'm gonna die here. That's all he said.

ROULSTON: He never made any, never said any other comments.

BARRON: No other comments at all, huh uh.

ROULSTON: Did you happen to tape record the incident?

BARRON: No.

ROULSTON: Okay. We're gonna take just a second.

ANDERSON: We're gonna leave our tape recorders on. If you guys need a minute or anything, you know, just step out.

ROULSTON: Yeah.

BARRON: There's cameras in here?

ANDERSON: Uh huh.

PEARSON: It's actually pretty good quality from what I saw. The fact that they're interviewed. A lot of really bad video.

BARRON: Huh.

PEARSON: You know, I said before that as far as OISs go, this ones pretty—I mean, you can't get much more clean cut until you push the limits. So, I think they're gonna want you to talk to him.

BARRON: A doctor.

PEARSON: Uh huh. It's probably policy. How many years do you have on?

BARRON: 20.

PEARSON: 20.

BARRON: Yeah.

PEARSON: How old were you when you started?

BARRON: About 20 and a half.

ROULSTON: _____ perfect for the 90 percent.

ANDERSON: Um, just have one, one question. Just to—well, actually two questions? Do you, when you fired, do, do you remember where you might of hit?

BARRON: No.

ANDERSON: You just moving and you fired to stop the threat?

BARRON: You're right. I don't know where it went.

ANDERSON: And the second one was, as, ah, as a flex team's, uh, supervisor, you're the sergeant of the units here, the supervisor of the unit...

BARRON: Yes...

ANDERSON: What, what are your responsibilities?

BARRON: Um, my responsibilities are oversee and supervise the officers on my team. Outside of the flex team, I have other duties as a supervisor.

ANDERSON: Would you say, though a fair statement is as a flex team sergeant, you're basically a working sergeant for lack of a better term? You're not in the station, you're out in the field. You're with your guys.

BARRON: Correct, yeah.

ANDERSON: You're arresting people. You, you actually participate, I guess?

BARRON: Yes, I actively participate. I'm, I'm actually a partner for them that day, depending on the situation on hand.

ANDERSON: So, it's not uncommon for you to make arrests and...

BARRON: No, it's not uncommon...

ANDERSON: That kind of stuff? Okay. Anything?

ROULSTON: Um, I think you already clarified this, but let me just ask you. Um, sitting here now looking back at the situation, if you did not shoot the suspect, what do you think the suspect was going to do?

BARRON: Oh, definitely I, I felt he was gonna stab Corporal Viefjaus. And I—your, you know, felt he was gonna kill him, kill him.

ROULSTON: And already had inflict some kind of...

BARRON: Oh, yeah. Do already—pretty much almost look like, kill this other person that I don't know who it was...

ROULSTON: Okay. Anything?

ANDERSON: Nothing more? Okay. 22, excuse me, 23:18 hours and that'll be the end of the interview.

[END OF TRACK 07-4137barron, DURATION: 23:12]

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DGS:vl

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October 5, 2007

EVIDENCE TAPE

People v. ISAAC SERRANO
RIF 136250
Transcript of Interview with [REDACTED]
March 24, 2007
074137

Key: NEVINS: Eric Nevins, Investigator, District Attorney's Office
[REDACTED] [REDACTED] Witness

[BEGINNING OF TRACK [REDACTED] DURATION: 06:55]

[REDACTED] ...Employees going outside and, and one of them coming back in—I don't know who. They said, um, call the police. And that's really all I saw.

NEVINS: Okay, and when you say you saw people going outside, where were they going from? Like...

[REDACTED] Uh...

NEVINS: What part of the restaurant?

[REDACTED] Oh no, from behind the counter.

NEVINS: Oh, so employees from behind the counter were going...

[REDACTED] Yeah...

NEVINS: Outside?

[REDACTED] We're going outside.

NEVINS: Okay. And when they came back in, what did they say?

[REDACTED] Um, "call the police."

NEVINS: "Call the police?"

[REDACTED] Yeah, that's all I heard...

NEVINS: And you didn't see anything of what happened outside?

[REDACTED] Um, I saw a couple of, um, like, hits, altercations. Uh, the manager was, um, getting the guy to try to leave, you know, you know, you need to go...

NEVINS: Uh huh...

[REDACTED] You need to go. And then, they came after, um, one of the guys who worked here. Um...

NEVINS: The guy he was trying to get to leave?

[REDACTED] They, yeah, the guy the manager was trying to get to leave...

NEVINS: Uh huh....

[REDACTED] Uh, went after one of the guys...

NEVINS: And when you say the manager, is the manager standing around here somewhere?

[REDACTED] Um, um, yeah, that gentleman right there in the black.

NEVINS: That guy right there?

[REDACTED] Yeah, I'm guessing he's the manager.

NEVINS: Okay, with the glasses?

[REDACTED] Yeah.

NEVINS: Okay.

[REDACTED] I'm assuming...

NEVINS: All right...

[REDACTED] 'Cause he doesn't have a uniform like everybody else.

NEVINS: All right. So he was trying to get—and was he trying to get him to go out that side?

[REDACTED] Uh, he was, he was already outside. He was trying to get him to, you need to go home...

NEVINS: To leave?

[REDACTED] Yeah.

NEVINS: And what did the other guy look like?

[REDACTED] Which guy? The guy he was trying...

NEVINS: The guy he was trying to get to, to leave.

[REDACTED] Oh, um...

NEVINS: Was he white, black, Hispanic—

[REDACTED] Hispanic.

NEVINS: Asian?

[REDACTED] Hispanic. Like, a dark blue shirt. Um, had some...

NEVINS: Was he a guy or a girl?

[REDACTED] Guy.

NEVINS: Okay...

[REDACTED] Red lettering...

NEVINS: Blue shirt?

[REDACTED] Yes.

NEVINS: Okay.

[REDACTED] Um, uh, didn't have any hair. Shaved head. Um, kinda athletic build. Looked like about two hundred pounds, I guess.

NEVINS: About how tall? Like your height, my height?

[REDACTED] No, I'd say about five-eight. Somewhere around there.

NEVINS: Did he look like a gangster?

[REDACTED] No, I don't think so.

NEVINS: Okay.

[REDACTED] I mean, he could have been, but I don't think—he, he, he didn't have any, like, tell-tale signs, his shirt wasn't too long, and too baggy or anything like that. Um, just, he was really aggressive.

NEVINS: Okay.

[REDACTED] In his body language.

NEVINS: The, the guy who they were trying to get—the guy you just described, you're saying he was the aggressive one?

[REDACTED] Yeah.

NEVINS: Okay.

[REDACTED] Oh, yeah, for sure.

NEVINS: Did you hear him say anything?

[REDACTED] No, not a word.

NEVINS: And you saw him hit someone?

[REDACTED] Yeah. A few times, uh, um...

NEVINS: Who, who was he hitting?

[REDACTED] Uh, one of the employees, um, like, he...

NEVINS: So you when you say hit him, like, punched him with a closed fist?

[REDACTED] Yeah. Yeah.

NEVINS: And when it—where did that happen?

Um...

NEVINS: Was it inside or outside?

No, it was outside.

NEVINS: Oh, so it was in the parking lot over here on, uh...

Um, it was by the windows over here...

NEVINS: To the, to the—if that's the north side, was it over on the north side of this building? Where I'm pointing?

It was over on that side.

NEVINS: In that parking lot somewhere?

In this parking lot. It was—you see where...

NEVINS: Can you point out a car it was close to?

You see where the sign is right about there?

NEVINS: The one that says thank you?

No, the sign that you can't see what's behind, uh, what's in—you see the back of the sign, you know? Right by the white truck? See the white truck right there?

NEVINS: Yeah. I see the white truck.

That sign that's going up and down, it was right about there.

NEVINS: Oh, okay, the handicapped parking sign.

Yeah...

NEVINS: Okay...

██████████ Whatever the sign says. Um, yeah, he took, he took, uh—they guy in the blue shirt...

NEVINS: Um hmm...

██████████ Took a couple of swings at one of the guys who worked there. He dodged them, and then, um, they're like no, you need, you know, from the body language, it looked like no, you need to go, and then guy who, um, dodged the swing, he looked away, like, he looked in here kind-of-thing, and then the guy just attacked him.

NEVINS: When you say the guy, you're talking about...

██████████ The guy in the blue shirt.

NEVINS: The guy in the blue shirt? Okay.

██████████ He started whaling on him. And then it moved down this way, um, and I, I said enough's enough, the police are coming, I'm not gonna watch, it's pointless. Um, and then, right when the police, um, uh, started showing up, everybody started walking this way...

NEVINS: Um hmm...

██████████ And I thought they were gonna walk towards the police. And then the guy in the blue shirt just went after, uh, the guy that was going after the floor hand, and was down on the ground, beating the crap out of him, and then, um, I just saw weapons drawn, shots fired...

NEVINS: Oh, you heard the shots fired?

██████████ Yeah.

NEVINS: How many?

██████████ Uh, to me, three.

NEVINS: Did you see who was shooting?

██████████ The officer? No.

NEVINS: So you don't know who fired the shots?

[REDACTED] No, I don't.

NEVINS: Okay, but you assumed it was the officers because they had guns drawn.

[REDACTED] Yeah. From, uh, from what I heard from other people, um, inside...

NEVINS: Well, I just need to know what you saw...

[REDACTED] What I saw, okay...

NEVINS: While you were...

[REDACTED] Yeah, that's all I saw.

NEVINS: Okay.

[REDACTED] And I mean, I mean, I'm assuming because they had weapons drawn and, um, you know, they actually fired at him, there was a reason, there was a weapon, uh, somebody's life was being threatened, you know...

NEVINS: Now you said that he attacked him again when the police got here and he was un—and the, the guy he, that the dude, the guy in the black shirt was attacking, the employee...

[REDACTED] The guy in the blue shirt was attacking the...

NEVINS: The employee...

[REDACTED] Yes.

NEVINS: And the employee was on the ground?

[REDACTED] Um, yeah, 'cause he was walking in front of, in front of...

NEVINS: How 'bout we just call them, say the employee...

[REDACTED] Okay, the employee...

NEVINS: And the blue-shirt guy.

[REDACTED] Okay, the employee was walking with another, uh, like, two or three, uh, fellow employees...

NEVINS: Uh huh...

[REDACTED] And then the, I believe, the manager was walking with the, um...

NEVINS: Blue-shirt guy...

[REDACTED] Gentleman in the blue shirt...

NEVINS: Uh huh...

[REDACTED] And they were, they were walking in front and they were following, so like, I'm assuming because the police were coming forward, that they were walking all towards the, the employees.

NEVINS: So they were all walking out towards the street, out here?

[REDACTED] Right, where the police were coming in, and then the guy just, you know, ran and...

NEVINS: Blue-shirt guy?

[REDACTED] Yeah, blue-shirt guy started attacking the employee again.

NEVINS: And it's the same employee that he was attacking every time.

[REDACTED] Yeah.

NEVINS: Okay. And what did that guy look like, besides an employee?

[REDACTED] Um...

NEVINS: Was he white, black, Hispanic, Asian...

[REDACTED] Hispanic, uh, shaved head—not shaved, but, you know, buzzed hair.

NEVINS: Buzzed? Okay.

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[REDACTED] Um, same build. Probably, um, five-seven. Um, facial hair, I believe, like, a, um, stubble and then, like, maybe a mustache. Um, uh, he didn't have really have an athletic build or anything, he just, kinda skinny.

NEVINS: Okay. Can you hang on here for just a second for me?

[REDACTED] Yeah.

NEVINS: Thanks.

[REDACTED] Just let me know what I can do.

NEVINS: All right.

[END OF TRACK [REDACTED] DURATION: 06:55]

DDS:dmk
R-07-384-M
10/3/07

EVIDENCE TAPE

People v. ISAAC SERRANO
RIF 136250
Transcript of Interview with [REDACTED]
March 24, 2007
074137

Key: NEVINS: Eric Nevins, Investigator, District Attorney's Office
 [REDACTED] [REDACTED] Witness

[BEGINNING OF TRACK [REDACTED] DURATION: 03:32]

NEVINS: Okay. Do you have your identification with you, sir?

[REDACTED] Yes, sir. [REDACTED]

NEVINS: Thank you.

[REDACTED] Do you still live at, um, [REDACTED]?

NEVINS: Yes.

[REDACTED] Same thing as there.

NEVINS: Okay. What's your—here's your I.D. What's your, uh, phone number there, sir?

[REDACTED] [REDACTED]

NEVINS: Uh huh...

[REDACTED] [REDACTED]

NEVINS: Do you have any other phone numbers?

[REDACTED] No.

NEVINS: Are you retired, sir?

[REDACTED] Yes, sir.

NEVINS: Okay.

Retired the first of March of 75.

NEVINS: That's been a couple years. And, uh—

Thirty years.

NEVINS: Well, yeah. And, and were you in the restaurant when, when this took place?

Yes.

NEVINS: Okay. And were you sitting in the same, same seat?

Yeah.

NEVINS: Okay.

Oh, these couple guys were fightin' first, and then the other guys tried to separate 'em...

NEVINS: Um hmm...

And the third one guy, I thought it was over and they come over this way. About the time you guys rolled up the two, two fighting over there and police pulled a gun.

NEVINS: Okay. Did you hear any, uh, any shots fired?

No.

NEVINS: No? Okay. Did you, did, did you, uh, see the faces of the people that were involved in the fight?

I could see 'em, but I couldn't distinguish between them.

NEVINS: Okay.

One thing, I was eating my fish, and I wasn't paying no attention.

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NEVINS: The people who were trying to break up the fight, did they look like employees?

[REDACTED] No, they...

NEVINS: Were they wearing the, that, that kind of uniform?

[REDACTED] They looked like regular guys to me.

NEVINS: Okay. All right, and is there anything else you think I need to know?

[REDACTED] No, I don't know them, though.

NEVINS: Yeah, okay. I appreciate your time, sir.

[REDACTED] I couldn't help too much, but thank you...

NEVINS: I appreciate it. Thank you.

[REDACTED] I'm eighty-eight years old.

NEVINS: If you want to, uh...

[REDACTED] I hope he was stronger than me...

NEVINS: If you want to rejoin your wife, you're more than welcome.

[REDACTED] Okay.

[END OF TRACK [REDACTED] DURATION: 03:32]

DDS:dmk
R-07-384-M
10/02/07

EVIDENCE TAPE

People v. ISAAC SERRANO
RIF 136250
Transcript of Interview Corporal Jason Viefhause
March 24, 2007
074137

Key: ANDERSON: Det. Mike Anderson

 ROULSTON: Sgt. Adam Roulston

 PEARSON: John Pearson, Attorney

 VIEFHAUSE: Corporal Jason Viefhause

[BEGINNING OF TRACK 1, DURATION: 23:06]

ANDERSON: The date is March 24th, 2006. Time is 2150 hours. This is going to be an interview with Corporal Jason Viefhause. What I'll do is I'll go around the room for purpose of the transcription. Everybody can say their names, and we can get 'em on that way. Uh, this is senior detective Mike Anderson.

ROULSTON: Sergeant Adam Roulston.

PEARSON: John Pearson, P-E-A-R-S-O-N with Lackie and Dammeier.

VIEFHAUSE: And Jason Viefhause.

ANDERSON: Okay, we're, we're here at the Corona Police Department in an interview room in the detective bureau. We've been told that there's going to be a voluntary statement made in an officer involved shooting that occurred tonight at a, uh, restaurant, A&W, slash, I guess, Long John Silver's located at 1340 El Sobrante in the city of Corona. Is that correct?

VIEFHAUSE: Yes.

ANDERSON: This is a voluntary statement. You're here on your own free will. It can end at any time you want. Okay? All right, I think what we'll do is, uh, we'll just start with your, with your day, as far as your designator, what time you come on duty, those kind of things, and then we'll fast-forward to the call. You're obviously in uniform right now. You were in this

uniform, uh, Corona Police uniform. Okay, let's just start with that then, Jason.

VIEFHAUSE:

Okay, uh, I'm 155 today. Uh, and I started 6 A.M. Saturday morning, and, uh, at about, while I was working patrol at Rimpau and Ontario, a call came out of a physical fight in the parking lot of Long John Silver's, and they des—they dispatched two other units to that, so I was pretty close, so I started down Rimpau, yeah, I started down Rimpau towards that call. Uh, before I got to the call then they advised over the radio that they had one subject pinned down in the parking lot. Uh, I thought I was gonna get there first, so I actually put on my leather gloves just in case somebody was bleeding or something I wouldn't get blood on my hands, and, uh, just prior to going 97 on the radio, uh, to advise that I was there, I think it was Bill Serrano and Sergeant Barron, I think their designator was Zebra 40, maybe, today. They said that they were 97 at the call, also. Uh, as I'm driving down El Sobrante and as I'm turning into the driveway of the Long John Silver's Restaurant, I see, uh, I don't know, four or five people standing on the sidewalk near the front door of the restaurant, and then out the corner of my eye, I also see, uh, the Zebra unit's car pulling up, also, uh, pretty much right behind me. So, as I'm pulling into the parking lot, I see one male Hispanic, uh, it was, as far as I understand later, it was an employee that was detained. He was actually walking, uh, it would be eastbound, uh, towards, I said the east part of the restaurant as I'm pulling in, and he had a, uh, had a, uh, look on his face, it looked like he was out of breath. He looked a little disheveled so, uh, I speculated that he was involved in the fight. So, I stopped my unit, uh, get out of the car, and that's the first subject that I spoke to, and as he was walking down the sidewalk by the drive, the drive-in lane, or the drive-thru lane, uh, I told him to sit on the curb. He gave me kind of a dirty look, and said, why do I have to get on the curb? That's when I get my Taser out, out of my, uh, Taser holster with my left hand. I start to point it at him thinking that he was just involved in a fight, and he probably wasn't going to cooperate with me, and I told him again, again to sit on the curb. At that time, to the right of me, I see two other male subjects, uh, one chasing another, uh, I'll call the person in the front the victim, the person behind him the suspect. They were running, also, eastbound on the sidewalk in front of the restaurant, and they, uh, the victim, who was in front, actually was running towards me and falls right into a planter, I don't know, about approximately six feet in front of me into a planter to the right. Uh, so, I diverted my attention, uh, and, and when the victim fell, the subject, uh, jumped on top of him, and it appeared to me that he started punching him on, in the back. I diverted my attention to the victim and suspect. They

were in a planter, and I was on one side of the planter, so I actually went to walk around the planter to get behind them. Uh, I still had my Taser in my hand, uh, as I was walking around, I still thought that the suspect was punching the victim. As I walked closer, instead of a punching motion, I saw that the suspect was holding a knife, and he was stabbing him in a stabbing motion in the back. As I saw that, I thought that the suspect was actually killing the victim right in front of me. I already had my Taser in my left hand, and I knew I had to stop the suspect, who was on top of the victim because I had the Taser in my left, it was already out. I tried to shoot it, and it didn't work. At that time, Sergeant Barron and, uh, Officer Jurado came from the east and was actually, uh, positioned in front of the victim and suspect, and as far as I can remember, they were yelling either "stop" or "drop the knife." I can't, can't really remember which one it was. It could have been both. So, there in front of the, the, uh, suspect and victim, as the suspect was stabbing the victim, they're yelling at him. I realize the suspect is not complying; he's still stabbing the victim. My Taser's not worked, so I draw my, uh, my handgun because I have to, I have to stop the suspect from killing the victim. As I'm drawing my handgun, the suspect gets up off the victim. When he's on the ground, I see he has a knife. He takes a couple steps back off the victim, and in one fluid motion, he's still getting up, he still has the knife. He takes a step with his back towards me, he starts to turn around with the knife and coming in my direction. As far as I remember, I was proximately about three feet, four feet from him as he's coming around turning towards me, and he's turning towards me. Based on the close proximity, I thought he was going to engage me with his knife. He still wasn't complying with Sergeant Barron's commands. Due to the fact he was close, he still had the knife, and he was coming my direction, I thought I was going to get engaged and stabbed and possibly killed. At that time I was taking out my gun, and I shot the suspect once. Uh, immediately after I shot the suspect, I heard a shot coming from Sergeant Barron's direction, and the suspect dropped. Uh, the suspect dropped. I actually got the first person that I engaged, I think it was the employee because he was still over there. I told him to get down on the ground and pruned him out, and at that time, uh, Officer Jurado and Of—and Sergeant Barron would cuff the victim and the suspect because we didn't know who was, if there was more suspects, if, what was going on. And then somebody else had came up, handcuffed the, uh, third person.

ANDERSON:

Okay, uh, just a few questions, like, what was your unit number today, do you remember?

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VIEFHAUSE: Uh, it's 150...79-157.

ANDERSON: 79-157?

VIEFHAUSE: Uh huh.

ANDERSON: And on the Taser, did you, do you remember the last time you checked the Taser? Do you check to make sure, like, batteries are charged and that kind of thing?

VIEFHAUSE: Yeah, I would probably guess maybe a couple of weeks ago. Maybe, my, if, if, if you punch in the, it will tell you the last time. I don't want to give an exact date because I don't know.

ANDERSON: Okay.

VIEFHAUSE: I'd just say a month ago.

ANDERSON: Is that Taser just, just for you?

VIEFHAUSE: Yes.

ANDERSON: You're the only one that uses that Taser? Okay, to go...I'll speed it up to that, when you started to see things happening. Uh, are you yelling any commands at these guys at all? Did you say anything or was it just Sergeant Barron?

VIEFHAUSE: I didn't because mentally I heard that they were, and I was so focused on stopping that guy, that at this, today, I didn't give commands. Usu— usually I would...

ANDERSON: Okay.

VIEFHAUSE: ...but, uh, I just heard that they were, and I was so focused on stopping that guy from, from stabbing the victim.

ANDERSON: So, without, I know, time perceptions, it's just unraveling so quickly, is that...

VIEFHAUSE: Yeah.

ANDERSON: ...a fair statement? And that's why, I mean, your, your mind focuses on what's happening in front of you?

VIEFHAUSE: Yes.

ANDERSON: Okay. Um, as far as the Taser when you tried to deployment, to deploy it, did you actually pull?

VIEFHAUSE: Yes.

ANDERSON: You actually pulled the trigger on it.

VIEFHAUSE: I, I did the pulling motion. I can't remember if, if I got good contact on the trigger.

ANDERSON: Okay.

VIEFHAUSE: But I remember I need to tase this guy. Didn't work. I was waiting for the darts to come out; didn't come out, so, as far as I remember, I threw that aside and went for the gun.

ANDERSON: So, initially, it looked like to your advantage point that the guy was, was fist fight, a kind of? Was he, was both hands moving or was it just one hand that was?

VIEFHAUSE: It was just one.

ANDERSON: Do you remember which hand it was? Could you tell?

VIEFHAUSE: I, I want to say the right one, but...

ANDERSON: Okay. Just one of the hands was moving more, and as you got closer then you, that's when you realized that he's not socking him, he's got a knife in his hands?

VIEFHAUSE: Yes.

ANDERSON: Could you see the blade? Could you see the handle or do you remember?

VIEFHAUSE: I just remember, I can't get specific. I just remember there was a knife in his hands.

ANDERSON: There's a knife in his hand? And the, how many times do you think the movements were coming do? Do you have any...just, just kept going?

VIEFHAUSE: I, I...four or five.

ANDERSON: At least four or five? And he's not complying with any of the orders?

VIEFHAUSE: Right.

ANDERSON: Is he saying, is there anything being said by either the victim or the...

VIEFHAUSE: I think the suspect was saying, but I can't remember what he was saying.

ANDERSON: There was some kind...

VIEFHAUSE: I think he was saying something to the victim.

ANDERSON: Okay, so when you got to the vantage point, you were, you said maybe six feet, and you initially saw the punching, and then you moved closer?

VIEFHAUSE: Right, I moved around, and as I got closer I realize he was stabbing him instead of punching him.

ANDERSON: So, you think you were maybe three feet away from them on the ground?

VIEFHAUSE: Huh?

ANDERSON: And he was...

VIEFHAUSE: Well, about four feet...

ANDERSON: Four feet?

VIEFHAUSE: ...four feet as I was walking up to him with the Taser.

ANDERSON: And he's got the guy on the ground, and he's stabbing...

VIEFHAUSE: Yeah.

ANDERSON: In wild motions at him? Uh, when the guy, you made a statement that the guy, the suspect, kind of, started to turn towards you. Did he make type of flailing motions, or was he turning and you engaged him then?

VIEFHAUSE: Right, uh, uh, I didn't give him a chance to turn all the way around, as far as I remember. I just knew he wasn't complying. He was getting up, and he was actually, uh, moving in my direction closer to me. He still had the knife, and he was turning towards me. If I would have waited, he would have been in front of me with the knife.

ANDERSON: Okay. Do you have anything, anything, Adam?

ROULSTON: Uh, you didn't happen, you didn't have the tape recorder on or anything, right?

VIEFHAUSE: No.

ANDERSON: Okay, just give us a couple seconds here.

VIEFHAUSE: Sure.

ANDERSON: We'll go outside for a minute. I'm going to leave the tape running, though.

PEARSON: So, the tapes are still running?

ANDERSON: Right, yeah, our tapes will still be running. If you need privacy you can, you can get out of the room.

PEARSON: Yeah, no, we're fine right now.

ANDERSON: Okay.

PEARSON: Do you want to go outside and talk?

VIEFHAUSE: No.

PEARSON: Okay. I'm gonna grab one of these waters and tape. You want water? Did they give you one?

VIEFHAUSE: Sure. Yeah, I'll take one.

PEARSON: Okay.

VIEFHAUSE: Thanks.

PEARSON: It's got to be one of the easiest OIS investigations I've ever seen.

VIEFHAUSE: Good.

PEARSON: Just because it's so clear cut. How many years on you got?

VIEFHAUSE: Ten.

PEARSON: Ten? Let's, uh, step outside for a minute.

VIEFHAUSE: Sure.

PEARSON: Let's leave these things rolling.

VIEFHAUSE: Sure.

PEARSON: Is that a door?

VIEFHAUSE: I think it used to be.

PEARSON: Yeah, okay.

VIEFHAUSE: Uh.

PEARSON: Is this your, uh, is this the interrogation room you guys got to use if you bring somebody in on patrol?

VIEFHAUSE: Not really patrol. I mean, if it's a big case, we usually call the detectives, and they hook everything up.

PEARSON: Do you do your own investigations here, like, like, let's say you go out to a check fraud or something.

VIEFHAUSE: Yeah, we do all that.

PEARSON: It's generally cold. Do you try to keep it cold.

VIEFHAUSE: Oh, if it's cold? Uh, if it's, if, uh, yeah, if we have workable, workable evidence.

PEARSON: Yeah.

VIEFHAUSE: And we think the suspect's in the city.

PEARSON: Uh huh.

VIEFHAUSE: Then, yeah, we're supposed to look for him. But if we can't do that and it's our last workday to our weekend off, then we forward it. It's kind of involved.

PEARSON: Yeah, some agencies are just hook 'em and book 'em, and, and cut a face page and send it to detectives.

VIEFHAUSE: Yeah.

PEARSON: So...

ANDERSON: Okay, just a couple of follow-up, quick questions here. Uh, I can use my pen, or I'll give it to you. Do you remember how, when you saw the guy stabbing, do you remember how he had the knife in his hand? Do you remember, like, the motions he was making? Was it, you know, a downward motion, slashing motion...

VIEFHAUSE: I think it was like a side, like a side. He was like that.

ANDERSON: Well, I'll let you use that. You can just, kind of, if you want.

VIEFHAUSE: Sure. He was, like, that.

ANDERSON: Going like, kind of like this?

VIEFHAUSE: Yeah, it wasn't, I don't remember if it was like that. It was more like a...

ANDERSON: So, we're doing kind of a side-to-side motion?

VIEFHAUSE: Right, yeah, yeah, yeah.

ANDERSON: And at least you said four or five times?

VIEFHAUSE: At least.

ANDERSON: Okay, uh, when he made, when he was turning towards you, do you remember which way? Was he turning to his right or his left or he just made a motion towards you?

VIEFHAUSE: He, all I know he was getting up, and he's stepping back towards me, and he was, and he was spinning towards me, but, uh, I, it, I think I shot him in the back, and I think he was coming around that way with his back towards me.

ANDERSON: Okay. You were kind of going to your right? Do you think it was to, he was going to his right side towards you?

VIEFHAUSE: Yeah.

ANDERSON: Okay. Making a motion towards the door.

VIEFHAUSE: As far as I know.

ANDERSON: Could you see the knife coming around or you didn't even...

VIEFHAUSE: No, no.

ANDERSON: ...didn't get an opportunity?

VIEFHAUSE: Now, if he turned the other way, and I shot him in the stomach, it could be, but what I remember is it was his back.

ANDERSON: Okay, um, you made the comment, obviously you thought here's somebody being murdered right in front of you, is being stabbed multiple times, and then he turns towards you, so you're now in, you have a double fear, he's, what he's doing here, and now he's gonna come after you.

VIEFHAUSE: Yes, absolutely.

ANDERSON: Okay.

ROULSTON: Could you tell, I, I know you said before, uh, the victim's position?

VIEFHAUSE: Yeah.

ROULSTON: You couldn't really remember how he was laying on the ground when he was getting stabbed?

VIEFHAUSE: Right.

ROULSTON: Was he partially facedown or maybe on his side or...

VIEFHAUSE: Yeah, he was like, he was like half, half on his side, half facedown. And it didn't look like he was fighting; it was weird.

ANDERSON: Was he kind of flailing or something or did it look like he was hurt and he was trying to...

VIEFHAUSE: It looked like he was hurt.

ANDERSON: ...cowering or something?

VIEFHAUSE: He was just laying there. The guy was on top of him just stabbing him.

ANDERSON: Okay. I don't think we have anything. Anything else?

PEARSON: Yeah, just, I think I need to clarify on just a couple of questions. Um, Jason, looking back at the incident now, uh, what do you think would have happened if you didn't shoot the guy as he was turning around?

VIEFHAUSE: I think he would have fully turned towards me, and I think he would have used the knife on me, and I think he would have tried to kill me.

PEARSON: Okay. Um... ya that's really the only question.

ANDERSON: Just, just for clarification, you were, just so that I'm clear, it was about three to four feet you think you were from when you actually came up and saw the guy's three to four feet when he turns? That's what your distance was, roughly?

VIEFHAUSE: Yes, yes.

ANDERSON: Okay.

ROULSTON: Do you think he, he saw you guys too when you were there, like, when they were chasing and all that? I mean, did he ever make eye contact with you and...

VIEFHAUSE: Well, everything was op—when they first came into my view, uh, I didn't see if he saw me. I, I, I think he was determined to kill the guy. I think he didn't care who was there.

ROULSTON: That's what I'm thinking anyway.

VIEFHAUSE: Because he, it, it all came to our view, and the guy's al—almost right in front of me and almost in front of Sergeant Barron, and all he, and when I saw him stabbing him, it, it reminded me of, of a prison stabbing that I'd seen on video where his, he knew his job was to kill this guy, and that's what he was gonna do.

ANDERSON: So you think, I mean, obviously we don't know because we haven't asked him, but when he came around, you, you didn't see, you didn't make eye contact with each other or you did?

VIEFHAUSE: No.

ANDERSON: But he ran towards you, so it's...

VIEFHAUSE: He, he was taking a step back, and he was, he was turning around, and he was not complying. Based on the fact that he had the knife, he wasn't complying, I thought he was gonna turn and stab me and kill me.

ROULSTON: Do you remember about how far you were either?

VIEFHAUSE: I still think I was about three feet.

ROULSTON: Three feet? Okay. You, you ever seen that guy before, have contact with him anywhere?

VIEFHAUSE: No.

ROULSTON: Do you, do you think that, uh, I know you said you weren't sure what Sergeant Barron was saying, but whatever he was saying, do you think it was loud enough so this guy would have heard it?

VIEFHAUSE: Yes, 'cause I heard it.

ROULSTON: Okay.

ANDERSON: So, it was clear? I mean, and that's, that's one other, one last question. Uh, was the reason why you weren't giving commands because you didn't want to up and down and sideways? And clear commands were coming out so there was really no reason for you to convolute it and say something to contradict, maybe?

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VIEFHAUSE: You know what it was? I was so focused on stopping that guy that, uh, nothing would have come out of my mouth. I was so focused on my, physically stop this guy.

ANDERSON: So, it was unfolding so quickly in front of you...

VIEFHAUSE: It, it just happened within a couple seconds.

ANDERSON: ...your reaction...

VIEFHAUSE: But, and I realize that Barron, that they were already yelling at him commands, so my whole thing was I'm here right now, I need to stop him.

ANDERSON: Okay. It's, uh, 20:13 hours. That's going to conclude our interview.

PEARSON: 22:13 hours.

ANDERSON: Oh, I'm sorry. What did I say, 20? 22:13 hours. That will be the end of the first interview.

[END OF TRACK 1, DURATION: 23:06]

DGS:jg

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10/4/07

EVIDENCE TAPE

People v. Isaac Serrano
RIF 136250
Transcript of Ambulance Transport
March 24, 2007
CPD074137

Key:	SIEMER:	Officer Russell Siemer
	SERRANO:	Isaac Serrano
	PARAMEDIC:	Various Paramedics
	DISPATCHER:	Dispatcher
	STAFF:	Hospital Staff

[BEGINNING OF TRACK 1, DURATION: 23:17]

SIEMER:	Do you got everybody you need?
PARAMEDIC:	Yeah, I got it right now.
SIEMER:	Do you have any, you want me to sit up in the front so I'm out of you guys' way, or where do you want me?
PARAMEDIC:	Uh...
SIEMER:	I mean, I just got to be close.
PARAMEDIC:	Cool, I'll, I'll, actually I'll sit up if you want.
PARAMEDIC:	Yeah, if you want to swap, you can sit right here.
PARAMEDIC:	I'll go around.
PARAMEDIC:	Hey, bud, we don't you flying out in case we get in an accident, okay? Just chill out.
SIEMER:	I'll be in route with the, uh, suspect to, uh, Community.

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PARAMEDIC: We're the paramedics. We're going to take care of you, okay, buddy?
You just relax.

DISPATCHER: One head you had background. Where are you headed?

SIEMER: Community Hospital on _____

PARAMEDIC: You just relax, buddy.

DISPATCHER: Copy, to Riverside Community.

PARAMEDIC: All right, we're gonna start an IV in your arm here, okay? I need you to
hold still. Don't, don't move your arm.

SERRANO: mmm ahh _____

PARAMEDIC: Hey, man, what's your name?

SERRANO: Isaac Serrano

PARAMEDIC: Isaac.

PARAMEDIC: Do you remember how many shots you heard?

SERRANO: Two.

PARAMEDIC: Just two? Do you, do you remember how many times you got hit?

SERRANO: Uh huh, two.

PARAMEDIC: Okay, don't move, buddy. Okay, here we go, a little stick. One, two,
three.

PARAMEDIC: there's a _____ in the bag.

PARAMEDIC: All right, let's get him...

SERRANO: Oh I don't.

PARAMEDIC: You need oxygen.

PARAMEDIC: Hey, it's oxygen, buddy. It's to help you out.

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PARAMEDIC: It's just oxygen. It will help you out.

PARAMEDIC: Uh, let's get him on that monitor.

PARAMEDIC: Yeah, dude.

PARAMEDIC: I got, I got a 16 here. Go ahead and open that thing up, and I'll get another one going.

PARAMEDIC: Was that other guy shot, too?

SIEMER: What's that?

PARAMEDIC: Was that other guy shot, too?

SIEMER: Uh, stabbed, I think.

PARAMEDIC: Okay.

PARAMEDIC: You stabbed the other dude, Isaac?

SERRANO: Uh huh.

PARAMEDIC: Yeah? All right. It look like he made out a little better than you did today.

PARAMEDIC: BP was 90...

PARAMEDIC: Uh, 190, hey...

SERRANO: Get it off, get it off.

PARAMEDIC: No, I'm sorry, 90, 96 over 60-something.

SERRANO: No. No. Get it off. Get it off.

PARAMEDIC: Hey, buddy...

SERRANO: Get if off.

PARAMEDIC: That, that's oxygen that's gonna help you out. You just chill out, man.

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PARAMEDIC: We'll worry about C spinal as we get it and set it here.

PARAMEDIC: Yeah.

SIEMER: Do you have gloves back here at all?

PARAMEDIC: Right hand.

SIEMER: Please, don't tell me that idiot is going.

PARAMEDIC: Red light.

SIEMER: For the little, for the little chick hands that I have. Hey, Isaac, chill out, bro.

PARAMEDIC: 126, happy, happy, happy. All right. So, are we going with entrance and exit or just two entrances?

PARAMEDIC: It just looks like the entrance and exit – that's what it looks like.

PARAMEDIC: But _____.

PARAMEDIC: All right.

PARAMEDIC: I don't have my x-ray machine on me today.

PARAMEDIC: Isaac, how old are you?

PARAMEDIC: 27.

PARAMEDIC: 27, all right.

PARAMEDIC: Isaac, I'm gonna start another IV on your right arm, okay. You just relax.

PARAMEDIC: Check his lungs, Ike. He may be diminished on the right, I'm not sure. I wasn't really positive about that

PARAMEDIC: Hey, what's up there buddy don't, don't move your arm. Okay, here we go. One, two, three. Come on now.

PARAMEDIC: They're equal. They're just not, just not on the right side.

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PARAMEDIC: Well, good, as long as we're still getting air, we'll, we won't worry about anything else.

PARAMEDIC: Isaac? Stay with us, stay with us. Open your eyes real wide. Open your eyes real wide.

PARAMEDIC: Scuffle with the guy, he stabbed the guy, guy shot him twice.

PARAMEDIC: Oh, I see, yeah.

PARAMEDIC: Isaac, can you move your feet for me? Wiggle your toes. Wiggle your toes for me, Isaac. All right, enough.

PARAMEDIC: I've got a code three with this one.

PARAMEDIC: Yeah, this is 344, 27-year-old male involved in an altercation with a another individual and he stabbed a guy, so the patient that we have right now sustained a gunshot. His right deltoid, and one looks like a possible exit wound on his left flank. Chest compression was a ____ little confusing.

PARAMEDIC: In pain there, buddy?

PARAMEDIC: Okay. _____ at this time, it's actually become a lot more calm than when we first made contacts. He has had spontaneous eye movement especially when we were able to calm the pain but he had some varied breathing problems right now and ____ its like ____.

PARAMEDIC: Actually, we just established two hardcore IV's.

PARAMEDIC: 106 negative. Bi-lateral lead we have him on high-blood O-2 _____ on the pulse _____ in just a sec.

PARAMEDIC: 201 on the sugar. Check the back and check its 201 milligrams per _____ and that's on the flow tube.

PARAMEDIC: Oh, yeah, then other injuries noted are he has a bunch of abrasions to his left abdomen, on radio to his left flank, which I have abrasions as noted to his forehead, so it looks like might have been on the ground. He is able to move voluntarily _____ bilateral _____ right now.

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PARAMEDIC: Alright buddy, I'm gonna take your blood pressure on your left arm, okay? How you doing Isaac? Where, where's your pain at?

SERRANO: Uh, stomach.

PARAMEDIC: Your stomach? Okay.

SERRANO: Yeah _____.

PARAMEDIC: What's up, buddy?

SERRANO: _____

PARAMEDIC: Uh huh.

SERRANO: _____

PARAMEDIC: I'm sor—we got to keep this on, man. You just relax, okay. We're gonna take care of you. I'm gonna take your watch off, buddy, okay? Right here. Go with 80 pounds.

PARAMEDIC: 80 pounds.

PARAMEDIC: Uh, that's it. Go ahead and get C spine taken care of.

PARAMEDIC: Yeah. I don't know about IV beeper your gonna report but BP and _____ are dominant on left quandrant.

PARAMEDIC: I'm gonna put a collar around your neck, buddy, okay?

SERRANO: Alright. Owwww. _____

PARAMEDIC: I know, it's not the most comfortable thing, but we got to put it on you. Here we go. All right. Cool.

PARAMEDIC: What is it?

PARAMEDIC: Where are you sterile?

PARAMEDIC: You know they're right here.

PARAMEDIC: Tape?

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PARAMEDIC: I got it.

PARAMEDIC: Are you having trouble breathing, Isaac?

SERRANO: Yeah.

PARAMEDIC: Okay.

SERRANO: I need more. My leg's sore.

PARAMEDIC: Your leg's fine, dude. You, just, just sitting there.

SERRANO: I'm so cold.

PARAMEDIC: What's that?

SERRANO: I'm so cold.

PARAMEDIC: All right. I know, I was cold, too. I don't know but yeah that's why _____. Can you wiggle your toes for me, Isaac? Move your toes. Perfect, dude. Sorry buddy. You still having pain in your stomach area?

SERRANO: Yeah.

PARAMEDIC: Okay. All right, I'm gonna tighten this down a little bit more. We're almost to the hospital, Isaac, okay? Stay with us, buddy. Keep your eyes open. What did I do with that other shoe right there?

PARAMEDIC: Uh, you only pulled one.

PARAMEDIC: This one?

PARAMEDIC: Yeah. That'll work.

PARAMEDIC: You got 89 on the 02 set.

PARAMEDIC: 89 on the 02.

PARAMEDIC: Are you having any pain to your legs, Isaac?

SERRANO: It's my _____. My _____.

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PARAMEDIC: All right.

PARAMEDIC: Isaac, what's your last name?

SERRANO: Serrano.

PARAMEDIC: Serrano?

SERRANO: Yeah.

PARAMEDIC: Is that S-E-R?

SERRANO: Uh huh.

PARAMEDIC: What's your date of birth?

SERRANO: 12/16/78.

PARAMEDIC: One more time.

SERRANO: 12/16/78.

PARAMEDIC: 12/16/78?

SERRANO: Uh huh.

PARAMEDIC: Is this your wallet in your pocket buddy?

SERRANO: Yeah.

PARAMEDIC: Okay.

SERRANO: I can't breathe.

PARAMEDIC: All right, two clamp BDL

PARAMEDIC: We're pulling in the hospital, buddy.

SERRANO: You took my _____.

PARAMEDIC: Put your, put your leg on here, buddy.

SIEMER: None of the shots on the ground.

PARAMEDIC: Okay.

PARAMEDIC: Isaac, you need to keep your arms on the side.

SERRANO: _____

PARAMEDIC: 27-year-old male shot. He heard two gun shots, so we have a _____

STAFF: Where was the gentleman shot at?

SIEMER: Where?

STAFF: Yeah.

SIEMER: In Corona.

STAFF: Yeah, no, I mean in what location?

STAFF: Can we undo the handcuffs?

SIEMER: Yeah.

STAFF: Alright, roll the man's dressings on the right side.

PARAMEDIC: He's complaining from a gall pain right now.

STAFF: Getting the handcuffs off right now.

PARAMEDIC: No history on his of medication, so he's been in and out of conscious the whole time. Just staying real hard _____. We have bilateral sixteens and we have maybe about 1,600 MO's of fluid on board at this time.

STAFF: How many?

PARAMEDIC: About 1,600.

STAFF: Relax, buddy, relax, relax.

STAFF: Officer?

SIEMER: No, no, subject.

STAFF: Where's the officer? Officer involved.

SIEMER: Involved.

STAFF: Okay, someone's got information on the patient.

SIEMER: I do in a minute, it's just a...

STAFF: Name, date of birth?

SIEMER: Uh, I have a driver's license. Actually, he has his...

STAFF: I'll point you over here if you want...

SIEMER: Okay. His name is, uh, well, what do you want? His dri—his driver's license number?

STAFF: Just you know, the whole ID?

SIEMER: Yeah, it's in his shoe, wherever his shoe is.

[Overlapping conversations]

SIEMER: His shoe? His shoe was on his, uh, lap when he was coming in.

STAFF: We didn't see no ID in a shoe.

SIEMER: Uh, wherever his wallet is.

STAFF: Okay, and this is a gunshot wound?

PARAMEDIC: Yes.

STAFF: Do you know what his name was?

SIEMER: Isaac.

STAFF: Isaac?

SIEMER: But I don't know how you spell it, though.

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STAFF: Can I get some warm, uh, warm compress.

SIEMER: I think the last of, uh, Serrano. Birthday is 12/16/78.

STAFF: I got that, yeah. Shot one through left shoulder?

SIEMER: I don't know where it went through. I don't know if there, I don't know if there was two, two shots fired. I don't know where it went. I just know he had something come out of the back and something on his shoulder.

STAFF: Okay

SIEMER: I don't know if it's an entrance, exit or what. Do you know if I have to dial 9 to get out of this?

STAFF: I don't, but it probably wouldn't hurt. Actually, it might, but...

SIEMER: Hey, this is Siemer. Hey, can you, uh, run that, uh, put that DL on the call; [REDACTED], the last of Serrano. First of Isaac, and it's uh, his birthday is 12/16/78. Yeah _____ or _____? Uh, Park Community, okay? Thank you. Bye.

[END OF TRACK 1, DURATION: 23:17]

EVIDENCE TAPE

People v. ISAAC SERRANO
RIF 136250
Transcript of Interview with [REDACTED]
March 24, 2007
074137

Key: NEVINS: Eric Nevins, Investigator, District Attorney's Office

[REDACTED] [REDACTED] Witness

[BEGINNING OF TRACK [REDACTED] DURATION: 04:30]

NEVINS: Okay, Dave, it's 3/24/2007, approximately 18:12 hours. This is gonna be an interview with [REDACTED], [REDACTED], date of birth, [REDACTED]. It's taking place inside of Long John Silver's. Okay, you might have to speak up a little bit so we make sure it picks it up, okay?

[REDACTED] All right.

NEVINS: All right. Um, I'm gonna let you just kinda tell me your, what you saw and what you heard, and then I'll probably ask you follow-up questions.

[REDACTED] Well, I was...

NEVINS: You have to talk towards this, though.

[REDACTED] I was sitting down over there, so I, I couldn't see that much.

NEVINS: Okay, so you were on the south side of the—or North—uh, South side of the restaurant. Okay...

[REDACTED] But, um, it started out and there was two guys fighting, one in a white shirt and one in a black, I think, and the, then the employee came outside to go break it up, and the...

NEVINS: Okay, so the two subjects who were fighting were not employees to start off with.

[REDACTED] Right.

NEVINS: Okay, so one was in a black shirt?

[REDACTED] Uh, yes.

NEVINS: And one was in a white shirt?

[REDACTED] Yes.

NEVINS: And you said you saw an employee go outside...

[REDACTED] Yeah.

NEVINS: To break it up?

[REDACTED] Right.

NEVINS: How do you know he's an employee?

[REDACTED] Um, he was wearing a blue uniform.

NEVINS: Okay.

[REDACTED] Um, well, uh, it was going on for a while and eventually it started moving that way.

NEVINS: Okay, so who was fighting during this whole time?

[REDACTED] Well, it seemed like it was the first two guys, but then the employee started fighting and ended up fighting.

NEVINS: So it was the person in the black shirt and the employee fighting the person in the white shirt?

[REDACTED] Uh, I, I believe so.

NEVINS: Okay.

[REDACTED] And then I, so it, it went that and I thought it pretty much ended, I didn't hear anything else there for a while, and uh, then a few minutes later, they started running over back this way towards the window and the street...

NEVINS: Who was fighting then?

Um, well, another man in the blue—in the white shirt and the blue shirt were, and I'm pretty sure that the man in the black shirt was running after them, but they were all running towards the street and, uh, I ended up hearing two gunshots...

NEVINS: Okay, did you see a police car arrive?

No.

NEVINS: Did you see an officer? Okay, so you didn't know where the shots were coming from?

Right.

NEVINS: Okay, so you heard two gunshots...

And, uh, I didn't really realize they were gunshots, but I heard it was, and a woman in here started screaming, so...

NEVINS: All right...

And I, I, someone had been shot, and I thought it was pretty much it.

NEVINS: When's the first time you saw an officer?

Oh, maybe thirty seconds after the gunshot went off.

NEVINS: Did you hear, did you hear anything inside? People talkin' inside about why the fight was going on?

Uh...

NEVINS: Employees or anybody talkin' like that?

Uh, I didn't know why it was going on.

NEVINS: Okay. Did you see any of the people that were fighting with a weapon?

No.

NEVINS: Okay, so they were just fighting with their fists.

Yeah. I had overheard people say that one of them had a knife, I think, but I didn't see anything.

NEVINS: So you heard somebody inside say something about someone having a knife?

Yeah.

NEVINS: Okay, did you see anything else or hear anything else you think might be important?

Um, I don't think...

NEVINS: No?

No.

NEVINS: Okay, and this information I've got here, if we need to get a hold of you in the future, we'd be able to contact you with these phone numbers and address here?

Yes.

NEVINS: Okay. All right, it's about 18:16 hours, and we're off tape.

[END OF TRACK ██████████ DURATION: 04:30]

EVIDENCE TAPE

People v. ISAAC SERRANO
RIF 136250
Transcript of Interview with [REDACTED]
March 24, 2007
074137

Key: NEVINS: Eric Nevins, Investigator, District Attorney's Office

[REDACTED] [REDACTED] Witness

[BEGINNING OF TRACK [REDACTED] DURATION: 01:53]

NEVINS: Okay, the date's, uh, 3/24/2007, about 17:57 hours. Getting an interview with [REDACTED], [REDACTED], date of birth, [REDACTED]. Interview is taking place inside of Long John Silver's. Okay, you might have to speak up just a little bit, 'cause I don't know, with all the noise and all, how well it's gonna pick up. Um, I already did an interview with you off tape, off tape, and I'm gonna go back through and interview with you, and just let you kinda tell me what you told me before about when you arrived here and what you saw, okay?

[REDACTED] Yes, sir.

NEVINS: Okay, go ahead.

[REDACTED] Pulled up, pulled in the parking spot. When I arrived, I seen a group huddled over, a group of employees huddled over some guy. Didn't pay it any attention, walked in the door, and stood in line, just waitin' to get food—

NEVINS: Okay and—

[REDACTED] My girlfriend kept turning around to try and look at things, I told her it's none of her business, to turn around and just face with me.

NEVINS: Okay and, uh, your girlfriend is [REDACTED]?

[REDACTED] [REDACTED]

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NEVINS: [REDACTED] Okay. All right, and uh, the person, the people that you saw outside, how did you identify them as employees, or what made you think they were employees?

[REDACTED] I seen the purple shirts associated, and the, there were so many of them with 'em, that they were just employees here.

NEVINS: Okay. All right, and the person that you saw down on the ground, do you know what he looked like?

[REDACTED] I do not. I don't know if it was a male, a female—don't know anything about him.

NEVINS: Okay, so then you and your, uh, girlfriend walked inside?

[REDACTED] Walked inside and faced towards the register.

NEVINS: Okay, and was there somebody there serving at the register?

[REDACTED] There was one guy.

NEVINS: Okay. And at some point in time, did you hear any shots?

[REDACTED] No, I didn't.

NEVINS: Okay. Did you see police cars arrive?

[REDACTED] I didn't.

NEVINS: Okay. When's the first time you saw an officer or a black-and-white?

[REDACTED] Uh, when the corporal walked in the door and started to cordon off the door, to make sure nobody could leave.

NEVINS: Okay. All right. Do you remember seeing or hearing anything else that you think might be important?

[REDACTED] No, I don't.

NEVINS: Okay. All right. And the contact information I got for you here is all good information?

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[REDACTED] Yes, it is.

NEVINS: To get a hold of you at? Okay. All right, thank you very much. It's about, uh, 17:59, and we're off tape.

[END OF TRACK [REDACTED] DURATION: 01:53]

DDS:dmk
R-07-384-M
10/4/07