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

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DEATH INVESTIGATION :
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GRAND JURY C
PROCEEDINGS
Case No. 88

Conducted by:
Todd Jackson, Deputy District Attorney
DA Case No. 2450642
Monday, December 12, 2022

Transcribed by: Shelby Shover

Proceedings recorded on FTR audio recording; transcript provided by legal transcriber.

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P R O C E E D I N G S

(December 12, 2022)

(10:30 a.m.)

(Whereupon, the following proceedings were held
before Grand Jury C.)

MR. JACKSON: All right. We're on the record and
good morning. This is Deputy District Attorney Todd Jackson
appearing before Grand Jury C. This is Grand Jury Case
No. 88, and DA Case No. 2450642, which is a death
investigation following the use of firearms by police, which
caused the death of Mr. Johnathan Worth on July 24th, 2022,
in the city of Portland.

The first witness to be called before the grand
jury is Nykeem Jones.

Okay. If you could stand next to the chair here
and raise your right hand, our Foreperson will swear you in.

NYKEEM JONES

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

DIRECT EXAMINATION

BY MR. JACKSON:

Q Okay. You can have a seat. And could you please
state and spell your name?

A. My name is Nykeem Jones, N-y-k-e-e-m J-o-n-e-s.

Q. And Mr. Jones, how old are you?

1 A. I'm 15.

2 Q. 15? Okay. If you look on the map behind you
3 there, do you see Southeast 148th and Division --

4 A. Yes.

5 Q. -- there? And do you live in the apartments kind
6 of across the street from the Franciscan Montessori School?

7 A. Yes.

8 Q. Okay. Were you there in the early morning hours
9 of July 24th, 2022?

10 A. Yes.

11 Q. Okay. Who was out there with you?

12 A. Me, my friend Jaden, and my mom and his mom.

13 Q. Okay. And where were you guys?

14 A. We were in the backyard chilling, just, like --
15 like, me and Jaden, we were, like, playing around in the
16 backyard.

17 Q. Okay. And if you look on the screen behind you,
18 is this kind of a zoomed in picture of the apartments?

19 A. Yes.

20 Q. And so where is that yard area that you're talking
21 about?

22 A. Well, we were right there -- or our parents were
23 right there, and then we were, like, just running around
24 over here.

25 Q. Okay, all right.

1 A. Yeah.

2 Q. And then at some point, was your attention drawn
3 to a vehicle that was parked on the street?

4 A. Yes.

5 Q. Is that -- parked on the street on 148th?

6 A. Yes.

7 Q. Do you remember was it on the side of the street
8 your apartments were on, or on the school --

9 A. It was on our side.

10 Q. Your side?

11 A. The apartments.

12 Q. Okay. And what was it that drew your attention to
13 the car?

14 A. So, like, we heard screaming for about, like, an
15 hour, and then we finally decided to go, like -- well, we
16 didn't go exactly where it was, but, like, we looked around
17 the corner, and then we seen that car, and then we heard the
18 screaming from inside the car. And then we seen, like, the
19 guy putting his hands around her, and we weren't for sure,
20 like, if he was hurting her or something like that.

21 Q. Okay. Was the screaming that you heard a male
22 voice, a female voice?

23 A. It was a female voice.

24 Q. Okay. And did the screaming sound angry, scared,
25 pained?

1 A. She sounded like she was scared.

2 Q. Scared?

3 A. Yeah.

4 Q. Okay. Did you hear the male voice at all?

5 A. Not really, no. I did not.

6 Q. Were they inside the car or outside of the car?

7 A. They were inside the car at one point, and then
8 they came outside, and then they went back in.

9 Q. Okay. And you said you looked around the corner
10 to see all this. Do you kind of where on that map you guys
11 were watching from?

12 A. The car was about here, and then we were, like,
13 right there.

14 Q. Okay.

15 A. Yeah.

16 Q. Looking around the corner of the building there?

17 A. Yes.

18 Q. Okay. Could you see pretty well --

19 A. Yeah.

20 Q. -- what was going on? Okay.

21 A. Yeah. And then what's it called? That's when,
22 like -- 'cause I was hesitating to call 9-1-1 because I
23 didn't want to make a false accusation, but then my friend
24 convinced me to call them, so then we did, and then that's
25 when we seen him actually choking her. And then after I

1 called, my mom asked me and him to go to 7-Eleven with her,
2 and then that's when we were at 7-Eleven and we heard, like,
3 about four shots and then, like, yeah, we weren't able to go
4 back, so --

5 Q. Okay.

6 A. We were just, like, kind of waiting by the Carl's
7 Jr.

8 Q. Okay. And that -- is that 7-Eleven up --

9 A. Yeah.

10 Q. -- at Division and --

11 A. Yeah.

12 Q. -- 148th? Yeah. Okay. What was going on that
13 made you think we should call the police about this? I
14 mean, was it at that level where --

15 A. It's when we seen him putting her (sic) hands on
16 her, and, like, she was already screaming at the same time
17 really loud.

18 Q. Okay. And when you say putting his hands on her,
19 what did you actually see him doing?

20 A. Like, we kind of seen him going like this, like
21 choking her and stuff like that.

22 Q. Okay.

23 A. Yeah.

24 Q. Was it kind of scary to see?

25 A. No. I wasn't scared, honestly, but, like, it's

1 just, like -- I don't know.

2 Q. Okay. And so did you call 9-1-1 or did your
3 friend call?

4 A. Yeah, I was the one who called.

5 Q. You called? Okay.

6 A. Yeah.

7 Q. And did you tell the 9-1-1 operator kind of what
8 you were seeing?

9 A. Yeah.

10 Q. It sounded like you said you called 9-1-1 at
11 first, and then you saw him choking her.

12 A. Well, we seen -- well, the thing is, we seen him
13 choking her multiple times while we were on the phone with
14 the operator and before.

15 Q. Okay.

16 A. Yeah.

17 Q. And so were you kind of telling the operator --

18 A. Yeah. And he --

19 Q. -- as it was happening what you were seeing?

20 A. He could also hear her screaming over the phone.

21 That's what --

22 Q. The operator?

23 A. Yeah.

24 Q. Okay. So you guys were close enough it sounds
25 like that -- I mean, that screaming is --

1 A. Yeah. When we called, we were about, like,
2 right here. We came around the building and we called right
3 there and to see from a different, like, point of view.

4 Q. Okay, all right.

5 A. Yeah.

6 Q. And were they in the front of the car, the back of
7 the car?

8 A. They were in the front of the car.

9 Q. And do you remember -- are we talking about a
10 truck, a car --

11 A. It was --

12 Q. -- a van?

13 A. It was just a car. Or it was an Infiniti. I
14 forgot exactly what car it was.

15 Q. Okay. But, like, a sedan?

16 A. Yeah.

17 Q. Four door car?

18 A. Yeah.

19 Q. Okay. And so you said they were in the front?

20 A. Yes.

21 Q. Okay, in the front. Do you remember who was
22 sitting on which side?

23 A. The female, she was in the passenger seat, and the
24 male was in the driver's seat.

25 Q. Okay, all right. And then after you made the call

1 to 9-1-1, you said you went to the 7-Eleven.

2 A. Yes, with my mom.

3 Q. And did -- so did you actually see, like, the
4 police show up or any of that?

5 A. Well, we -- the thing is, as we were walking, like
6 -- because, like, immediately after I called, I heard sirens
7 and stuff like that. And then as we were walking, I seen a
8 cop car, and then, like, about when we got inside the
9 7-Eleven, that's when I heard the shots, and then, like, the
10 street was blocked off right away.

11 Q. Okay. And you weren't able to get back down --

12 A. Yeah.

13 Q. -- down there? Okay, all right.

14 MR. JACKSON: Well, Mr. Jones, I think those are
15 all the questions I have for you. I'll see if the grand
16 jury has any questions.

17 GRAND JUROR: What was the lighting like at the
18 site where the car was parked? Was it well-lit or dim?

19 MR. JONES: No, it was dark.

20 GRAND JUROR: Dark, okay.

21 MR. JONES: Yeah, 'cause it was at nighttime.

22 GRAND JUROR: Yeah.

23 MR. JACKSON: Okay. Any other questions?

24 GRAND JUROR: That's it.

25 MR. JACKSON: I see, okay. Thank you very much.

1 That's all we have for you.

2 GRAND JUROR: Thank you.

3 GRAND JUROR: Okay. We need a break here pretty
4 soon.

5 MR. ROMERO: Do I just sit right here?

6 MR. JACKSON: Actually, it looks like -- why don't
7 we go off the record. We just had one of the grand jurors
8 go into the restroom.

9 MR. ROMERO: Go ahead and sit here?

10 MR. JACKSON: Yeah.

11 (Off the record at 10:38 a.m.)

12 (On the record at 10:39 a.m.)

13 MR. JACKSON: Okay. We're back on the record
14 following a quick bathroom break. We'll proceed with our
15 next witness.

16 So if you could stand next to the chair and raise
17 your right hand, our Foreperson will swear you in.

18 FOREPERSON: Raise -- stand up.

19 MR. ROMERO: I'm so sorry.

20 FOREPERSON: That's okay.

21 MR. JACKSON: That's okay.

22 JADEN ROMERO

23 was thereupon called as a witness; and, having been first
24 duly sworn, was examined and testified as follows:

25 BY MR. JACKSON:

1 Q. All right. You can have a seat. And could you
2 please state and spell your name for us?

3 A. My name is -- first and last?

4 Q. First and last.

5 A. Jaden Romero, and J-a-d-e-n R-o-m-e-r-o.

6 Q. Okay. Mr. Romero, if you look on the screen
7 behind you, do you see a map of 148th and Clinton there and
8 the apartments?

9 A. Yes.

10 Q. And do you live in those apartments?

11 A. Yes.

12 Q. Okay. On July 24th, 2022, early morning hours,
13 were you home?

14 A. Yes (indiscernible).

15 Q. Okay. And were you outside with Nykeem Jones?

16 A. Yes.

17 Q. Is that a friend of yours?

18 A. Yes.

19 Q. Okay. What do you remember happening while you
20 guys were outside there?

21 A. We were just playing around hanging out, and we
22 started hearing, like, screams from a woman.

23 Q. Okay. What'd you do?

24 A. We walked, we walked to where the screams were
25 happening. Can I show where?

1 Q. Sure.

2 A. So I think -- I'm not really good with maps, but I
3 think we were, like, around here, and then we heard it
4 coming from this side right here. So we walked up here and
5 then we seen, in a car on the side of the road, a man
6 putting hands on a woman in a car. And so went around the
7 building and we were looking at the back of the car
8 (indiscernible). And then I told my friend, who is Nykeem
9 Jones -- he was like, should I call 9-1-1. I'm like -- he
10 goes, I hesitated. I'm like -- I convinced him to call,
11 yeah, because that was not a safe situation.

12 Q. Okay.

13 A. So we decided to call 9-1-1.

14 Q. Okay. And, I mean, you kind of described seeing
15 this person putting his hands on the female in the car.

16 A. Yes.

17 Q. I mean, what specifically were you seeing that
18 made you think we gotta call the police?

19 A. Her getting choked.

20 Q. Okay. You could actually see that happening?

21 A. Yeah.

22 Q. And do you remember, were they sitting in the
23 front or the back of the car?

24 A. They were sitting in the front I'm pretty sure.

25 Q. Okay, all right. And when you saw that happen,

1 were you around the -- I'll call it the top for this, but
2 the north side of the building looking back at the car, or
3 had you already run around the building and were looking at
4 it?

5 A. We seen it when we were right here.

6 Q. Okay.

7 A. And then we ran around, and then she opened -- I
8 think -- she opened the door too when we were right there.

9 Q. Okay.

10 A. She opened the door and then they closed it.

11 Q. Okay. And they stayed inside the car?

12 A. Yeah.

13 Q. Okay, all right. And the screams that you heard,
14 did it sound like they were angry screams, scared screams,
15 pain type screams?

16 A. Like, scared. She was, like, yelling -- she was,
17 like, screaming and she was, like, saying help, help.

18 Q. And you could actually hear those words?

19 A. Yeah.

20 Q. Were there any other words that you heard?

21 A. No. Like, stop. She was saying stop too, yeah.

22 Q. Okay. Stop and help? Okay. What about the male?
23 Did you hear him yelling anything or saying anything?

24 A. No.

25 Q. All right. And then after you convinced Mr. Jones

1 to call the police, did you guys stay around there until
2 the police got there?

3 A. We stayed around there until we started walking up
4 the street to -- there's a 7-Eleven. I think it's where
5 148th -- well, up there. There's a 7-Eleven. We walked up
6 there and then when we came out -- yeah, this -- I think it
7 should be right there. There's a 7-Eleven right there, and
8 then when we walked out, there was a bunch of police coming.
9 And then we crossed the street and then they started
10 blocking off the road right here. That's the only road we
11 could see that was blocked off. We couldn't see down here.

12 Q. Okay.

13 A. But they blocked off the road. And then we didn't
14 see any of the shooting. We just seen the interactions with
15 the male and the female.

16 Q. Okay.

17 A. And then we couldn't -- didn't see anything else
18 from there.

19 Q. And then did you guys just kind of stay in that
20 Carl's Jr. --

21 A. Yeah. Yeah, around there until --

22 Q. -- parking lot area?

23 A. Yep.

24 Q. Okay.

25 MR. JACKSON: All right, Mr. Romero. I think

1 those are all the questions I have for you. We'll see if
2 the grand jury has any questions.

3 GRAND JUROR: Did you hear any gunfire
4 (indiscernible)?

5 MR. ROMERO: No, but I -- someone I think in the
6 7-Eleven said they heard gunfire too.

7 GRAND JUROR: Okay.

8 BY MR. JACKSON:

9 Q. But you didn't hear?

10 A. No, I didn't hear anything.

11 Q. Okay.

12 GRAND JUROR: How long do you think you heard them
13 yelling and fighting before y'all went out there?

14 MR. ROMERO: Probably maybe, like, 5, 10 minutes.
15 We were just, like, checking it out and then we eventually
16 called them and walked away, left it up to the police.

17 MR. JACKSON: Okay.

18 GRAND JUROR: Okay.

19 GRAND JUROR: (Indiscernible).

20 MR. JACKSON: All right. Any other questions?

21 MR. ROMERO: All right.

22 MR. JACKSON: I don't see any. All right. Thank
23 you, sir.

24 GRAND JUROR: Thank you.

25 GRAND JUROR: Thanks.

1 MR. JACKSON: And then if we want to go off the
2 record for an additional bathroom break, we can do that.

3 (Off the record at 10:44 a.m.)

4 (On the record at 10:51 a.m.)

5 MR. JACKSON: Okay. We're back on the record
6 following our lengthier bathroom break, and we will start
7 with our next witness.

8 All right. If you could stand here and raise your
9 right hand, the Foreperson will swear you in.

10 CHRISTOPHER PONTE

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

13 BY MR. JACKSON:

14 Q. Okay. You can have a seat. And could you pleas
15 state and spell your name?

16 A. Christopher Ponte. The first name too?

17 Q. Mm-hm.

18 A. C-h-r-i-s-t-o-p-h-e-r, Ponte, P-o-n-t-e.

19 Q. Okay. Mr. Ponte, I want to take you back to
20 July 24th, 2022. Shortly after midnight, were you in the
21 area you see on the map behind you here on Southeast 148th
22 and Clinton?

23 A. Mm-hm.

24 Q. Okay. And if we zoom in a little bit more, is
25 that map a little bit closer in view of that intersection,

1 148th and Clinton?

2 A. Yeah.

3 Q. And while you were there, did you observe an
4 interaction between the Portland Police and two people that
5 were in a car?

6 A. Yes.

7 Q. Okay. Could you describe for us what you remember
8 seeing?

9 A. Well, I was driving. I cop watch on the weekends.
10 I film the police. So I was on my way to cop watch, but
11 hadn't started yet, and I saw a cop make a U-turn and pull
12 over with his lights on, so I immediately pulled over too.
13 And I --

14 Q. Were you already driving on 148th?

15 A. Yeah, yeah.

16 Q. Okay, all right.

17 A. And I was going one way and the cop was coming
18 this way and turned around real quick, pulled over.

19 Q. Okay.

20 A. And I seen them trying to take somebody into
21 custody, a guy, and he was pulling away or whatever,
22 wrestling away, and it ended up, I think, on the ground, all
23 three people. And --

24 Q. So -- sorry. When you say three people --

25 A. Two cops, one --

1 Q. Two police and the individual?

2 A. Yeah.

3 Q. Okay.

4 A. And the -- I didn't see him pull the gun out at
5 first until I heard the shot, and then he pulled a gun out
6 and --

7 Q. Who pulled a gun out?

8 A. Jonathan.

9 Q. Okay. The individual that the police were --

10 A. Yeah.

11 Q. -- contacting? Okay.

12 A. Mm-hm. And he missed. And then the male officer
13 deflected it, pulled the gun away, but I hadn't seen that
14 right until I rewatched my video.

15 Q. Okay.

16 A. So I didn't see that on the spot. But he --

17 Q. So let's first, let's first go through kind of
18 what you remember --

19 A. Okay.

20 Q. -- from what you saw.

21 A. Okay.

22 Q. Yeah.

23 A. And I heard a gunshot, and I'm like, damn, you
24 know what I mean. And I was kind of in a shock that that
25 was happening for the first time. And so the gunshot went

1 off. There continued to be a struggle, and the female
2 officer was trying to shoot the guy that just tried to kill
3 her partner, and it's -- it was real quick. She -- it was
4 like, they're reaching for each other's -- whatever they're
5 doing, and after the gunshot, and she just shot him, like,
6 six times in the chest, I think.

7 Q. Okay. And then what did you do after that
8 happened?

9 A. I took off, I took off to go upload the video, and
10 then I came back and gave the cops the video.

11 Q. Okay. And so the film that you -- or the video
12 that you created, was that, like, on a phone or on some
13 other kind of camera or --

14 A. It was on my phone.

15 Q. On your phone? Okay.

16 A. Yeah.

17 Q. And so were you standing there just kind of
18 holding your phone out --

19 A. Yeah, like this.

20 Q. -- filming the interaction?

21 A. And then I forgot to mention the part, like, I had
22 -- I don't know if I distracted them or not, but I asked
23 them if they needed help during the situation, but --

24 Q. You asked who if they needed help?

25 A. The cops.

1 Q. Okay. While they were -- was that before or
2 after the shot?

3 A. It was right after the shot, I believe.

4 Q. Okay.

5 A. Because, literally, he tried shooting someone in
6 the head it looked like to me.

7 Q. Okay. The -- you called him Jon (ph.), I think,
8 but you didn't know him --

9 A. Nuh-uh.

10 Q. -- at the time? Okay.

11 A. No.

12 Q. Is that a name you learned later?

13 A. I thought that was the name.

14 Q. Okay.

15 A. I'm not sure. I might've got the wrong name.

16 Q. Okay. But the person the police were contacting?

17 A. Yeah. That's who I referred to as Jon.

18 Q. Okay. It looked to you like he was trying to
19 shoot the officer?

20 A. Yeah, definitely, but --

21 Q. And I imagine this whole thing was very fast?

22 A. It was.

23 Q. Do you have a sense of how long we're talking
24 here?

25 A. Minute-and-a-half maybe.

1 Q. For the whole thing?

2 A. I think so.

3 Q. Okay. So that's police show up, get out of the
4 car, start talking to him --

5 A. Because I started filming basically as soon as I
6 approached and saw the beginning when they went to grab him
7 and take him into custody.

8 Q. Okay.

9 A. I believe. And I'm guessing -- I think, like, a
10 minute -- however long that video is basically how long I
11 was there watching it.

12 Q. Okay, all right. And how close were you to this
13 while it was happening?

14 A. Probably a little further than that door there. I
15 zoomed in a little bit while I was recording.

16 Q. Okay.

17 A. So it started, I think -- I believe regular, and
18 then I just zoomed in just a little bit.

19 Q. Okay.

20 A. Yeah, about that far.

21 Q. And were you -- based on where you were
22 positioned, did you have any concern that that shot could've
23 come and hit you?

24 A. Yeah, I did, but when you're cop watching, you
25 kind of just hold the shot. That's mainly what you're there

1 for is to film the police, so --

2 Q. Okay.

3 A. It just so happens to be a cop watcher film there
4 by accident, right? But --

5 Q. Right, okay.

6 A. Yeah, I was concerned, but I was kind of in shock
7 at first, like was that bang really a gunshot, you know --

8 Q. Yeah.

9 A. -- and then it was, 'cause --

10 Q. Yeah. Now, you said -- I know you've reviewed
11 your video, but from what you remember, seeing it, it sounds
12 like you didn't even see the gun until the shot, and then
13 did you see, oh, that's a gun in that guys hand?

14 A. No, I seen it after when the male officer had the
15 gun holding it further away from him, I think, while
16 wrestling the guy.

17 Q. Okay, all right. And did it seem like a pretty
18 active struggle the whole time --

19 A. Mm-hm.

20 Q. -- the police were with him?

21 A. Yeah, definitely.

22 Q. Okay, all right. You said that the video that you
23 took, you did provide that to the police?

24 A. Mm-hm.

25 Q. Okay. And during the actual incident itself, you

1 said that you mentioned -- or you asked if they needed
2 help. Did you actually, like, call out to them? Like
3 (indiscernible) --

4 A. I said, officer, do you need help, and then I
5 think the second time, I said, officer, you need help, or do
6 you need help. And then they didn't respond so I didn't
7 help them because I didn't want to get --

8 Q. Yeah.

9 A. -- charges myself for interfering if a cop got
10 killed or the guy got killed because of me helping, or --

11 Q. Right.

12 A. So I was only going to help if they said, sure --
13 like, yes.

14 Q. Come help us.

15 A. Yeah.

16 Q. Yeah, okay. All right.

17 A. So I just kept recording, otherwise I would've
18 just threw the phone in my pocket and helped.

19 Q. Right, right. Okay. You said that there were the
20 two officers and then the person that they were engaging
21 with. Do you remember, once they got down on the ground,
22 how they were situated?

23 A. So if I'm looking this way, the person that was
24 shot was here, female officer here, and the male officer
25 closer to me, I think.

1 Q. Okay. And were they all sort of laying on the
2 ground?

3 A. Yeah. They were, they were -- I believe they were
4 going for his hands to take him into custody, and then he
5 was pulling away, trying to get away, obviously, and then --

6 Q. That's what it looked like?

7 A. Yeah.

8 Q. Okay.

9 A. And then I seen the female officer struggle with
10 the gun, but --

11 Q. Okay. With her own gun?

12 A. To get it to fire, yeah.

13 Q. Okay.

14 A. And then -- I mean, that's -- it was so fast. It
15 was a struggle, he twists around, he's (indiscernible) on
16 the ground, he fires a shot very close to the cops head,
17 aims -- what looked like to me was aimed at his head, and
18 then the cop somehow quick and fast got the gun away from
19 him. They're still struggling. The female officer is still
20 trying to -- you know what I mean? I don't know if she saw
21 the cop was -- already had the gun in his hand. Honestly, I
22 don't believe so, but -- and she --

23 Q. You don't believe she saw that? She just --

24 A. I don't know. I didn't even see it like that, but
25 maybe she thought -- I don't know. Maybe she thought he had

1 it still in his hand.

2 Q. Yeah. And just for the record, you were gesturing
3 that she -- looked like trying to rack the slide of her own
4 gun?

5 A. Yeah, mm-hm.

6 Q. Okay. So it looked like she was struggling to get
7 it --

8 A. This is what I saw.

9 Q. Okay. Pulling the trigger and nothing happening?

10 A. Yeah. Yeah, and then the rack.

11 Q. And then the rack? Okay. And the shots?

12 A. Yep.

13 Q. Yeah, okay.

14 MR. JACKSON: Mr. Ponte, I think those are all the
15 questions that I have for you. We'll see if the grand jury
16 has any questions. Oh, it looks like we have one for you.

17 GRAND JUROR: So when you -- you were driving in
18 the car?

19 MR. PONTE: Yep.

20 GRAND JUROR: And you exit your car. Did you
21 exit, like, filming immediately?

22 MR. PONTE: No. I stepped out of the car. I had
23 to talk quite a ways until I could visually see what --
24 where the police action was going to be at --

25 GRAND JUROR: Okay.

1 MR. PONTE: -- and then I -- I was, like -- I
2 heard screaming or arguing or whatever, and then that's when
3 I'm like -- I went faster, 'cause I was going to wait a
4 little longer before I turned the camera on. And I turned
5 the camera on as soon as I heard the struggling.

6 GRAND JUROR: Okay.

7 MR. PONTE: Between, you know, the physical stuff
8 going on.

9 GRAND JUROR: So there were things going on before
10 you had your camera on?

11 MR. PONTE: Yeah.

12 GRAND JUROR: (Indiscernible) there was already
13 activity. Okay.

14 GRAND JUROR: Who did you hear screaming?

15 MR. PONTE: I heard the -- I think the --

16 GRAND JUROR: Or what did you hear?

17 MR. PONTE: A girl screaming, or talking loudly,
18 and the female officer saying get back, or something like
19 that.

20 GRAND JUROR: Okay.

21 MR. JACKSON: Yeah, actually. That's a good point
22 of clarification.

23 BY MR. JACKSON:

24 Q. So while you're watching this, you were telling us
25 a lot about these -- the two officers and the individual.

1 Was there any other people around or directly involved?

2 A. Not directly -- just the girl that was with the
3 victim, or whatever, the guy that died.

4 Q. Okay.

5 A. And her, the two cops, me, and a fellow cop
6 watcher that was up on a ledge, and I had two people riding
7 along with us, but they took off when they heard the
8 gunshot.

9 GRAND JUROR: That was my question, if you had
10 anybody with you or --

11 MR. PONTE: Yeah.

12 GRAND JUROR: -- (indiscernible) cop watchers.

13 MR. PONTE: Two of them ran when they heard the
14 shot. They weren't -- they didn't have cameras and they
15 weren't actual cop watchers. But me and the other cop
16 watcher stayed there and prayed --

17 GRAND JUROR: Yeah.

18 GRAND JUROR: Yeah.

19 MR. PONTE: -- and held the shot, but --

20 GRAND JUROR: Okay.

21 MR. JACKSON: Okay.

22 GRAND JUROR: So I just want to make sure I'm
23 clear on this. Your recollection is that the male officer
24 had actually disarmed Jonathan by the time the female
25 officer --

1 MR. PONTE: Yes.

2 GRAND JUROR: -- shot him? Okay, thank you.

3 GRAND JUROR: Disarmed or just controlled the
4 weapon?

5 MR. PONTE: Controlled -- I would say controlling
6 the weapon, meaning he took the gun and had it, I think, in
7 his right hand, while he's still trying to hold this guy
8 down or --

9 GRAND JUROR: Oh, okay.

10 MR. PONTE: And it looked -- almost looked like
11 the cop thought about throwing the gun or something, but
12 maybe he just looked back 'cause I said do you need help. I
13 don't know, but --

14 GRAND JUROR: Sure.

15 MR. PONTE: He had it in his hand. He didn't --
16 he still had one here and on hand dealing with the guy.

17 GRAND JUROR: How much time do you think went by
18 between you think he got ahold of that gun and the shots
19 were fired?

20 MR. PONTE: If I was to guess -- it'd be easier
21 rewatching the video real quick, but --

22 GRAND JUROR: Yeah. We're going to see that.

23 MR. PONTE: -- if I was to guess about 5, 6
24 seconds, is my guess.

25 GRAND JUROR: Thanks.

1 GRAND JUROR: Anything to confirm, from your
2 point of view, it's very possible the female police officer
3 did not see the defendant had been disarmed?

4 MR. PONTE: Yeah, yeah. I'm sure it's possible,
5 'cause --

6 GRAND JUROR: Okay.

7 MR. PONTE: -- if I was in that position -- can I
8 talk if I was in that position?

9 MR. JACKSON: Sure.

10 MR. PONTE: If I was in that position, I would --
11 when that gunshot went off, and I just watched that gunshot
12 go off towards my partner's or coworker's face, I would've
13 been trying to do the same thing she was doing and to shoot.
14 Like, I don't know if because she -- her gun jammed or
15 whatnot, if that's why it took longer, and if she was just
16 focused on I have to make the shot. I don't know. I'm not
17 in her heard, but I would've did the same thing, so --

18 GRAND JUROR: Okay, thank you.

19 GRAND JUROR: And then this is just -- I don't
20 know if this is appropriate to ask, but I'll ask and you can
21 say if not. I'm not familiar with the term cop watcher. I
22 mean, it seems pretty self-evident what it is, but how would
23 you define that?

24 MR. PONTE: We just film the police for, like,
25 transparency to hold them accountable, just in case they do

1 foul stuff, and --

2 GRAND JUROR: So do you, like, listen to the radio
3 and --

4 MR. PONTE: Yeah, and we just report to calls
5 almost like they do, but it's a --

6 GRAND JUROR: But to film?

7 MR. PONTE: -- maybe a minute delayed.

8 GRAND JUROR: Yeah, yeah.

9 MR. PONTE: Yeah.

10 GRAND JUROR: Okay, thank you.

11 MR. PONTE: And we just film it.

12 BY MR. JACKSON:

13 Q. Yeah, but you're not, like, employed by the City
14 of Portland or --

15 A. No, no, I'm not.

16 Q. -- anything like that? Okay.

17 A. No.

18 GRAND JUROR: But that's probably something you
19 could --

20 MR. PONTE: The City of Portland doesn't like me.

21 GRAND JUROR: Yeah. That's probably something
22 they wouldn't let you upload to YouTube anyway, right?

23 MR. PONTE: Huh?

24 GRAND JUROR: Would they let you actually upload
25 that to YouTube or --

1 MR. PONTE: They have no choice 'cause I
2 would fight it in court.

3 GRAND JUROR: Live stream it?

4 MR. PONTE: Yeah. You have a right to film the
5 police, and I'm sure --

6 GRAND JUROR: Oh, sure, sure, but I mean actually
7 somebody getting -- YouTube's not going to --

8 MR. PONTE: Oh, YouTube --

9 GRAND JUROR: -- show a murder, I don't think
10 (indiscernible) --

11 MR. PONTE: No, the -- not if there was, like,
12 gore and blood and stuff. They restrict -- when I upload
13 it, they restrict it to people over 18 or whatever.

14 GRAND JUROR: Okay.

15 MR. PONTE: 'Cause it didn't show very, like,
16 blood and all that stuff, otherwise they wouldn't let it --

17 GRAND JUROR: Yeah, yeah.

18 MR. PONTE: I don't think I would upload it if it
19 showed that, but --

20 GRAND JUROR: Yeah, okay.

21 MR. JACKSON: Any other questions? I don't see
22 any. Okay, thank you very much.

23 MR. PONTE: Have a good day.

24 GRAND JUROR: Thank you.

25 MR. JACKSON: Thank you, sir.

1 MR. PONTE: You're welcome.

2 (Asides.)

3 MR. JACKSON: All right. If you could stand right
4 here and raise your right hand.

5 RANDY LIEPOLD

6 was thereupon called as a witness; and, having been first
7 duly sworn, was examined and testified as follows:

8 BY MR. JACKSON:

9 Q. All right. You can have a seat. And could you
10 please state and spell your name?

11 A. Randy Liepold, R-a-n-d-y L-i-e-p-o-l-d.

12 Q. Okay. Mr. Liepold, I want to take you back to
13 July 24th, 2022, just after midnight. Were you in the area
14 of Southeast 148th and Clinton on the map behind you there?

15 A. Yeah.

16 Q. Okay.

17 A. Yeah (indiscernible). Yep.

18 Q. And were you out with Mr. Ponte?

19 A. Yeah.

20 Q. Okay. And right at that location, did you see an
21 interaction between the police and an individual on the
22 sidewalk?

23 A. Yeah.

24 Q. Could you describe for us what you remember
25 seeing?

1 A. Well, we turned right off of Powell (ph.), going
2 towards Division, and a cop was coming up --

3 Q. On 148th?

4 A. Yeah, yeah.

5 Q. Okay.

6 A. We were going towards Division. And a cop came up
7 and turned around, so we went to -- they pulled over, so we
8 went to go do our thing and film. And they interacted with
9 a -- I think she was -- dark-skinned and a white dude, and I
10 guess --

11 Q. You mean a female and a male?

12 A. Yeah, yeah, yeah.

13 Q. Okay.

14 A. Female and male. They said they were being
15 detained for alleged domestic violence is what it was
16 beginning with.

17 Q. Who said that?

18 A. The officer. We heard an officer tell them that.

19 Q. Okay.

20 A. 'Cause they told him to see on the -- like, a rock
21 wall, the gentlemen.

22 Q. Okay.

23 A. And then we heard them say that while we were
24 filming. So that's how we knew it was something with
25 domestic violence. And then I guess she started getting

1 mad, and then they went to go detain him and put him in
2 handcuffs, and that's when everything happened.

3 Q. Okay. What did you see?

4 A. They took him to the ground and he tried to pull a
5 gun out, and then one shot shot at the guy officer. I don't
6 know the guy officer's name.

7 Q. Okay.

8 A. And --

9 Q. So two police officers?

10 A. Yeah, one lady, one guy.

11 Q. Okay. And so when they went to the ground, do you
12 remember how they were oriented or situated?

13 A. Well, when they grabbed him off the wall, they
14 were telling her to back up, the girlfriend, 'cause --

15 Q. She was still there?

16 A. Yeah. Telling her to back up or you'll be
17 detained too. They were telling him to stop resisting or
18 force will be used against you. And then when they tried to
19 put his hands behind his back, they -- he kind of fell
20 backwards on his back on the ground. That's when he tried
21 to pull his gun out, and then --

22 Q. Okay. So he's on his back on the ground --

23 A. Yeah.

24 Q. -- and where were the officers?

25 A. The girl officer was on the side of him, on the

1 right side, and then the guy officer was on top of him.

2 Q. And was she standing?

3 A. Laying on her side.

4 Q. She was laying on her -- so she fell down too?

5 A. Yeah. They all fell at the same time.

6 Q. Okay.

7 A. And then the guy fell on top of him, the subject.

8 Q. Okay.

9 A. And then we thought it was just a resisting, but
10 then all of a sudden we hear a pop, and it was the dude's
11 gun came out from his waistband, and that's when they were
12 -- he was struggling -- the cop, the guy cop was struggling
13 and --

14 Q. Did you actually see the gun --

15 A. Yeah.

16 Q. -- in the individual's hand?

17 A. Yeah.

18 Q. Did you see the gunshot?

19 A. Yeah. I was standing right -- like, the rock wall
20 was here, and they were right here, I was like right here.
21 They bullet went up over me in the air.

22 Q. Were you worried that it might've hit you?

23 A. It was close to me, but I -- like, I kind of
24 ducked when I -- and I kind of fell back 'cause the way --
25 and then that -- the cop -- you can see in the video, I'm

1 right here and the cop looks back at me and Chris to make
2 sure we didn't get hit. And then so I walked back up a
3 little bit to record, and I couldn't really see the girl cop
4 at all. She was moving around a lot, but after, watching
5 the video over and over again --

6 Q. Well, just -- for now, just tell us what you
7 remember seeing.

8 A. I remember -- I just remember her pulling her gun
9 out, but -- I just remember her trying to cock it, and then,
10 then he got the gun from him, the subject's hand.

11 Q. Who got the gun?

12 A. The guy cop.

13 Q. Okay.

14 A. And then after he did that, she shot six rounds
15 and then he kind of, like -- the guy cop kind of fell a
16 little bit 'cause it was so close to his head, and then she
17 stood up in, like, a combat stance and just stood there.

18 Q. Okay.

19 A. And then they told us to get back.

20 Q. And after the officer fired shots, did they move
21 back away from the person?

22 A. They -- yeah, like, probably 4 feet -- or not --
23 yeah, like 4 feet, 'cause there was a car here and he was
24 here, so they were, like, next to the car standing there.

25 Q. Okay.

1 A. And that's when the girlfriend ran up and got on
2 him, like, screaming help, oh my God, you shot him. And
3 then as they were -- as they got up together, the cops, the
4 guy heard -- I know I heard the guy cop say I got the gun
5 out of his hand. So I don't know -- to me, it was
6 justified, 'cause he pulled a gun and tried to kill them,
7 but at the same time, they need a little more training to
8 communication, because I don't know if she knew that he had
9 the gun already out of his hand.

10 Q. Okay. Well, let me ask you this, the whole thing
11 that you just sort of described for us, are we talking about
12 a long, you know, like 10-minute engagement, or was this,
13 like, a matter of a --

14 A. No, it was like --

15 Q. -- few seconds?

16 A. It probably wasn't no more than a minute-and-a-
17 half, two minutes.

18 Q. Total?

19 A. Total, yeah, about two, two-and-a-half minutes for
20 everything.

21 Q. Okay. From, like, police get there, get out, go
22 up and talk to him --

23 A. Yeah.

24 Q. -- that whole thing is -- we're --

25 A. Yeah, to me.

1 Q. -- talking two minutes?

2 A. It happened to fast.

3 Q. But in just that time from when he's -- stands up
4 from the rock wall and they fall to the ground --

5 A. Oh, that was, like, 30, 45 seconds.

6 Q. Okay.

7 A. It all (indiscernible) and done and over with.

8 Q. Okay. And was the individual that you saw -- I
9 mean, you said when you first started filming, you thought
10 it was going to be, like, a resisting arrest type of thing.

11 A. Yeah, because he was kind of like, hey, why are
12 you putting me in handcuffs, well, you're being detained for
13 domestic violence, 'cause, I guess, a bystander -- he was
14 beating her up walking down the street and a bystander drove
15 by. So that's how we were like, oh, it's just resisting,
16 he's mad because they were fighting already, but then when
17 they went to the ground, that's when the gun came out and a
18 pop.

19 Q. Yeah.

20 A. And we -- once the pop -- that's when I seen the
21 gun, after I seen (sic) the pop. So -- and I know the cop
22 didn't pull the guy's gun's trigger, so it had to have been
23 him.

24 Q. Yeah.

25 A. And --

1 Q. And did the -- I mean, did the person remain
2 sort of resistant to the police through while they were on
3 the ground?

4 A. Yeah. Well, to me, yeah, 'cause the guy had the
5 gun like this -- like, he had his hand on the gun, and then
6 the cop had it and they were just, like, moving around. So,
7 to me, kind of resistant, yeah. To me. But then once he
8 got the gun from the guy's hand -- as soon as he got it from
9 his hand, she shot him six times, and that's when the cop
10 kind of fell 'cause it was right next to his head, and he --
11 I thought he dropped the gun, but he didn't. He had the gun
12 the whole time, so I knew he had (indiscernible) --

13 Q. The officer?

14 A. The officer had the gun in his hand the whole
15 time, but then when they stood up, that's when they were
16 like -- that's when he told his partner, hey, I got the gun.

17 Q. Okay.

18 A. So I don't know if she knew that. She probably
19 think -- when -- she thought he still had the gun --

20 Q. Right.

21 A. -- but, at the same time, in the beginning, in my
22 eyes, he pulled the gun out to shoot them. That was his
23 intention.

24 Q. The police, shoot the police.

25 A. That was his intention, to me.

1 Q. Yeah.

2 A. But I think there should be more communication
3 with the cops together.

4 Q. Okay.

5 A. But I think, to me, it was justified, 'cause if
6 they would've did that -- he was going to shoot that guy cop
7 in the head. He tried to, to me.

8 Q. Okay.

9 A. He wasn't pulling his gun and saying, I got a gun,
10 here you go, 'cause why would a shot go off --

11 Q. Right.

12 A. -- and why would he resist, you know. That's just
13 my opinion.

14 Q. Okay.

15 MR. JACKSON: Mr. Liepold, I think those are all
16 the questions I have for you. I'll see if the grand jury
17 has any questions. Oh, actually, I'm sorry. I did have one
18 other one before you go

19 BY MR. JACKSON:

20 Q. You have mentioned a few times that you were
21 filming this, and did you provide that video --

22 A. Yeah, the --

23 Q. -- to the police?

24 A. -- detective -- a couple of detectives took it,
25 and the main detective, so I guess they all got it.

1 Q. Yeah.

2 A. I sent an email of the video and they said they
3 got it.

4 Q. Great.

5 A. I'm assuming they got it.

6 Q. Yeah, okay. Thank you.

7 MR. JACKSON: Go ahead, sir.

8 GRAND JUROR: I'm trying to frame this question to
9 make sense. You videoed it, and you've saw it live, but
10 then you have the advantage, and something we have, of
11 watching the video. Have you -- did you watch the video
12 several times?

13 MR. LIEPOLD: Well, not -- like, in the first,
14 like, month-and-a-half, two months, no, I didn't. I just --
15 'cause it's on my YouTube channel --

16 GRAND JUROR: Okay.

17 MR. LIEPOLD: -- and so I didn't, but in the last
18 couple of weeks, I went and replayed it again, 'cause it's
19 still been in my head, it's like it happened yesterday, but
20 I just wanted to just watch it again.

21 GRAND JUROR: Okay. So I guess, if you hadn't had
22 the -- this is a what if, but do you think your account
23 would be different if you only had seen if live --

24 MR. LIEPOLD: No, it'd still be the same.

25 GRAND JUROR: -- and not had the advantage --

1 huh?

2 MR. LIEPOLD: It still would've been the same.

3 GRAND JUROR: Okay.

4 MR. LIEPOLD: Yeah. It would still be the same.

5 I just wanted to rewatch it.

6 GRAND JUROR: Yeah. I'm not questioning your
7 account, but the speed of things happening would seem to be
8 very confusing to remember --

9 MR. LIEPOLD: Oh, yeah.

10 GRAND JUROR: -- all of the details that you've
11 provided.

12 MR. LIEPOLD: Yeah.

13 GRAND JUROR: Not that they're incorrect, that
14 they're just -- your perspective has changed by being able
15 to watch the video over.

16 MR. LIEPOLD: Yeah. Even if I didn't watch the
17 video, it still would've been the same.

18 GRAND JUROR: Okay.

19 MR. JACKSON: Any other questions? Okay. Thank
20 you very much. That's all we have.

21 GRAND JUROR: Thank you.

22 MR. JACKSON: Appreciate it.

23 (Asides.)

24 MR. JACKSON: Okay, hold on. Sorry. If you could
25 step back outside. We need to go off the record just for a

1 moment.

2 (Off the record at 11:16 a.m.)

3 (On the record at 11:17 a.m.)

4 MR. JACKSON: Okay. We're back on the record
5 following a brief break, and we'll start with our next
6 witness.

7 If you want to come stand here and raise your
8 right hand.

9 JONATHAN GONZALES

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

12 BY MR. JACKSON:

13 Q. Okay. You can have a seat. Could you please
14 state and spell your name?

15 A. Jonathan Gonzales, J-o-n-t-h-a-n (sic)
16 G-o-n-z-a-l-e-s.

17 Q. And Mr. Gonzales, I want to take you back to
18 July 24th, 2022. Were you with Mr. Ponte and Mr. Liepold
19 that night?

20 A. Mm-hm, yes.

21 Q. Okay. Shortly after midnight, were you guys in
22 the area you see on the map here, Southeast 148th and
23 Clinton?

24 A. Is that north or south that way?

25 Q. North is up, yeah.

1 A. North is up? Yeah.

2 Q. So Division is just off the screen to the north.

3 A. Up this way? Oh, okay. Yep.

4 Q. And Powell is to the south.

5 A. Powell is down here. Yeah, 'cause we came from
6 Powell, I believe, and took a right onto 148th, and that's
7 where we --

8 Q. And you were traveling up 148th?

9 A. Yeah.

10 Q. Okay.

11 A. Towards Division.

12 Q. And did you see an interaction between the police
13 and an individual on the sidewalk?

14 A. Not when we pulled around the corner, no. Not
15 until after we were around the corner, that's when the cops
16 also had pulled and then, like, faced their car towards --
17 over our lane, so we just pulled over right away because we
18 were out cop watching.

19 Q. Okay.

20 A. And then that's when, you know, we started
21 videoing. I'm sure you guys have all seen the video. And
22 then --

23 Q. Well -- so let me ask this. Were you filming?

24 A. No.

25 Q. Just Mr. Liepold and Mr. Ponte?

1 A. Yes. I was right behind Chris.

2 Q. Mr. Ponte?

3 A. Yeah, Ponte.

4 Q. Okay.

5 A. I was right behind him when they were videoing,
6 and Randy -- or Liepold was just up on top of this grassy
7 area, you know, videoing down. But this was --

8 Q. So they were filming and you were just kind of
9 watching?

10 A. Yeah. I was just right behind Chris. I don't
11 know his last name. I can never remember his last name?

12 Q. Sure. Is it Mr. Ponte?

13 A. Ponte, yes.

14 Q. Yeah. Okay. And so what do you remember seeing
15 while you were standing there?

16 A. Well, the officers got out. They were just
17 walking up to the female and the male that was there. It
18 was like they were going to ask questions. We have -- and
19 then we had -- they wanted to sit him down, and it looked
20 like they -- you know, the female was just, like -- just
21 acting really sketchy, like he was doing something wrong
22 already.

23 Q. The female?

24 A. The female that was with that guy --

25 Q. Okay.

1 A. -- just was just, like, not minding her own --
2 you know, just -- it just seemed like that -- like, he was
3 doing something sketchy. She was just trying to be up in
4 his face, and the cops were just wanting her to sit back and
5 she wouldn't. So they were just going to -- it looks -- to
6 me, it looked like they were just going to detain him, and
7 then that's when, you know, shit started getting crazy.

8 Q. Okay. How many police officers were there?

9 A. Two.

10 Q. And so it was two police officers and then the two
11 people that they were contacting?

12 A. Yeah, yeah.

13 Q. A male and a female?

14 A. 'Cause they -- the cops -- as we were walking up,
15 the cops were also getting out of their cars and walking up
16 to the same two people.

17 Q. Okay.

18 A. 'Cause we were out cop watching. We just seen it
19 and, like, oh, let's pull over and, you know, take a video.

20 Q. Okay. And so once they police had -- I mean, did
21 they separate the male and the female?

22 A. Well, they were trying, they were trying to, but
23 the female just didn't want to back away. Like, she --
24 like, he had something on him. You know, this is just what
25 I'm thinking through my head, you know, so she --

1 Q. But she didn't say anything like that or, like,
2 get rid of it, or anything like that?

3 A. No, no, no.

4 Q. It's just --

5 A. We were only, like, from, like, here to, like,
6 that wall corner away at the time, you know, he was trying
7 to put -- detain the guy.

8 Q. Okay.

9 A. Because I guess there was some dispute or
10 something beforehand. We didn't -- don't know nothing about
11 that then.

12 Q. Okay.

13 A. So it wasn't until -- and I'm still behind Chris
14 who is recording, or Ponte recording, and as soon as I heard
15 gun -- I heard gun from I want to say the female cop. I'm
16 not really sure where I heard the gun, but I just
17 immediately turned around because I'm not into dying, you
18 know, over that. So I was -- just started walking towards
19 those -- because here's the street. So there was -- I'm not
20 sure exactly right here where it was, but say this is where
21 it happened, so I walked behind a car that was parked, like,
22 right here.

23 Q. Okay.

24 A. And as I'm walking to that car, the first shot
25 rang off.

1 Q. You heard it?

2 A. Yeah.

3 Q. Okay.

4 A. And before even -- so after the first shot, I'm
5 still walking getting behind the car. By the time I got
6 behind the car, that's when the other shots rang out.

7 Q. Okay.

8 A. 'Cause I didn't actually see the shooting because
9 I was walking away because, you know, I don't need to be hit
10 by a stray bullet.

11 Q. Yeah, sure. So you're there and you see, sort of,
12 the lead up --

13 A. Mm-hm.

14 Q. -- interaction between the police and these two
15 people. Did they -- I mean, when you heard gun yelled out,
16 where were the police and where was the individual they were
17 dealing with?

18 A. They police were grabbing one on each side.
19 Female on the furthest side of me -- this side, and then the
20 male was on this side. They were just grabbing -- you know,
21 just -- I think they were just going to detain him or
22 whatever. And it just -- I mean -- and then her screaming
23 in the background, it sounded like she was -- like --

24 Q. Her, not the officer, but the --

25 A. Not the officer, the girlfriend --

1 Q. Okay.

2 A. -- or whatever she is to him.

3 Q. Okay.

4 A. You can just -- she was just -- wasn't, like,
5 letting space, like he was doing something wrong. And
6 then --

7 Q. At some point, did you see the officers and the
8 male individual fall to the ground?

9 A. Soon as -- like I said, as soon as I heard gun, I
10 was already walking behind the car. I wasn't eyeballing
11 them, and then it was right after the gun, and the video is,
12 like, pretty much the same as what I was hearing, you know.
13 The video. So they went to the ground right after they
14 heard the gun. They were scuffling around and then they
15 were on the ground. But I didn't see them on the ground
16 until I was already back by the car, and the shots had
17 already rang out.

18 Q. Okay. So you turned and started walking away
19 right as things were first starting?

20 A. Soon as -- yeah, yeah. So I -- when they were
21 trying to detain him, that's when -- I mean, everything
22 happened so fast. So as soon as they were being -- trying
23 to detain him, or maybe just talk to him, that's when I
24 heard gun, so I was like -- I'm already walking towards the
25 car that was parked off the street.

1 Q. Okay. And then --

2 A. On the same side.

3 Q. And then you heard shot?

4 A. I heard a shot and I'm like -- I'm pretty sure I
5 didn't even make it to the car before the other shots rang
6 out. Like, as soon as I got behind the car, the other shots
7 rang out, and I'm not poking my head up to see, you know,
8 who's shooting who. I'm, you know, down --

9 Q. Right.

10 A. -- behind the car.

11 Q. Right, okay.

12 MR. JACKSON: All right. Well, sir, I think those
13 are all the questions that I had for you. We'll see if the
14 grand jurors have any questions.

15 GRAND JUROR: Who did you hear say gun?

16 MR. GONZALES: I think it was the female officer.

17 GRAND JUROR: Okay.

18 GRAND JUROR: How long would you estimate between
19 that initial shot and the following burst of --

20 MR. GONZALES: I -- three car lengths.

21 GRAND JUROR: (Indiscernible).

22 MR. GONZALES: I was kind of walking fast. Six,
23 ten -- six to ten seconds maybe.

24 GRAND JUROR: Enough for you to go three car
25 lengths?

1 MR. GONZALES: Yeah, yeah. Just enough to --
2 yeah, yeah. 'Cause it -- everything happened so fast. I
3 was not even expecting something like this to even happen.
4 Never even seen anything like this happen in front of my
5 eyes, you know. I'm not even from Portland, you know. I'm
6 -- I come from Vancouver, so I was just -- happened to be
7 out. I mean, I live in -- was living in Gresham, and then I
8 raised a daughter myself, so I'm usually always home. And
9 they're like -- and I didn't have my daughter that night,
10 and they were like, hey, you want to go out. I'm like,
11 sure. And literally, like, 20, 25 minutes later, all this
12 happens. So this is all, you know -- it was really -- it
13 was crazy that night. It was -- I didn't get to sleep the
14 whole night, so --

15 MR. JACKSON: Sure. Okay. Any other questions?

16 GRAND JUROR: No.

17 MR. JACKSON: I don't see any. Okay, thank you
18 very much. That's all I had for you.

19 GRAND JUROR: Thank you.

20 MR. JACKSON: All right. If you could stand next
21 to the chair here and raise your right hand.

22 COREY WOODS

23 was thereupon called as a witness; and, having been first
24 duly sworn, was examined and testified as follows:

25 BY MR. JACKSON:

1 Q. Okay. You can have a seat. And could you
2 please state and spell your name?

3 A. Corey, C-o-r-e-y, Woods, W-o-o-d-s.

4 Q. Okay. Mr. Woods, if you look on the screen behind
5 you, is that a map of 148th and Clinton?

6 A. Yes.

7 Q. And do you live in the apartment complex just to
8 the east side of 148th there?

9 A. Yep.

10 Q. Across the street from the Montessori school?

11 A. Mm-hm.

12 Q. Okay. Were you home on the night of July 23rd,
13 into the early morning of July 24th?

14 A. Yes.

15 Q. Okay. And what do you remember happening that
16 night around midnight?

17 A. It was some commotion before I went to bed, and
18 then once I just turned off the lights, I didn't even care
19 about outside. It was something crazy. But my neighbor's
20 kids were out there, so I kind of seen them going around.
21 And then when I laid down is when the police kind of pulled
22 up and the guy's out there and you can kind of hear the, you
23 know, altercation or whatever. They're giving him orders,
24 he's not complying. I heard the lady say, you're going to
25 get yourself shot, and then within a minute they're

1 scuffling on the ground and you hear the first shot. I
2 was like, what. It kind of seemed like it wasn't real
3 'cause this happened so fast.

4 Q. Now, you're not watching this; you're hearing it?

5 A. No, I'm hearing this. I'm hearing this.

6 Q. While you're laying in bed?

7 A. I'm laying in bed, 'cause my room is right there,
8 that section. (Indiscernible).

9 Q. Okay. And when you heard the sound, did you
10 immediately recognize, like, that's a gunshot, or did you
11 think --

12 A. I don't know. I guess it was a gunshot, but I'm
13 like, why would he have a gun. It was kind of crazy.

14 Q. Yeah.

15 A. And then the scuffle, and then you just hear this
16 -- them scuffling. I'm like -- and then pop, pop, pop, pop.
17 I was like, wow.

18 Q. Okay.

19 A. So that's when I got up and then went on my
20 cameras and pressed rewind and see --

21 Q. Okay.

22 A. -- what is was.

23 Q. And so do you have cameras mounted on the wall?

24 A. Yep, outside.

25 Q. And they point down at 148th?

1 A. Right there.

2 Q. And did you provide that camera footage --

3 A. Yep.

4 Q. -- to the police?

5 A. Mm-hm.

6 Q. Okay.

7 A. Yeah, from 10:30 at night until 15 minutes after
8 it happened.

9 Q. And so all this you're hearing, did you recognize
10 any of the voices, like people that live around there or
11 that you know?

12 A. I didn't recognize nothing. When I watched the
13 footage, I seen two kids. I thought it was my neighbor's
14 kids, but it was these other guys that hopped out of another
15 car recording the incident. That was the only people I
16 seen. It was just shocking though.

17 Q. Yeah.

18 A. 'Cause I was about to go outside earlier and just
19 see what was going on outside my house, 'cause it was right
20 by my window, but I was like, I'ma go (indiscernible), I
21 have to work tomorrow.

22 Q. Yeah. And so when the police -- well, I guess,
23 before the police got there, you said you heard some stuff
24 going on?

25 A. Yeah. It was, like, a girl screaming. She had --

1 you know, she was screaming. And then I think when I
2 opened my door, or something, one of the kids was like,
3 there's a guy out here with his girl or something --

4 Q. Okay.

5 A. -- domestic violence or something, yelling at her
6 or something.

7 Q. Okay.

8 A. I was like, okay, and so I look on my cameras and
9 I see the car parked out there. And I don't like people
10 parking, you know, right there, so I'm like, no, I'm not
11 going to go out there, I'm going to leave them alone. And
12 then he was out there for a long time, so I knew -- about
13 midnight, I guess, that's when the police came. And then I
14 just -- like I said, it just happened so quick. You just
15 hear the officer talking to him for a minute, and they gave
16 him instructions he didn't follow, and then it just went out
17 of control.

18 Q. Yeah. So you said they were out there for a
19 while. I mean, how long, if you had to estimate?

20 A. They was probably out there for, like, two hours
21 maybe. Yeah.

22 Q. That you were hearing some commotion?

23 A. Well, yeah, because, like, initially when somebody
24 pulls up to my house that close to the window I always look
25 at the cameras to see what time they pull up, and then I

1 kind of wait it out. It could be somebody homeless or
2 whatever, but this was different because he was out -- like,
3 he was out there amped up. You could hear the -- something
4 -- yelling and something, so I'm like, yeah, maybe they're
5 arguing over something. She probably caught him cheating or
6 something, I don't know. Something.

7 Q. Yeah.

8 A. I'm like, yeah, it's not my business so I just
9 waited, but then, like, they stayed there, and then you kept
10 hearing her screaming. But I'm looking, like, she doesn't
11 look like she's being held against her will, why is she
12 screaming, you know what I'm saying. I didn't understand
13 what's going on.

14 Q. Well, that -- now you're talking about once you
15 were looking back at the --

16 A. Yeah, back at the footage.

17 Q. -- footage?

18 A. Yeah.

19 Q. Okay. But while you're laying there trying to go
20 to sleep --

21 A. Yeah, while I'm laying there trying to go to
22 sleep --

23 Q. -- you're just hearing (indiscernible) --

24 A. -- (indiscernible) quiet. They're just talking,
25 like, to each other. They're not even, like, fighting or

1 nothing. They was just talking.

2 Q. Okay.

3 A. So when the police came up, it was so -- I'm like,
4 why is he dead though, and then I opened my door and I was
5 like, is he really dead. Like, I couldn't believe it. It
6 was crazy, yo. I was like, wow, and then watching the tape,
7 I seen, and I was like, yeah, he made some dumb mistakes.

8 Q. Okay.

9 A. Definitely.

10 Q. You're talking about the --

11 A. The dead guy.

12 Q. Like, you saw the person --

13 A. Mm-hm, 'cause I see his actions, and I'm like --
14 I've had guns pointed at me by the police. I know exactly
15 how to act. He did not -- he was not thinking.

16 Q. Yeah, okay.

17 MR. JACKSON: Well, all right, sir, I think those
18 are all the questions that I had for you. We'll see if the
19 grand jury has any questions.

20 GRAND JUROR: Tell us about the cameras.

21 MR. WOODS: I have them mounted up there 'cause my
22 son's out the house a lot of times by himself, and I have to
23 just -- that area is very crazy. And, you know, we talked
24 to the property managers, they said it's cool if I put them
25 up, so I just put them up, and I be catching some stuff,

1 man, you know what I'm saying. That night we caught it
2 all. They don't have audio though; it's just video, and
3 it's really good night vision.

4 GRAND JUROR: Thank you.

5 MR. JACKSON: Any other questions? I don't see.
6 Okay. Thank you very much.

7 MR. WOODS: Thank you.

8 MR. JACKSON: That's all I've got for you.

9 GRAND JUROR: Thank you.

10 (Asides.)

11 MR. JACKSON: All right. So we've got a DA that
12 needs to come in and ask you to vote on a case it sounds
13 like, and so why don't we go off the record and take a
14 break.

15 (Off the record at 11:32 a.m.)

16 (On the record at 11:51 a.m.)

17 MR. JACKSON: Okay. We're back on the record
18 following that short break, and we'll proceed with our next
19 witness.

20 So if you could stand next to the chair here and
21 raise your right hand, our Foreperson will swear you in.

22 K'LAUN PRESTON

23 was thereupon called as a witness; and, having been first
24 duly sworn, was examined and testified as follows:

25 BY MR. JACKSON:

1 Q. Okay. You can have a seat. And could you
2 please state and spell your name?

3 A. K'Laun Preston. K-apostrophe-L-a-u-n, Preston,
4 P-r-e-s-t-o-n.

5 Q. Okay. Ms. Preston, how did you know
6 Jonathan Worth?

7 A. Me and Jon met off of Snapchat about two years
8 ago. We talked on Snapchat for a long time. He really
9 turned into my best friend over social media. And then we
10 met at Clackamas a few months after talking on social media
11 for a while, Snapchat. And then, I mean, after we met up
12 after -- at Clackamas, he met my family that same day, and,
13 yeah, he started living with us. From there, it was kind of
14 just history. We started a relationship from -- after that
15 first date.

16 Q. Okay. And on July 24th, 2022, were you together
17 with him?

18 A. Yes.

19 Q. Okay. When -- and when I say together, I mean in
20 a relationship with him.

21 A. Yes.

22 Q. And did you actually see him that evening and
23 night?

24 A. Yes. He lived with us. We -- like, my house was
25 his home.

1 Q. Okay. And is it just the two of you who live
2 there?

3 A. No. It was -- we stayed underneath my mother's
4 roof.

5 Q. Your mother's place?

6 A. Yes.

7 Q. Okay. And so that night on July 23rd, did you
8 reach out to him to pick you up?

9 A. No. We were coming from my brother's house out in
10 Wilsonville. Not blood, but long-time friend -- family
11 friend. We were driving from Wilsonville back to Portland,
12 and then we were going to Fred Meyer's before, like, it --
13 before it go too late, basically. We were getting -- we
14 were running and errand for my brother, and -- yeah.

15 Q. Okay. And then did you guys end up parking along
16 148th near Clinton, just by that Fred Meyer?

17 A. That is correct.

18 Q. And do you have a sense of approximately when it
19 was that the two of you parked there?

20 A. Probably around 11 or something like that. We
21 were trying to get to Fred Meyer's before it closed, and we
22 were taking the backroads, that's why -- yeah, we take the
23 backroads because we came off of Powell or the street
24 between Powell and Division. And we were facing forward
25 because I requested him to pull over.

1 Q. Okay. And why did you ask him to pull over?

2 A. I was starting to argue with him, and I have these
3 outbursts and I don't really like to go to therapy and
4 whatnot, so he kind of -- he just put up with them. And I
5 was, like, bro, like, I'm frustrated right now
6 (indiscernible) pissing me off, just let me the fuck out,
7 I'm walking home. And I started, like, screaming and
8 hollering at him, and then I was like, pull over, pull over,
9 pull over, and he was like, okay. And he pulled over on
10 148th.

11 Q. Okay. Whose car were you guys in?

12 A. It was Jon's car, not legally. Like, it wasn't a
13 sale, basically, because he had a BMW and his friend had
14 this Volvo, and they just traded basically.

15 Q. Okay. But it was his car?

16 A. Yes.

17 Q. And I think you said it was a Volvo --

18 A. Yeah.

19 Q. -- but is that right?

20 A. Yeah, I believe so.

21 Q. Okay. And were just the two of you in the car?

22 A. Yeah.

23 Q. All right. Once you guys pulled over and parked,
24 what happened then?

25 A. Once he pulled over and parked, I mean, he sat

1 there and listened to me scream and holler at him, and
2 after a second, I just got frustrated from screaming and
3 hollering. Like, I just felt like I didn't want to talk
4 anymore, so I was like, fuck this shit, I'm leaving.

5 And I got out the car and I was like, I'm walking
6 home, and he followed me out of the car. He was like, I
7 can't let you walk home with what you have on, 'cause I had
8 some small-ass biker shorts, some Crocs, a big-ass hoodie,
9 and a small-ass tank top underneath. There was tweakers on
10 both side of us, and so him (indiscernible) looking out for
11 me. He wasn't going to let me walk home at whatever time it
12 was off of Division with all these people around me, and so
13 he's like, bro, you're not going anywhere. Like, you know
14 you can scream and holler at me more or you can get back in
15 the car and I'll drop you back at home, or -- like, I'm not
16 going to let you walk home, or you can put on some more
17 clothing, 'cause I had something else to change into in the
18 car. I just didn't want to listen; I wanted to do what I
19 wanted.

20 Q. Okay. And were you guys planning to go home that
21 night, or were you planning to stay out in the car together?

22 A. We were planning to go home. We had most of our
23 stuff in the car because before we went to Wilsonville, me
24 and my mom got into it, and she was like, either you --
25 either Jon can leave, or -- either Jon can leave or you can

1 leave with him. And I was like, bro, fuck this shit, I'm
2 leaving with him, and so we packed (indiscernible) stayed in
3 his car. And then that's why we were out there in
4 Wilsonville for a second 'cause I just needed a break from
5 the family. And so when we came back, my mom asked us to go
6 to Fred Meyer's to get some stuff for, like, dinner or
7 whatnot. Or I don't even know what, it was just some
8 groceries and shit. And I was just fed up because everybody
9 was just stressing me out, you know what I mean.

10 (Indiscernible) yelling, but it's like, he was the only --
11 he's the only one who'd listen to me and just sit there and
12 put up with it, so it's like I don't know what the fuck I
13 was doing.

14 Q. Yeah, okay. While you guys were in the car, I
15 mean, you described it was kind of -- you were yelling and
16 stuff. At any point, do you remember things becoming more
17 physical between the two of you?

18 A. No, not once did Jon every put his fucking hands
19 on me. That actually pisses me off because everywhere and
20 everybody keeps saying something about how, first of all,
21 the cops have to come (indiscernible) because DV called
22 saying about how people were saying how he choked me out or
23 some shit. It's like, for the full amount of time from me
24 getting out the car to being inside the vehicle, not once
25 did he put his hands on me. We -- outside the vehicle, we

1 were, like, a nice foot apart from each other. I'm just
2 yelling at him and he's just standing -- I'm against the car
3 and he's in front of me and I'm just yelling and screaming,
4 and yelling and screaming. And that was it.

5 The only time we made any type of physical
6 connection was when we started reconciling and talking shit
7 out, and then that's when the fucking cops pull up. And
8 then they come out and they're, like, all extra for no
9 fucking reason. They didn't see any argument. Like, we
10 were talking shit out at that point, and they were like,
11 okay, no, we're ready for this shit.

12 Q. Okay. And so I just want to make sure I'm
13 following kind of the sequence of events. And so you wanted
14 him to pull over, and he did?

15 A. Yes.

16 Q. And it was on 148th. And if you look on the map
17 behind you there, does that look roughly like the area where
18 you guys pulled over? Maybe I can back it out a little bit
19 more for you. So this is Division and 148th and Fred Meyer
20 is here.

21 A. Yeah. We pulled over right -- on the side of
22 Clinton Street?

23 Q. By Clinton? Yeah.

24 A. Yeah. Right on the side, yeah.

25 Q. Okay. And so it sounds like you were -- it

1 started inside the car, and then you got out of the car?
2 Or did you get out right away and everything happened
3 outside of the car?

4 A. It was inside the car, and then I got out the car,
5 and then he got out the car.

6 Q. Okay. And then the police arrived?

7 A. Shortly after, yeah.

8 Q. What do you remember happening after the police
9 got there?

10 A. They pulled a U-turn and they both get out of the
11 car and whatnot, and at first, it's like they can't be here
12 for us, but the -- like, they approached us (indiscernible).
13 They're like, hey, what's going on tonight, and we both
14 started talking and whatnot. But then I started talking,
15 and then the female officer was like, you talk to me, sir,
16 and she'll talk to him. And I went to question that at
17 first, 'cause, like, I didn't comprehend why she was even
18 having me talk to this male officer and him talk to her, but
19 it was what it was.

20 Q. So wait. Let me ask you one question here real
21 quick. It sounds like there was two police officers?

22 A. Yes, a male and a female.

23 Q. And did they get out of the same police car --

24 A. Yeah.

25 Q. -- or was it two cars that showed up?

1 A. IT was the same police cruiser.

2 Q. Okay. So one car, two officers got out, and there
3 was a male officer and a female officer?

4 A. Yes.

5 Q. Okay. And so did they both sort of walk up to the
6 two of you, or --

7 A. It was more of -- like, we were just standing
8 there, and we were, like, confused for a second, 'cause,
9 like, we at first didn't think, like, they could be here for
10 us. But then the female officer started approaching us
11 first while the officer kind of followed her behind, and
12 then we, like, started talking and whatnot, but then I just
13 started explaining myself, and the female officer was like,
14 ma'am, you will talk to him and I will talk to him, and I
15 was like okay. And so the male officer --

16 Q. So she's saying you're going to talk to the male
17 officer and she's going to talk to --

18 A. Jonathan.

19 Q. -- Mr. Worth? Okay.

20 A. Exactly. And I didn't comprehend that, but it was
21 what it was. And so the male officer pulls me off to the
22 side by the curb, and he's like, do you have anything on
23 you, what's going on. And I'm like, no. And I -- my hood's
24 on my head. My pockets inside -- or my hands in my pockets
25 and I just lift up my jacket, I'm like no. And then I start

1 explaining my situation and he went on his dandy way.

2 And then basically I couldn't completely hear what
3 the female officer and Jon were talking about, but I could
4 only assume that she asked him the same question of do you
5 have anything on you and what's going on tonight. And I
6 heard the end of it where she -- or, like, I heard him start
7 to back up (indiscernible) he was like, no, I don't have
8 anything on me. He started emptying out his pockets and his
9 keys and his bandana. (Indiscernible) his bandana
10 (indiscernible) or some shit in his pocket. And he drops it
11 on the ground and whatnot, and he's like, I don't have
12 anything on me, and the female officer is like, stop
13 resisting, stop resisting. And (indiscernible) I'm asking
14 the officer, I'm like, can you guys please not do this,
15 like, we're not doing anything wrong, everything's fine.
16 You guys literally don't even have to be here. And they're
17 like, no -- or he's like, looks like we're doing this, and
18 then, basically, the female officer and the male officer
19 start wrestling him down to the little ledge that was right
20 there, and --

21 Q. There's, like, a ledge by the sidewalk?

22 A. Yeah. And there's, like, little (indiscernible).
23 They, like, wrestled him to sit down right there and he just
24 kept saying, I don't have anything, and then they got him on
25 the ground and the female officer was laying on his, on his

1 left arm, I believe, or one of his arms, while the male
2 officer's on top of him. And then I didn't know he had his
3 weapon on him. I didn't even know he had a weapon, but it
4 was in his back, and (indiscernible) --

5 Q. You're talking about Mr. Worth?

6 A. Yes.

7 Q. Okay.

8 A. And not once did he reach for his weapon at all,
9 but I knew that he was scared that they were going to do
10 something to him because of it. That's why he was, I mean,
11 saying I don't have anything on him. But not once did he
12 pull out or try to use that to aggravate the situation or to
13 get away. It was either death by cop or felony, but it
14 wasn't no, I'm going to shoot at the cops, and not once did
15 he do that. And so he's laying on the ground on his back
16 now, and the officer reaches behind his back and he grabs
17 his weapon and now it's in the air. And the female officer
18 sees that weapon, and then she lets off two rounds in his
19 fucking armpit and her gun jams, and then the bitch going to
20 -- it's like all I'm hearing is just a click, click, click,
21 click, and it's like, what the fuck. And then two bullets
22 went off from Jon's gun in the air, and then she goes into
23 firing mode and then let's off another one in his armpit and
24 another in his rib and another in his fucking hip. Like,
25 empties the fucking gun in him and then backs off like I

1 didn't do anything.

2 They, like, sat there and watched me scream
3 (indiscernible) as he passed away in my fucking arms, and
4 then they going to pull me off talking about we got to
5 (indiscernible) or some shit. Bro, you killed him. Like,
6 he's gone. He can't do anything right now. But no,
7 (indiscernible). And so they dragged me off him and they
8 put me in handcuffs and they put me in the back of the cop
9 car. And then -- yeah. A few hours later, detectives
10 (indiscernible) or whatnot, some bullshit, 'cause it wasn't
11 even on some what the fuck happened. It was on some, has he
12 ever abused you, does he have any children, does he have a
13 lot of relationships, does he have any more weapons, does he
14 sell drugs. And they held me for a lot longer, and then
15 when I -- when they were like, do you need anything from the
16 car, they refused to give me any type of cellular device or
17 anything like that so I could call somebody or anything.
18 And then they were like, it's 7 a.m., you're free to go the
19 fuck home. How the fuck am I supposed to get home right
20 now? Like, I don't have anything on me. You just
21 traumatized the fuck out of me. I don't know what the fuck
22 to do. I can't call nobody. And then -- and they dropped
23 me off.

24 Q. And they took you home?

25 A. (No audible response.)

1 Q. Okay.

2 MR. JACKSON: All right. Ms. Preston, I think
3 those are all the questions that I had for you. Okay?
4 We'll see if the grand jury has any questions. I don't see
5 any. Okay, thank you very much. That's all we have. Okay?

6 GRAND JUROR: Thank you.

7 GRAND JUROR: Thank you.

8 (Asides.)

9 MR. JACKSON: If you could raise your right hand,
10 please.

11 STEPHEN GANDY

12 was thereupon called as a witness; and, having been first
13 duly sworn, was examined and testified as follows:

14 BY MR. JACKSON:

15 Q. Okay. Could you please state and spell your name?

16 A. Stephen Gandy, S-t-e-p-h-e-n. Gandy is G-a-n-d-y.

17 Q. Okay. Are you a detective with the Portland
18 Police Bureau?

19 A. Yes.

20 Q. All right. And are you assigned to the homicide
21 detail within the Detective Division?

22 A. Yes.

23 Q. Okay. When an officer-involved shooting or
24 officer use of deadly physical force occurs within the city
25 of Portland, is the homicide detail called in to investigate

1 that incident?

2 A. Yes.

3 Q. Is that regardless of whether it actually results
4 in a fatality or not?

5 A. Yes.

6 Q. Okay. On July 24th, 2022, were you working as a
7 detective in the homicide division?

8 A. Yes.

9 Q. Or homicide detail?

10 A. Yes.

11 Q. Okay. And were you called in to investigate an
12 officer-use-of-force incident?

13 A. Yes.

14 Q. Could you take us through sort of the initial
15 call, information you got, and when you arrived on scene?

16 A. Sure. The call came out at about 12:06 a.m. in
17 the area of Southeast 148th and Clinton, which is just south
18 of Division. I arrived at approximately 1 a.m., and my
19 understanding of the call and reading the call and then
20 listening to the 9-1-1 call is that it came out at
21 approximately 12:06 a.m., like I said, but it was a male and
22 female physically fighting. The call updated about a minute
23 later saying that a male was choking a female in a gray
24 Volvo. And then about a minute after that, the information
25 was that they were now standing outside the car arguing.

1 Officers arrived, you know, approximately five minutes
2 later, and then that is what led to this incident.

3 Q. Okay. And so when you get called out, and I'm
4 going to call it being called out, but are you notified that
5 an incident has happened and do you physically go to the
6 scene?

7 A. Yes.

8 Q. And can you take us through, just generally
9 speaking, how one of these types of incidents is
10 investigated?

11 A. Sure. So this is similar to a -- like, a homicide
12 call-out. It's a little bit more involved, but the involved
13 officers are separated, the scene is taped off. We respond
14 with a gigantic RV, a mobile precinct. When we get there,
15 our homicide sergeant and us are in this mobile precinct,
16 and we have, usually, a supervisor that's on scene. A
17 patrol supervisor that's on scene will come into the mobile
18 precinct, give us a general overview of what happened, and
19 then we will have individual officers come in and talk to us
20 about what they saw, what they witnessed, what this incident
21 is about.

22 Q. Okay. Now, you said that the involved officers
23 are separated, and when you use the word involved, do you
24 mean the officers who actually used force or were directly
25 next to the officer using force, something like that?

1 A. Yes, yes.

2 Q. Okay. And when you say they're separated, what do
3 you mean by that?

4 A. So there's a dynamic where witnesses -- it's
5 usually a best practice to separate witnesses so they can
6 give you an independent account of what they witnessed and
7 -- so they're not feeding off the other person. We want to
8 preserve the integrity of the investigation that way, and
9 that was what was done in this case.

10 Q. Okay. And in terms of, you know, being that the
11 people who use force that triggered this response you just
12 described are police officers, they would not be involved in
13 the investigation of the incident, right?

14 A. That's correct.

15 Q. And so is that another reason why they're pulled
16 off and separated, secluded away from the investigators and
17 what's going on?

18 A. Yes, yes.

19 Q. Okay. Do they actually have people posted with
20 them to ensure that they're not talking to anybody and no
21 one's talking to them, that they are, in fact, secluded?

22 A. Yes, they do.

23 Q. Okay. Did that happen in this case?

24 A. Yes, it did.

25 Q. All right. Who was the involved officer in this

1 incident?

2 A. Yeah. The involved officer is Mina
3 Cavalli-Singer.

4 Q. Okay. Mina, M-i-n-a?

5 A. Yes.

6 Q. Okay. And were there any other involved officers?

7 A. Yes, Charles Gill.

8 Q. And did Officer Gill actually use force, or was he
9 just right there when force was used?

10 A. He was right there when force was used.

11 Q. Okay. So in terms of officers who actually used
12 force, how many were there?

13 A. Just Mina Cavalli-Singer.

14 Q. Okay. All right. And then you described this
15 sort of initial briefing where officers would come in and
16 provide an update or information about what had happened to
17 that point?

18 A. Yes.

19 Q. Would these involved officers be part of that
20 briefing?

21 A. No, not really.

22 Q. Okay. You say not really, are they involved at
23 all?

24 A. Yeah, no. No. They usually do not give a
25 statement. In this case --

1 Q. Well, I just mean do they come in and actually,
2 like, talk to the investigators about everything that
3 happened at that point?

4 A. No, no.

5 Q. So when you say these officers come in to tell the
6 investigators, it's other officers, not the involved
7 officers?

8 A. Correct.

9 Q. Okay. Sorry. That was a long way of getting to
10 that --

11 A. I apologize.

12 Q. -- question. Yeah. All right. So once that sort
13 of initial briefing is done and you get a lay of the land of
14 what has happened up to the point when you're there, what
15 happens then?

16 A. Yeah. So our sergeant will usually give us
17 assignments. For example, in this case, Michele Hughes was
18 our sergeant, and she assigned several officers to talk to
19 witnesses; several officers to monitor the crime scene and
20 document evidence that is there; identify, document, and
21 ultimately seize evidence that's found at the scene. There
22 are detectives that were assigned to canvassing for video
23 surveillance, you know, that sort of thing. A whole host of
24 assignments will be given out, and that's what happened in
25 this case.

1 Q. Okay. And in addition to yourself and Sergeant
2 Hughes, you described approximately how many detectives
3 responded to assist in the investigation?

4 A. Approximately ten.

5 Q. Okay. Now, you were assigned the primary
6 investigator for this?

7 A. Yes.

8 Q. And in that capacity, did you review all of the
9 reports generated by other detectives involved in the
10 investigation?

11 A. Yes.

12 Q. And patrol officers who wrote reports related to
13 their involvement?

14 A. Yes.

15 Q. Okay. So if you take us through the scene. You
16 were there personally.

17 A. Yes.

18 Q. And so -- actually, I'm going to back up here to
19 this map. Can you describe what this is and where in
20 Portland this is?

21 A. Yeah. Again, I have a big head. Let me know if I
22 get in the way, okay? So this appears to be a Google
23 satellite image of the area of this incident, and we have
24 148th going north/south, we have a Fred Meyer here, which is
25 nearby, and then Clinton is and was the closest cross street

1 for this incident. And we have the Montessori school
2 across the street. The incident occurs approximately over
3 here on the east side of 148th, and, I believe, just south
4 of Clinton.

5 Q. Okay. And is that an apartment complex there to
6 the east of 148th?

7 A. Yes, these are all apartment complexes.

8 Q. Okay. And to the north it looks like we have
9 Division, and then to the south, I think, is Powell?

10 A. Correct.

11 Q. Which is the major cross streets?

12 A. Yes.

13 Q. Yeah, okay. And then what do we have here?

14 A. This is just a close-up - I'll come over this way
15 now - where we have, again, 148th northbound. This is
16 another Google satellite image. Clinton going east and
17 west. We have the apartment complex right here. We have
18 this sidewalk, and then we have what's a retaining wall, and
19 then stairwells. It's --

20 Q. Kind of right here, this line we see here, that's
21 the retaining wall?

22 A. Exactly. And then we have, like, a stairwell
23 right here, a little staircase, leading up to the apartment
24 area.

25 Q. Okay. And then even further zoomed in?

1 A. Yep. Further zoomed in, same thing. We have
2 the sidewalk going north and south on Southeast 148th. This
3 is the east side of the sidewalk, and this is that little
4 stairwell -- stair steps that I mentioned. The incident
5 occurs just above that, just a little north of that area.
6 If you kind of focus in on that stairwell area and
7 understand that it occurred just a little bit north of that.

8 Q. Okay. And is this here a telephone pole, a power
9 pole? It's hard to see 'cause it's an aerial shot, but --

10 A. Yeah, something along those lines.

11 Q. So when we're looking at photographs from the
12 crime scene itself, between this power pole and that
13 stairwell you just described?

14 A. That's correct.

15 Q. Kind of orient us, okay. And where was --
16 approximately was the vehicle parked, the Volvo?

17 A. My understanding is it was, again, right in this
18 area, so between the stairwell area and then this power
19 pole, just right in that range.

20 Q. Okay. You say it was your understanding, but, I
21 mean, did you actually see it?

22 A. I did, I did, yeah.

23 Q. Yeah, okay.

24 A. I don't remember, like, exactly where it was, but
25 it's within that range, I believe. So --

1 Q. Okay, all right. So if we go now to this
2 diagram, could you describe what this is?

3 A. Yeah. So on a call-out like this, we have our
4 Forensic Evidence Division respond. They take pictures,
5 they video the scene, and they scan the scene, and this is a
6 report that they generated from scanning the scene. So what
7 we have here is the Volvo belonging to Mr. Worth and
8 Ms. Preston, and we have two police cars to the south of the
9 Volvo. This car -- police car was the vehicle that Officer
10 Cavalli-Singer and Officer Gill were in. This is a car that
11 arrived during the incident, driven by Officer Jimenez. Up
12 here, we have kind of a legend, as it says, that documents
13 the items of evidence surrounding Worth -- Mr. Worth, and
14 everything of interest. And so these were placards.
15 Placard 1 is -- you can see right here, on the legend is
16 listed as a box cutter, and then you just go down the list.
17 Number 2 is a holster.

18 Q. Is that right here?

19 A. Correct.

20 Q. Okay.

21 A. And then you just go down. Number 3 is a 9mm
22 casing, and that is a bullet that's been shot. And you just
23 go down, that's --

24 Q. Okay. So we have 3 is the casing here.

25 MR. JACKSON: Oh, thank you.

1 BY MR. JACKSON:

2 Q. And then 4 it looks like is a fragment, a bullet
3 fragment?

4 A. Yes.

5 Q. Five here is another casing. Six is a live round,
6 so an unfired bullet?

7 A. Correct.

8 Q. Okay. Seven, 9mm casing?

9 A. Yes.

10 Q. And then 8, 9, and 10 are also 9mm casings?

11 A. Yes.

12 Q. And so is that, it looks like, six casings and one
13 live round on the ground?

14 A. Yes.

15 Q. And then 11 we have up here. That's footwear or
16 shoe?

17 A. Yes.

18 Q. Okay. And then 12 is all the way at the bottom
19 here. That's a set of keys?

20 A. Yes.

21 Q. And you may have mentioned this, but just in case
22 you didn't, this is 148th here?

23 A. Yes, this is 148th, and there is the oft-mentioned
24 stairwell, stair steps that we were talking about.

25 Q. Okay. And then that power pole we talked about is

1 just off this diagram next to the number 11 placard?

2 A. Yes.

3 Q. Okay, great. And so you mentioned that the
4 Forensic Evidence Division also responded with the homicide
5 detail to assist in the investigation. They documented the
6 crime scene photographically?

7 A. Yes.

8 Q. Okay. And did that include taking photographs of
9 Officer Gill and Officer Cavalli-Singer as they appeared
10 that night?

11 A. Yes.

12 Q. And what is this a photograph of?

13 A. This is a photograph of Officer Gill in the mobile
14 precinct that I mentioned, and this is what he was wearing
15 during the incident, his whole police uniform.

16 Q. Okay. So this wasn't a file picture or something
17 taken afterwards? This was on the night of the incident,
18 this is his photograph?

19 A. Correct.

20 Q. Or this photograph was taken, I should say.

21 A. Yes.

22 Q. Okay.

23 A. Same thing. This is in the mobile precinct.

24 Officer Cavalli-Singer, this is what she was wearing the
25 night of the incident.

1 Q. Okay.

2 A. This is her the night of the incident. So --

3 Q. And what do we see here?

4 A. Yeah. This is from the -- a photo of the scene.

5 This is from the vantage point of Southeast Clinton, west of
6 Southeast 148th, and it's going across the street onto -- as
7 you can see the Volvo right here that's been mentioned.

8 Just a picture from that vantage point kind of showing the
9 scene from there.

10 Q. Okay. What do we see here?

11 A. This is 148th -- Southeast 148th, roughly in the
12 middle of the street, showing the Volvo in question. And
13 here, again, is the stairwell for a reference point.

14 Q. Okay. And that power pole is just off to the
15 left?

16 A. Correct.

17 Q. If we go back here --

18 A. Right there.

19 Q. -- is this the power pole?

20 A. Yes.

21 Q. And then the staircase is back here?

22 A. Yes.

23 Q. Okay. All right.

24 A. So this is, again, just -- this is just south of
25 the scene here. This is Officer Cavalli-Singer and

1 Officer Gill's police car. Just north of their police car
2 is the Volvo in question. And then Officer Jimenez, his
3 police car is right next to them.

4 Q. Okay. And he arrived after the shooting had
5 occurred?

6 A. Yes. And, again, the power pole, and I believe
7 the stairwell is over here. You can't really see it, so --

8 Q. Right here, okay. All right.

9 GRAND JUROR: Do you know who those officers are
10 in that picture?

11 MR. GANDY: Let me see here. Offhand, I do not.

12 GRAND JUROR: Okay, thank you.

13 MR. JACKSON: Okay.

14 MR. GANDY: And another thing to keep in mind is
15 that we had the red crime-scene tape, and that -- you know,
16 we keep out people that are not directly involved in
17 investigation this incident. So oftentimes, you'll have
18 officers -- there's yellow crime scene tape, which is
19 further up, and then the red crime scene tape is further in,
20 so --

21 BY MR. JACKSON:

22 Q. And these photographs were taken by Portland
23 Police Bureau's Forensic Evidence Division?

24 A. Yes.

25 Q. And they're going to be taking these photographs

1 after the scene is secure and the homicide detail is all
2 there and the investigation is underway?

3 A. Yes.

4 Q. Is that right? Okay. So this isn't, like, a few
5 minutes after the incident or anything like that, right?

6 A. No.

7 Q. Okay. And what do we see here?

8 A. Yeah. So this, again, is from the south. We have
9 the Volvo in question, we have Officer Cavalli-Singer's car
10 parked south of Officer Gill's -- Officer Jimenez's car.
11 And then we have just a direct view pointing northbound. It
12 shows a lot of the evidence in question, and it shows
13 Mr. Worth laying on the ground. And, again, we have the
14 power pole as reference and the stairs as reference.

15 Q. And this retaining wall along the east side of the
16 sidewalk, do you know approximately -- is that, like, 4
17 feet, 2 feet?

18 A. I think it's about 3-ish feet.

19 Q. Three-ish feet tall?

20 A. Yeah.

21 Q. Okay. So something you could sit down on if you
22 were standing on the sidewalk?

23 A. Yes.

24 Q. Okay. What do we see here?

25 A. Yeah. So these are the placards that we

1 mentioned, the yellow evidence placards. And so some of
2 the placards, for example, casings, 9mm casings, and then
3 bullet fragments. And I could read specifically what each
4 placard is if you want me to. This red kit up here is an
5 IFAK kit. It's an individual first-aid kit, that sort of
6 thing. You have these scissors that are used to cut open
7 clothes and render first aid and that sort of thing.

8 Q. And those IFAK kits, are those something that
9 police officers carry, or is that something the paramedics
10 would've used?

11 A. Police officers carry those.

12 Q. And what is the purpose of an IFAK kit?

13 A. So to render first aid to people who need it, and,
14 you know, they include chest seals, bandages and that sort
15 of thing.

16 Q. Tourniquets, things like that?

17 A. Tourniquets, yes.

18 Q. Okay.

19 A. And this is Mr. Worth, his right arm and right
20 leg.

21 Q. And would it be common when an incident like this
22 happens for officers to -- once they have a plan to do so
23 safely, approach and try to render aid to the person until
24 the paramedics can get in there?

25 A. Yes.

1 Q. Okay. And what do we see here?

2 A. Okay. This is again more placards from the scene.
3 We have more 9mm casings, and then I believe this one might
4 be the live round. Let me just confirm. Yeah, I believe
5 that's the live round, placard number 6. So just more of
6 the same from kind of a different angle from the scene.

7 Q. Okay.

8 A. And so these are the six casings that were
9 recovered from the scene.

10 Q. Photograph there, it looks like placard 3, 5, 7,
11 8, 9, 10?

12 A. Yes.

13 Q. Okay. And then 4 and 6 were missing from the
14 previous sequence?

15 A. Yes.

16 Q. And what were those noting?

17 A. Yeah. Number 6 is the live round, and number 4 is
18 a bullet fragment, bullet jacket, so it's like if a bullet
19 hits something and splits off.

20 Q. Okay. And we'll hear from a firearms expert
21 later, but just for now, the unfired bullet is different
22 from the casing in that you see the -- what becomes the
23 casing, and then the bullet is still all together?

24 A. Yes.

25 Q. So when this is fired, this part of the bullet

1 would go down range and the casing would be ejected out of
2 the firearm onto the ground?

3 A. Yes.

4 Q. If it's a semiautomatic handgun?

5 A. Yes.

6 Q. Okay. So when we look at these casings, we see
7 that it's missing that bullet tip on the end?

8 A. Correct.

9 Q. And what do we see here?

10 A. So this is a holster that was on -- found on
11 Mr. Worth's left side that was recovered, noted with placard
12 number 2.

13 Q. And did the investigation reveal whether that
14 holster belonged to one of the officers or to Mr. Worth?

15 A. The investigation concluded that this holster
16 belonged to Mr. Worth.

17 Q. Okay. So it's not like a police-issue holster?

18 A. This is not a police-issued holster.

19 Q. Okay. And where was that actually -- I mean, we
20 see it photographed there on the ground, but where was it
21 actually recovered from?

22 A. Yeah. I believe it was on his left side, left
23 torso area, on the ground.

24 Q. Okay. What do we see here?

25 A. This is a photograph of Mr. Worth's handgun that

1 he had on him, and it is a Glock 43. It's a 9mm.

2 Q. Okay. And that looks like a bandana wrapped
3 around the grip?

4 A. Yes.

5 Q. Is that something the police put on there?

6 A. No.

7 Q. So it was in that condition when it came into
8 police custody?

9 A. Yes.

10 Q. Okay. What do we see here?

11 A. This is the -- one of my colleagues, Detective
12 Law, is attempting to make the gun safe and also catalogue
13 the, you know, amount of rounds that are in the gun and how
14 operable it is and that sort of thing.

15 Q. And when you say make the gun safe, what does that
16 mean?

17 A. Yeah. So just make sure that it's emptied and
18 that no one is going to, you know, inadvertently shoot
19 someone or pull the trigger and cause someone to get hurt,
20 so --

21 Q. Okay. And so the firearm -- when Detective Law is
22 doing what we're seeing in the photographs here, where was
23 it located?

24 A. It was in the back of Officer Jimenez's car, if
25 you remember me mentioning that a few times, yes.

1 Q. Okay. And was it placed there essentially right
2 after the incident and then monitored until detectives could
3 take over custody of it?

4 A. Yes.

5 Q. Now, in the -- what looks like Detective Law's
6 left hand here, can you describe what this is?

7 A. That is a magazine that goes with that gun.

8 Q. Okay. And what do we see here at that top?

9 A. That it has bullets in it; unused, unspent
10 bullets, live rounds.

11 Q. Live rounds, okay. And this would be inserted
12 into the handle of the gun?

13 A. Yes.

14 Q. And what do we see here?

15 A. So this -- at this point in time, the -- Detective
16 Law is pulling the top of the gun back, the slide, and there
17 is a malfunction going on with the gun because a spent
18 casing is preventing the gun from being in battery, being
19 operable, being able to shoot. And so he's pulling it back
20 to kind of examine what is going on with the slide area of
21 the gun.

22 Q. Okay. And what is this a photograph of?

23 A. This is just from another angle. I believe he
24 pulled it back, the slide of the gun -- pulled it back and
25 just determined that there was a malfunction in the gun with

1 this casing kind of getting in the way.

2 Q. So is -- this is the barrel of the gun? So if it
3 were fired, the bullet would go that way?

4 A. Yes.

5 Q. And so this is a semiautomatic --

6 A. Yes.

7 Q. -- handgun? So when you pull the trigger, you
8 have a bullet that's in the chamber, right?

9 A. Yes.

10 Q. And the bullet goes out the barrel and down range?

11 A. Yes.

12 Q. And then what's left is the casing, right, or the
13 cartridge casing?

14 A. Yes.

15 Q. And is that supposed to be ejected out of this
16 sort of ejection port out onto the ground?

17 A. Yes.

18 Q. And then what happens after that?

19 A. Then the magazine that we showed earlier that has
20 the bullets in it, it feeds another bullet into the chamber
21 and it can shoot again.

22 Q. Okay. And so you don't have to, like, cock the
23 gun or rack the slide manually every single you're going to
24 shoot?

25 A. Correct.

1 Q. But you do have to pull the trigger each time to
2 fire it?

3 A. Yes.

4 Q. It's not pull once and it shoots all the bullets
5 that are in the magazine?

6 A. Correct.

7 Q. Okay. And so what happens if you pull the trigger
8 and the bullet shoots and it fires but the casing doesn't
9 eject out for some reason?

10 A. So then you are not able to shoot the gun further.
11 It's a malfunction, and you, at that point, if you're able
12 to, would have to clear the gun -- clear that casing that's
13 stuck in there out to allow you to fire another round.

14 Q. Okay. And what we see here is -- it looks like
15 Detective Law is having to use two hands to do that, holding
16 the gun with one hand and then pulling the slide -- or it's
17 called racking the slide with the other hand?

18 A. Yes.

19 Q. And is that -- I mean, is it possible to do that
20 with just one hand?

21 A. Not really. It requires a certain amount of force
22 to pull the slide back.

23 Q. Okay. Like, two hands? One holding the gun, one
24 pulling the slide?

25 A. Correct.

1 Q. Okay. Is there a way to clear a jam like that
2 without racking the slide and trying to get that jammed
3 casing out of the firearm?

4 A. Not that I know of.

5 Q. Okay. So effectively, until that cartridge casing
6 is removed from the barrel, that gun can't continue firing?

7 A. Correct. Just another angle showing -- and you
8 can partially see that this bullet here is spent -- this
9 casing is spent. There's no bullet, as we showed earlier,
10 come out the front.

11 Q. Okay. What do we see here?

12 A. This is the brand of ammunition. It's Sig 9mm
13 Luger ammunition. This is the casing that was fired and
14 stuck in the barrel of Mr. Worth's gun.

15 Q. Okay. And after Detective Law got it out?

16 A. Correct.

17 Q. And have you -- I mean, you have experience with
18 firearms?

19 A. Yes.

20 Q. Have you experienced a semiautomatic handgun
21 jamming like that after shooting?

22 A. Yes.

23 Q. And what steps did you have to go through in order
24 to clear that to render the firearm operational again -- or
25 operational again?

1 A. Yeah. So we are trained to tap the bottom of
2 the gun, the magazine, and then aggressively rack the slide
3 -- by aggressively, I mean just with a good amount of force
4 rack the slide and that will more often than not cause the
5 casing that might be stuck there to eject and allow you to
6 fire the next round.

7 Q. Okay. And what do we have here?

8 A. This is Mr. Worth's gun. I believe this is after
9 it was transported to our Forensic Evidence Division where
10 they took further pictures in better lighting to just show a
11 better angle and different vantage point.

12 Q. Okay. And what do we have here?

13 A. Same thing. This is at the Forensic Evidence
14 Division. This shows the magazine that's emptied down at
15 the bottom of Mr. Worth's gun, and this shows, also, nine
16 unspent rounds, live rounds, that have not been fired that
17 were taken from the magazine of Mr. Worth's gun.

18 Q. And is that a 10-round magazine, or the capacity
19 for the magazine is 10 rounds?

20 A. It is a 10-round magazine. Capacity is 10 rounds,
21 yes.

22 Q. Okay.

23 GRAND JUROR: Detective, can you read the brand on
24 those bullets?

25 MR. GANDY: Yes. I wrote it down. Let's see

1 here. So they were combination of S&B 9x19 22, that's one
2 type. Kind of a long one. There are three total types.
3 The other one is Sig Luger 9mm, and then Blazer Luger 9mm.
4 Three different types, all 9mm ammunition.

5 BY MR. JACKSON:

6 Q. And those were the bullets removed from the -- in
7 other words, all eight or nine of those were in the
8 magazine?

9 A. Yes.

10 Q. Okay, all right. And then what do we have here?

11 A. This is Officer Cavalli-Singer's gun, which is a
12 Glock 17.

13 Q. And is that standard issue for Portland police
14 officers?

15 A. Yes. And this is also at the Forensic Evidence
16 Division afterwards.

17 Q. Okay. And what do we see here?

18 A. This is Officer Cavalli-Singer's magazine for this
19 gun, and as you can see, there are 10 rounds here. These
20 are unspent live rounds, and FC 9mm Luger. And the magazine
21 capacity for this Glock 17 is 17 rounds.

22 Q. And we see that there are seven spaces on that --
23 what do you call that plastic thing holding the bullets?

24 A. Plastic thing holding the bullets.

25 Q. Yeah, okay. That works. There are seven that are

1 open, and so was this investigated by you and Detective
2 Merrill during what's called a round count?

3 A. Yes.

4 Q. Okay. And what is that?

5 A. So during an incident like this, we would have the
6 involved officer come into the mobile precinct and the
7 weapon that was used is documented via photograph and
8 witnesses us to determine -- you know, normally, for
9 example, a gun might hold 18 total rounds, so a round count
10 would be to determine how many rounds you have left. Do you
11 have 10 rounds left, therefore 8 rounds are unaccounted for?
12 Basically, it's just determining the amount of rounds that
13 the officer has left.

14 Q. Okay. And when -- you know, for a Portland police
15 officer issued a Glock 17, what would you expect to be the
16 number of rounds that gun fully loaded has in it?

17 A. Seventeen in the magazine, plus one in the
18 chamber; so total of 18.

19 Q. Okay. And when this gun was analyzed, how many
20 rounds were found?

21 A. Just total here, or --

22 Q. Mm-hm.

23 A. So 10 rounds were found in the magazine, and then
24 one in the chamber, so 11.

25 Q. And how did that correspond with the evidence that

1 you found at the crime scene?

2 A. It matched up perfectly because we found the six
3 casings that we mentioned before, and then we found the one
4 live round that was at the scene as well, for a total of
5 eight (indiscernible).

6 Q. Okay. So based on that analysis, you didn't feel
7 like you were missing rounds or that more rounds had been
8 fired than you investigation had found?

9 A. Correct.

10 GRAND JUROR: I'm sorry. Could you repeat that?
11 You had 10 here on the screen?

12 MR. GANDY: Yes.

13 GRAND JUROR: Six empty shells?

14 MR. GANDY: So there are a total of 11 that were
15 found. The one that's in the chamber, or that was in the
16 chamber, is not in this picture. This is documentation of
17 just what was in the magazine only. So 11 total, and then
18 you have 6 casings, and then you have the 1 live round.

19 GRAND JUROR: (Indiscernible).

20 MR. GANDY: What's that?

21 GRAND JUROR: And that was the officer's --

22 MR. GANDY: Yes.

23 GRAND JUROR: -- live round?

24 MR. GANDY: Yes. For a total of 18.

25 GRAND JUROR: Okay, thank you. Sorry.

1 MR. GANDY: No problem. Good question.

2 BY MR. JACKSON:

3 Q. Okay, all right. And so -- actually, before we go
4 to the video canvass, I wanted to ask you, Detective, about
5 whether or not the Volvo that we saw in the crime scene
6 photos was searched by the Portland Police Bureau?

7 A. Yes, it was.

8 Q. And did you participate in that search?

9 A. I did.

10 Q. And what did you find when searching that vehicle?

11 A. So I found several cell phones; one cell phone in
12 the center console of the vehicle. I found two boxes of 9mm
13 ammo from the center console. And laptop in the backseat.
14 One Glock magazine from a purse that contained nine 9mm
15 rounds, and then we ultimately -- then we also found
16 12-gauge shotgun shells in the backseat of the car.

17 Q. Okay. And when you searched this vehicle, is that
18 essentially everything that was in there, or was there a lot
19 of property in the car?

20 A. There was a lot of property: clothing, personal
21 belongings, that sort of thing.

22 Q. Did it appear almost as though people were living
23 out of the car or were moving --

24 A. Yes.

25 Q. -- in the process of moving or something like

1 that?

2 A. Yes.

3 Q. It's also worth noting that the type of ammo that
4 we found in the car was not just 9mm ammo, but it was the
5 previously mentioned Sig 9mm ammo and the S&B 9mm ammo. So
6 it matched up to what was found in Mr. Worth's magazine that
7 we talked about earlier.

8 Q. Okay.

9 GRAND JUROR: And none of the ammo matched what
10 the officer had?

11 MR. GANDY: Correct.

12 GRAND JUROR: Great.

13 BY MR. JACKSON:

14 Q. Okay. Now, after your response to the crime
15 scene, did you attempt a port-mortem examination of
16 Mr. Worth?

17 A. Yes, I did.

18 Q. And where was that conducted?

19 A. The Oregon State Police Medical Examiner's Office
20 in Clackamas.

21 Q. Okay. And did one of the medical examiners
22 conduct the examination?

23 A. Yes.

24 Q. Who was it?

25 A. Dr. Nicole Stanley.

1 Q. Okay. And based on -- and you were personally
2 there?

3 A. Yes.

4 Q. And observed it?

5 A. Yes.

6 Q. Okay. What were the nature and location of the
7 injuries that you observed on the body?

8 A. Yeah. Multiple gunshot wounds to the right torso
9 area of Mr. Worth.

10 Q. And did the number of injuries that you saw there
11 and their location correspond with what you saw from the
12 crime scene and then later reviewed in the video evidence?

13 A. Yes.

14 Q. Okay. And the medical examiner, did she have a
15 conclusion as to the cause and manner of death?

16 A. Yes.

17 Q. And what was that?

18 A. She said that the cause was multiple gunshot
19 wounds to the torso, and the manner of death was homicide.

20 Q. Okay. And in concluding it was -- the manner of
21 death was homicide, is that a medical conclusion?

22 A. Yes.

23 Q. In other words, it wasn't suicide, it wasn't
24 natural causes; it was death caused by another person?

25 A. Correct.

1 Q. Okay. Now, you mentioned that one of the tasks
2 that is assigned for the detectives that respond to the
3 scene is doing a video canvass?

4 A. Yes.

5 Q. And could you describe what that means?

6 A. Yes. So, you know, these days, a lot of people
7 have Ring doorbell, for example, or other surveillance
8 footage, and so detectives will be assigned in a case like
9 this to walk the blocks, talk to people, and look for any
10 obvious surveillance cameras that are up and attempt to
11 retrieve any video surveillance that captures -- or even
12 audio surveillance that captures the incident.

13 Q. Okay. And in the course of the investigation, did
14 you also learn that there were people present during the
15 incident that were filming parts of it on their phones?

16 A. Yes.

17 Q. And who did you learn had video evidence related
18 to this incident?

19 A. Chris Ponte, Randy Liepold, and Corey Woods.

20 Q. Okay. And what was the nature of the video that
21 Chris Ponte and Randy Liepold had?

22 A. My understanding was it was video surveillance, I
23 believe, from their phones up close to the scene on foot.
24 And then Corey Woods had video from his residence.

25 Q. And you called it video surveillance, but, I mean,

1 were they just filming from their phones standing next to
2 the scene?

3 A. Yes.

4 Q. When I say they, I mean Mr. Ponte and Mr. Liepold.

5 A. Yes.

6 Q. Corey Woods' video, was that from an actual
7 surveillance system?

8 A. Yes.

9 Q. Okay, all right. Mounted on the apartment
10 complex?

11 A. Yes.

12 Q. All right. Could you actually see those cameras
13 from the scene?

14 A. Yes.

15 Q. Have you chance -- had a chance to review the
16 video evidence collected in this case?

17 A. Yes.

18 Q. Okay. So first --

19 MR. GANDY: Am I in your way at all?

20 GRAND JUROR: (Indiscernible).

21 MR. JACKSON: Okay. Before we do that, I'll turn
22 the lights down a little bit. Is that all right with you
23 folks?

24 GRAND JUROR: Sure.

25 MR. JACKSON: Okay.

1 BY MR. JACKSON:

2 Q. Okay. And Detective, what are we seeing here?

3 A. So, again, this is Southeast 148th. We have the
4 often-mentioned stairwell, stair steps. We have the power
5 pole. We have the crosswalk. We have the Volvo that is up
6 there. Yes, right there. And then just south of the Volvo,
7 we have the police car that was Officer Cavalli-Singer and
8 Officer Gill that they drove in, and, as you can see, their
9 overhead lights are on. I'll show you -- this is Officer
10 Gill right here. This is K'Laun Preston right here. This
11 is Officer Cavalli-Singer right here, and here is Mr. Worth.
12 And this is from the grass area of the apartment complex.

13 Q. Okay. And do you know, is this Mr. Liepold's
14 video or Mr. Ponte's video?

15 A. Mr. Liepold's video.

16 Q. Mr. Liepold's video.

17 (Whereupon, a video was played for the record.)

18 BY MR. JACKSON:

19 Q. All right. So that was Mr. Liepold's video?

20 A. Yes.

21 Q. And then what do we have here?

22 A. This is Mr. Ponte's video, Chris Ponte. This is
23 also from the south on the sidewalk. As you can see, the
24 retaining wall is here. Mr. Liepold would've been over here
25 in the grass area of the apartment complex. We have Officer

1 Cavalli-Singer here, Mr. Worth there, and then Officer
2 Gill approaching.

3 Q. Okay. And Ms. Preston is maybe behind the patrol
4 vehicle or off-screen to the left there?

5 A. I believe so at this time, yes.

6 GRAND JUROR: Is it possible to slow it down at
7 all?

8 GRAND JUROR: Can we watch through it normal
9 first, please?

10 GRAND JUROR: Oh, okay, yeah.

11 MR. JACKSON: Yeah.

12 (Whereupon, a video was played for the record.)

13 BY MR. JACKSON:

14 Q. And then what do we see here, Detective?

15 A. So this is Mr. Woods', his apartment complex
16 surveillance video that we mentioned before, black and
17 white, for this portion. No audio. And he is in the
18 apartment complex just to the east of this incident, and
19 right here we have the Volvo that has been mentioned before.
20 We have the sidewalk on Southeast 148th. And as you can see
21 barely there, there is the stairwell and stair steps.

22 Q. Okay. And did Mr. Woods report that this time --
23 date and time stamp is accurate?

24 A. Yes.

25 Q. Okay. So this starts at 11:44 -- essentially

1 11:45 p.m. on July 23rd, 2022, and we see the Volvo is
2 already parked there?

3 A. Yes.

4 Q. Okay. Let's see. So if we move forward here to
5 -- so this is now after midnight, it's 12:02 and 10 seconds.
6 We see that the headlights are now on --

7 A. Yes.

8 Q. -- on the vehicle?

9 A. Yes.

10 Q. And does it look like there's two people inside or
11 people inside?

12 A. Yes. It looks like there are two people in the
13 front of this vehicle.

14 (Whereupon, a video was played for the record.)

15 MR. JACKSON: Actually, I'm going to move ahead
16 just a little bit here. So I'm just moving it ahead to --
17 so now 12:02 and 30 seconds.

18 BY MR. JACKSON:

19 Q. What do you see happening there?

20 A. Yeah. So it appears like there was an
21 altercation, it looked like a physical altercation of some
22 sort. Something was thrown out the passenger side door or
23 window, and then the lights go off. And remember, the call
24 comes in at about 12:06.

25 Q. Okay. So I'm going to fast-forward here. So now

1 we're at 12:07 and 30 seconds in the morning?

2 A. Yes.

3 Q. You see the passenger doors open?

4 A. Yes. K'Laun Preston gets out of the passenger
5 side. Mr. Worth gets out of the driver's side.

6 Q. Okay. I'm going to move forward here. So now
7 we're at 12:13 and 27 seconds. It looks like they stayed
8 outside?

9 A. Yes.

10 Q. Talking to each other or arguing?

11 A. Correct. And then we have Officer Gill and
12 Officer Cavalli-Singer arriving from the north. They make a
13 U-turn and pull up behind the Volvo as is see in many of the
14 pictures. Officer Cavalli-Singer gets out of the passenger
15 side. Officer Gill gets out of the driver's side. Officer
16 Cavalli-Singer starts talking to Mr. Worth; Officer Gill
17 starts talking to Ms. Preston. Officer Cavalli-Singer backs
18 up. Officer Gill approaches Mr. Worth.

19 Q. And then is this Mr. Ponte and Mr. Liepold over
20 here?

21 A. Yes. And then Officer Jimenez just pulled up as
22 well.

23 Q. In this patrol vehicle here?

24 A. Yes.

25 Q. Okay, all right. And Detective, from this, there

1 are these videos, did you pull a couple of still frames
2 from them?

3 A. Yes.

4 Q. And what do we see here?

5 A. Yes. This is the one we just watched from
6 Mr. Woods. This is the muzzle flash from when Mr. Worth
7 fires his gun.

8 Q. Okay. And then --

9 A. This is a still shot from Mr. Liepold, from the
10 vantage point of the grass in the apartment complex, and
11 this is, again, the muzzle flash from when Mr. Worth fired
12 his gun.

13 Q. Okay. And last one here.

14 A. This is Mr. Ponte -- Chris Ponte's video. This is
15 a still shot from when Mr. Worth fired his gun.

16 Q. Okay.

17 A. Officer Gill is right here, Officer Cavalli-Singer
18 is right here, and K'Laun Preston is standing up over them.

19 Q. Okay, all right.

20 MR. JACKSON: Detective, those are all the
21 questions that I have for you. We'll see if the grand
22 jurors have any questions for you.

23 GRAND JUROR: I'd like to review a couple of spots
24 on the video. I don't know if --

25 MR. JACKSON: Sure.

1 GRAND JUROR: -- he has to be here for that or
2 not.

3 MR. JACKSON: No. You certainly will have an
4 opportunity to review any of the evidence really that's
5 presented to you.

6 GRAND JUROR: Okay.

7 GRAND JUROR: Do you know the location that the
8 bullet lands on him? Like, were they all in the torso,
9 armpit, shoulder, anyplace else?

10 MR. GANDY: Yes, that's correct. Like, the right
11 torso area. Yeah, that's it.

12 GRAND JUROR: Okay.

13 MR. JACKSON: Okay. Any other questions for
14 Detective Gandy?

15 GRAND JUROR: So would we get to hear any
16 statements from the police officers that (indiscernible)?

17 MR. JACKSON: Yes. That will be this afternoon.

18 GRAND JUROR: Got it.

19 MR. JACKSON: Okay.

20 GRAND JUROR: (Indiscernible).

21 MR. JACKSON: All right. I don't see any other
22 questions. Thank you very much.

23 MR. GANDY: Thank you.

24 MR. JACKSON: That's all we have for you,
25 Detective.

1 Q. And what does that mean?

2 A. It means a lot of different things, but mostly
3 what we do is test firearms for operability, and then we'll
4 compare a questioned firearm to a fired bullet or a fired
5 cartridge case from a crime scene to see if we can determine
6 if a particular bullet or a particular cartridge case was
7 fired in that particular firearm. And then we do other
8 testing on firearms, serial number restorations and things
9 like that.

10 Q. Okay. And can you also tell from multiple scenes
11 where different casings are fired by the same gun even if
12 you don't have the gun?

13 A. Yes, that's correct. If we have fired cartridge
14 cases from multiple drive-by shootings, we can intercompare
15 those cartridge casings to each other to determine if
16 they're all from one firearm or if they're from multiple
17 different firearms.

18 Q. Okay. And what training and education do you have
19 for your position?

20 A. I have a degree in biology, which is a requirement
21 at the Crime Lab for Oregon State Police, a science degree
22 to get hired. And then most of my training is through the
23 Oregon State Police for firearms examinations. There's not
24 a lot of other places that give that kind of training. And
25 so on top of that, I received training from a couple of

1 organizations I'm a member of: the Northwest Association
2 of Forensic Scientists, as well as the Association of
3 Firearm and Toolmark Examiners. And that one is an
4 international organization, and they host yearly conferences
5 where I can go attend training. I've also instructed
6 training at those places. I'm also instructor for the
7 National Firearms Examiner Academy, which is hosted by the
8 Bureau of Alcohol, Tobacco, Firearms and Explosives back in
9 Washington, D.C. Every year, they train 10 to 12 new
10 examiners, and so I go back there and instruct the new
11 firearms examiners in firearms examination techniques.

12 Q. How long have you been doing this?

13 A. I've been doing this 23 years.

14 Q. Okay. Before we go into how firearms operate and
15 things like that, could you briefly explain for us, when you
16 say toolmarks and doing this type of comparative analysis
17 and things, how do you actually do that?

18 A. Sure. A toolmark is basically a mark left when
19 one surface contacts another surface, and the harder surface
20 is going to leave a mark on that softer surface. That's the
21 simplified version of it. When it relates to firearms
22 examination, firearms are made out of metal, and so they
23 have to be formed and shaped in the certain shape, whatever
24 shape the firearms examiner -- or the firearms company
25 manufacturer wants that shape to be. You know, the shape of

1 a gun. And so in order to do that, you have to have
2 metal tools cutting on this metal surface. And so the
3 surface of the firearm that's being made is harder than the
4 surface of the tool, so as that tool cuts and forms the
5 different shapes of the firearm, that tool is going to wear
6 and it's going to leave marks on the metal of the firearm.
7 And firearms manufacturers only cares about the specific
8 shape of that gun, and so once they get that shape and size
9 of the gun that they want, they don't really care about the
10 microscopic level of markings that that tool makes once it's
11 done cutting, because that doesn't affect how the gun works
12 as far as firearms manufacturer is considered. But those
13 microscopic markings from that tool cutting are, on certain
14 parts of the gun, those are what come in contact with either
15 the bullet as it travels down the barrel, or the cartridge
16 case as it comes in contact with different parts of that gun
17 as it's being fired.

18 And so the softer surface of the bullet or the
19 softer surface of that cartridge case, when it comes in
20 contact with those tool marks left over from the cutting
21 process, those will be impressed into the fired bullet or
22 the fired cartridge case, and then those get left behind at
23 the scene, and those are the marks that we look at and we
24 will produce more bullets or more cartridge cases from the
25 questioned firearm and then we'll intercompare those little

1 microscopic marks on the bullet and the cartridge case to
2 see if we can -- if there's a level of marks that we can
3 determine that came from a particular firearm or not.

4 Q. And how reliable is that method of determining or
5 concluding that a particular cartridge casing was fired by a
6 particular gun?

7 A. It's very reliable. We firearms examiners, for
8 close to 100 years, have been doing validation-type studies
9 to prove that those determinations can be made.

10 Q. Okay. And is that, at least in part, because
11 during the manufacturing process, each time the tools that
12 create the gun make a gun, they slightly change so that each
13 gun going down an assembly line will have their own unique
14 toolmarks?

15 A. That's right. And some of those validation
16 studies I mentioned will be to go -- approach a firearms
17 manufacturer and ask them can we have 10 barrels where the
18 lands and grooves or the spiral cuts that are being put into
19 that barrel -- so they'll -- let me back up a second.
20 They'll cut spiraled grooves into the barrel, and that
21 engages the bullet so when the bullet comes out, it spins.
22 It's like a quarterback throwing a football. It's makes the
23 bullet fly more accurately. And so those are the marks that
24 engage into the bullet, make it spin. And so as that tool
25 cuts those spiraled grooves in the barrel, it's wearing and

1 changing. And so firearms examiners like myself will go
2 to a manufacturer and say can we get 10 barrels that were
3 made consecutively by the same tool, and so we'll shoot
4 bullets through those, and have proven that even though the
5 -- one tool made one barrel right after the other, bullets
6 from each barrel are individual enough that we can say which
7 barrel those bullets came from.

8 Q. Okay. In terms of how a semiautomatic firearms
9 operates, can you explain just kind of the mechanics of how
10 a gun fires a bullet?

11 A. Sure. And we have a thing called cycle of fire.
12 It's nine steps and I'll take you through. But basically,
13 on a semiautomatic firearm, the cartridges are placed in a
14 magazine. I think the best analogy I have is a PEZ
15 dispenser. When you put the candies in, you're pushing them
16 down and they're spring tensioned and you can stack them on
17 top of each other. That's like loading cartridges into the
18 magazine of a gun. And once you get the cartridges in, then
19 the magazine goes up into the grip of that firearm. And
20 then at some point, you need to put that top cartridge of
21 the magazine into the chamber of the firearm to be ready to
22 fire, and that's the first step of our cycle of fire is
23 feeding that cartridge from the magazine into the chamber of
24 the firearm. The chamber of the firearm is --

25 Q. Actually, can I --

1 A. Yeah.

2 Q. -- ask one clarifying question real quick? So
3 you're referring to cartridges.

4 A. Yes.

5 Q. So just in layman's terms, what are you referring
6 to when you're talking about cartridges?

7 A. Right. A cartridge is a single unit of
8 ammunition, which consists of a bullet, and a cartridge case
9 that the bullet is pushed into. And then inside of that
10 cartridge case will be gunpowder, and in the base of the
11 cartridge case is what we call a primer, which is a
12 shock-sensitive little capsule basically. So when that
13 primer is struck by a firing pin, it will cause that primer
14 to spark up through a hole in the base of the cartridge into
15 the gunpowder. Then the gunpowder ignites and burns very
16 rapidly, which then pushed the bullet out of the cartridge
17 case and out of the firearm.

18 Q. Okay. So when you're talking about cartridges,
19 you're referring to what we sort of understand is bullet?

20 A. A lot of people call them bullets, yeah.

21 Q. Yeah, okay.

22 A. And so as a firearms examiner I get really
23 technical about what I do, and the police officers -- we
24 drive them crazy because they -- you know, they use their
25 slang, and we know what they're saying, but it's like, okay,

1 what you mean is cartridge or fired cartridge case and so

2 -- yes. So --

3 Q. Yeah.

4 A. -- yeah, single unit of ammunition is a cartridge.

5 Q. Okay.

6 A. And so put the magazine up into the grip of the
7 firearm, and depending on where the slide is at that point
8 -- because some firearms you can lock the slide back. If
9 it's back, then you let the slide go forward and it strips
10 that top cartridge off the magazine and puts it into the
11 chamber. If the slide's not back, you have to pull the
12 slide back and then let it go forward and it does the same
13 thing, puts that first cartridge into the chamber of the
14 firearm. And the chamber is the specific size and shape for
15 that caliber of cartridge. So say it's a 9mm, the 9mm
16 cartridge has certain sizes and shapes that make it unique
17 to, say, a .22 long rifle cartridge or a .40 Smith & Wesson
18 cartridge, and there's all sorts of hundreds of different
19 sizes and shapes of cartridges.

20 Q. Okay.

21 A. Now, if you look on the screen behind you there,
22 can you describe what that is?

23 A. That is a semiautomatic pistol. It's kind of hard
24 to say exactly what kind it is. I'm in a funny angle, but
25 definitely a semiautomatic pistol, and right now the slide

1 is back. So that top piece you can see is kind of
2 hanging off the rear.

3 Q. Right here, this is the slide?

4 A. Yes, that's the slide. And so that's in that
5 position where if I put the magazine -- and you can't really
6 see the bottom, but the magazine would go up through the
7 bottom. There's a bandana wrapped around the grip.

8 Q. Let me -- here you go.

9 A. There you go. And so -- I'm sorry. I'll get off
10 to the side. So if I put a magazine in now, there's no
11 magazine right now, but if I put the magazine in now, the
12 top of the magazine would sit right about here, and so that
13 top cartridge would be right about here. So in this
14 position, if I just let the slide go forward, it's going to
15 grab that top cartridge and then put it up into the chamber,
16 which is the rear of the barrel. You can see the front of
17 the barrel right here. The rear of the barrel is where that
18 cartridge is going to sit when it's chambered.

19 Q. Okay. And then you sort of eluded to how the gun
20 actually fired the bullet, but if you could explain that
21 process?

22 A. Sure. So we've got feeding and chamber, that's
23 our first two steps. And then as that slide goes forward,
24 the mechanism in the firearm is going to lock. We want that
25 mechanism to lock, because when that cartridge gets fired,

1 we've got a really high spike in pressure of, like, up to
2 20,000 pounds per square inch or greater. So we've got a
3 lot of pressure going on, so we want the firearm to be
4 locked up before it fires in order to make it safe. Safe
5 for the firearm, safe for the shooter.

6 So feed, chamber, lock, and now the firearm is
7 ready to fire, and that's the fourth step in our cycle of
8 fire is pulling the trigger and firing. What happens -- and
9 I talked about the cartridge earlier. You pull the trigger,
10 it lets the firing pin come forward, which strikes that
11 primer, the shock sensitive piece, sparks up into the
12 gunpowder. The gunpowder burns very rapidly, and as it
13 does, it produces a lot of pressure. That pressure then
14 will push the bullet out of the end of that cartridge and it
15 starts going down the barrel of the firearm.

16 As that bullet is going down the barrel of the
17 firearm, there's a lot of pressure building behind the
18 bullet and we want all that pressure to push the bullet out.
19 That's going to give that bullet velocity, but at the same
20 time, that pressure is pushing backwards into now our fired
21 cartridge case. And that fired cartridge case kind of acts
22 like a balloon. It swells up into the chamber, which is
23 what we want, because, as a shooter, you want all the gases
24 going away from you and not coming back towards your face.
25 So that's a design feature of why a cartridge case is made

1 out of brass. It's a fairly malleable, soft metal that
2 will expand into that chamber and seal it off.

3 And so at that point, in a semiautomatic firearm,
4 we've got the obturation occurring and now the slide will
5 start moving backwards, and that slide and barrel will stay
6 locked together for a short distance, and that lets the
7 barrel -- or lets the bullet get out of the end of the
8 barrel. At that point, the pressure will drop quite a bit
9 and now the mechanism is safe to operate. And so the slide
10 and barrel are moving together and then they separate and
11 the system unlocks, and now the slide will move to the rear
12 like it is in the position that you can see. And as it's
13 moving to the rear, there's a little hook right here. This
14 little mechanism right here is hooked into the base of the
15 cartridge, and it's yanking it backwards. And then at a
16 certain point -- you can't see it. There's a thing called
17 an ejector. It's just a little piece of metal. And that
18 extractor is pulling it back and when the cartridge -- that
19 fired cartridge case hits that ejector, it knocks it out of
20 the firearm. It comes out of this opening, which we call an
21 ejection port.

22 So we've got the firing, obturation, extraction,
23 ejection, and then as the slide continues to the rear, it's
24 cocking the mechanism. And then it goes forward, puts a new
25 cartridge in, and then it's ready to start that whole cycle

1 again.

2 Q. Okay. And so semiautomatic handgun is going to go
3 through that process -- one trigger pull is going to fire
4 the bullet and reset the gun to be prepared to fire again,
5 but it won't continue firing until you pull the trigger
6 again; is that right?

7 A. That's correct. The trigger has to pull -- he
8 pulled each time for a semiautomatic to function that way.

9 Q. Okay. And if at any point along the line that
10 process you described gets interfered with, how does that
11 impact the firearm?

12 A. Sure. And that's why we break that cycle into
13 steps. So if something happens along the line, we can
14 isolate where did that happen and then figure out what parts
15 were being affected for that to happen. And so, yeah, if
16 something interferes in any of those steps, it can cause the
17 firearm to not function correctly.

18 Q. And we'll come back to that a little bit later on,
19 but for now, where during this process are those toolmarks
20 you described imprinted onto the cartridge casing?

21 A. So I talked earlier about the spiraled grooves in
22 the barrel that put the spin on the bullet. So the bullet
23 should be slightly larger than the barrel. So when that
24 pressure builds, it's kind of squeezing that bullet into the
25 barrel, because, again, you want good pressure seal. The

1 better pressure you have, the better velocity you're
2 going to get on that bullet, which is ideal -- what you
3 want. And so that tool that cut those grooves into the
4 barrel, as that bullet squeezes down that barrel and then
5 engages and starts to spin are going to leave marks on the
6 side of the bullet, and that softer copper or lead bullet is
7 going to pick up those tooling marks that were left behind
8 from cutting that barrel. So that's what we're going to see
9 on the bullet.

10 On the cartridge case, we have what we call a
11 breach, and it's -- you can't really see it because you have
12 to be looking from this direction, but it's right about
13 here. It's where the back of that cartridge case sits.
14 It's where the firing pin passes through to strike that
15 primer, and it's the same thing. This breach area was cut
16 with a tool, and when that tool cut that metal, it left
17 microscopic marks that get impressed into the base of the
18 cartridge case. As that bullet's being pushed forward, that
19 cartridge case is being pushed backwards into the breach
20 face, and it's going to pick up tooling marks that cut and
21 formed that breach face.

22 Another area that hits is the firing pin itself.
23 It's a piece of metal and it strikes that primer. And so
24 any kind of microscopic marks or defects in that firing pin
25 are going to leave a mark on the primer. So we look at the

1 primer, we look at the breach area of that cartridge
2 case. And then some other metal parts, I talked about that
3 extractor. It's a metal claw. It'll grab the base of the
4 cartridge case and pull it back. We can look at marks from
5 the extractor. That little ejector that then it hits and
6 knocks it out of the firearm will leave marks. And then
7 also the chamber, again, that rear of the barrel where that
8 cartridge sits when it's being fired, that chamber has been
9 drilled out and reamed out and there's marks inside of that.
10 So when we have that obturation I talked about, when that
11 cartridge case swells up into that chamber, then it's going
12 to pick up those tooling marks. And as it gets yanked out,
13 those marks will be left behind on the cartridge.

14 So there's several places we can look at on a
15 fired cartridge case for tooling marks.

16 Q. And with respect to bullets, you describe you can
17 see some tool markings from the -- as it passes through --
18 down the barrel, it'll pick up some tooling marks there?

19 A. Yes.

20 Q. But if the bullet actually hits something and
21 becomes destroyed or malformed or breaks apart, I mean,
22 obviously, you wouldn't be able to conduct that type of
23 analysis, right? Comparative analysis.

24 A. Right. That's one of the problems with bullets is
25 they're going at a high velocity and then they're hitting

1 things and so they get damaged. So sometimes those marks
2 remain and sometimes they get destroyed. It just -- it's
3 just really dependent on what it hit if we can do that or
4 not.

5 Q. Okay. Is the most common type of analysis you do
6 the cartridge casings to each other because they get left in
7 a condition that's more optimal for comparison at a crime
8 scene --

9 A. Yeah.

10 Q. -- or something like that?

11 A. Yes. The -- again, the cartridge case, it comes
12 out. It's not flying at a large velocity. It's not hitting
13 something and gets smashed. The worst thing that can happen
14 is, really, getting run over. You know, cartridge cases in
15 a drive-by, they're in the street, and then cars run over
16 them multiple times. But the strongest part of that
17 cartridge is the base of it, and where we look at the firing
18 pin and the breach face marks. And those usually survive
19 even if a car runs over them multiple times. So I've seen
20 some that are completely destroyed, but not as often as
21 bullets.

22 Q. Okay. So now I want to ask you some questions
23 about the analysis you did for this case. And so did you
24 receive a Glock 17 firearm, actually the one that you see on
25 the screen here, for analysis and six cartridge casings

1 collected from a crime scene?

2 A. Yes.

3 Q. And did you do the comparative analysis that you
4 described for us on a test-fired cartridge casing from this
5 gun against the casings recovered from the scene?

6 A. Yes, I did.

7 Q. What did you find?

8 A. I found -- well, first of all, I -- we thoroughly
9 document the firearm, so I have a whole worksheet that I
10 just wrote up the firearm, what condition it is -- it's in,
11 and we do a thorough just -- we look at a firearm before we
12 do anything. And then once I've filled out that worksheet,
13 determined the firearm is safe to shoot, I will actually
14 take it out and then test-fire it and produce either bullets
15 or cartridge cases, depending what I have to compare it to.
16 In this case, I don't believe I retained the bullets because
17 I didn't need to. I didn't have bullets to examine. But
18 retained -- let me see real quick. Yeah, I only retained
19 the cartridge cases.

20 So I produced three fired cartridge cases from
21 this firearm, my known cartridge cases, in order to compare
22 it to those six unknown fired cartridge cases that were
23 submitted to the lab.

24 Q. Okay. And what did you find?

25 A. And in this case, I found that those six fired

1 cartridge cases had enough of those microscopic marks
2 that I could line up with my known fired cartridge cases
3 that I could determine that the six fired cartridge cases
4 were fired in this particular firearm.

5 Q. Okay. Now, going back to --

6 MR. JACKSON: Actually, before we do that, are
7 there any questions for Mr. Alessio about the toolmarks or
8 any of that process? I don't see any, okay.

9 BY MR. JACKSON:

10 Q. So going back now to sort of the mechanics of how
11 a semiautomatic handgun fires a bullet. Could you explain
12 for us how it could be where a bullet is fired out of the
13 gun, but the cartridge casing does not eject out of the
14 firearm?

15 A. Mm-hm.

16 Q. What interference could cause something like that
17 to happen?

18 A. Sure. We'll see this kind of commonly when -- I
19 would say most commonly when the firearm isn't held firmly,
20 because these firearms are designed -- for that system to
21 cycle, for the slide to come back, and everything to work
22 the way it is, it needs to be held very firmly. And so if
23 the gun isn't held firmly, if it's held atypically -- and
24 typically -- this is morbid, but typically we see it in
25 suicides when somebody -- you know, the gun's designed to be

1 fired away from a person, but if they're firing it toward
2 themselves and using maybe a thumb and not holding it
3 properly, then that slide won't fully go to the rear and the
4 cartridge case won't fully extract and eject. It'll kind
5 of, like, flip and get caught in the slide. And so that's
6 one thing.

7 And then to take that a step further, if that
8 slide is fully impeded, either if somebody grabs it or if
9 somebody is pushing on the back, then that slide won't be
10 able to move at all. And so you can fire it, the cartridge
11 can obturate, and then it stops there. You won't get the
12 extraction, the ejection, or any of that thing afterwards
13 because the slide isn't allowed to move. And so that's kind
14 of -- then the cycle of fire stops right there at the firing
15 part, or the obturation, I guess, part.

16 Q. Okay. And so if that --

17 MR. JACKSON: Oh, yes, sir?

18 GRAND JUROR: Can poorly made ammunition sometimes
19 cause that to happen too?

20 MR. ALESSIO: Sure.

21 GRAND JUROR: I mean, some real cheap stuff.

22 MR. ALESSIO: Sure. It could be a firearm
23 malfunction. It could be either poorly made or improperly
24 made, like not enough gunpowder.

25 GRAND JUROR: Or compromised somehow and --

1 MR. ALESSIO: Sure, yeah. So if you don't get
2 enough pressure --

3 GRAND JUROR: Right.

4 MR. ALESSIO: -- then the system is not going to
5 cycle correctly, yeah.

6 BY MR. JACKSON:

7 Q. And then if it were to occur that the slide going
8 back was interfered with in some way, either by being
9 grabbed or held or pushed or something like that, would the
10 gun look like it was ready to fire again? In other words,
11 the slide wouldn't be locked in that back position like
12 we're seeing here. It would be forward, right?

13 A. Yeah, correct.

14 Q. Okay.

15 A. If the slide -- if it didn't cycle fully -- and to
16 get the slide to lock to the rear like we see it here, yeah,
17 there's a couple things you have to do. It's on the other
18 side of the gun. There's a little lever that you can push
19 up. You pull the slide back, you push that lever up into a
20 notch, and then it holds the slide back in that position.
21 So that's one way you can do it manually. The other way is
22 when that magazine is in there and there's cartridges in the
23 magazine, as you fire the cartridges, after the last
24 cartridge is fired, there's something on the magazine that
25 internally pushes up on that same lever and then it will

1 automatically lock the slide to the rear. So as a
2 shooter, if you're shooting, bang, bang, bang, and all of a
3 sudden the slide locks to the rear, because the gun's empty.
4 And then you know it needs to be reloaded. So that's a
5 couple of ways you can get the slide locked to the rear like
6 that.

7 But if it's fully forward and you're just looking
8 at it, you can't tell if there's a cartridge in it or not in
9 the chamber area.

10 Q. Okay. So if you were in that situation where
11 there is a fired cartridge casing in the chamber that has
12 not ejected, what do you have to do to make the gun -- I
13 mean, is the gun operable at that point?

14 A. No, because that fired cartridge case is in the
15 chamber, so if you pull the trigger -- if the mechanism --
16 if that system has been reset or recocked, if you pull the
17 trigger, of course, nothing's going to happen because that
18 fired cartridge case, there's -- the primer is dead, there's
19 no gunpowder in it, there's no bullet. So it's going to
20 click and nothing will happen. You'd have to manually pull
21 back on that slide, and you can see little ridges. This is
22 where you can grab and it gives you some friction to grab.
23 You pull the slide to the rear, which is going to -- should
24 extract and eject that fired cartridge case out. And then
25 if there's a magazine and ammunition in, as that slide goes

1 forward, it's going to feed and load a new cartridge into
2 the chamber.

3 Q. Okay. Is that procedure sometimes referred to as
4 racking the slide?

5 A. Yes, that's --

6 Q. Pulling it back and --

7 A. Yeah, that's kind of the same. I don't know if
8 that's an official firearms term or if we frown upon that
9 one or not.

10 Q. Okay, sorry. But colloquially, then, I'll say,
11 referred to as --

12 A. Sure. Racking the slide --

13 Q. -- racking the slide --

14 A. Commonly referred to.

15 Q. -- is pulling that back and ejecting a round?
16 Okay. And if you have some kind of malfunction in firing
17 the bullet in the first place, as long as the bullet is
18 sitting in there and you just keep pulling the trigger, will
19 it ultimately finally fire or do you have to reset the gun
20 to fire again?

21 A. So you're saying, bullet, are you talking to --

22 Q. I'm sorry. The cartridge.

23 A. -- like, an unfired cartridge --

24 Q. Yes.

25 A. -- is in the chamber?

1 Q. Yes.

2 A. So if you fire it --

3 Q. If you pull the trigger and for some reason it
4 doesn't fire the bullet down range --

5 A. Right.

6 Q. -- just nothing happens. So you have a live -- a
7 cartridge case in the chamber still that's unfired.

8 A. Right.

9 Q. If you keep pulling the trigger, will it fire it
10 again, or --

11 A. No.

12 Q. -- you have to reset it?

13 A. In the case with a Glock firearm, the mechanism is
14 set up so that when it's ready to be fired and it's all
15 locked up if you pull the trigger and there's a live
16 cartridge in the chamber and nothing happens, for whatever
17 reason it doesn't fire, you can't pull the trigger again.
18 The slide has to be pulled to the rear, which will reset the
19 firing mechanism, and then you can pull the trigger again
20 for a second shot. But once you pull the slide to the rear,
21 that cartridge is going to get extracted and ejected. Now,
22 there are some semiautomatic firearms out there that they
23 call it -- I think some of the Taurus have a second-strike
24 capability. So, in this situation, if you pull the trigger
25 and it doesn't fire, you can pull the trigger a second time

1 and it might refire it. But a Glock will not work that
2 way.

3 Q. Okay. And this gun that was given to you for
4 analysis from the Portland Police Bureau is a Glock 17?

5 A. Yes, it is.

6 Q. Okay. And so that -- just for clarity, that's the
7 one if you pull the trigger and nothing happens, even though
8 a live cartridge is in the chamber still, pulling the
9 trigger again will not do anything?

10 A. Correct. You would have to pull the slide back,
11 rack the slide back, cycle, which would probably put a new
12 cartridge in, and then you would be ready to pull the
13 trigger again.

14 GRAND JUROR: Will it make a sound?

15 MR. ALESSIO: Like -- okay, are you talking about
16 clicking, like a clicking of the trigger? So the first
17 time, when the system is set -- because what happens is when
18 you cycle this slide, there's a firing pin inside of here
19 and it pulls it back and then grabs it. It's like setting a
20 mousetrap. It's under spring tension. So when you pull the
21 trigger, it will click, because it lets that fly forward.
22 The second time, you might hear a click, but it's not as
23 audible. It's kind of a mushy -- it's just a mushy --
24 because now the firing pin's not flying forward. It's
25 already forward. Until you pull the slide back, that's

1 going to reset that firing pin inside and now there's
2 spring tension again. So until you recycle the slide, that
3 firing pin's just forward. The trigger is just kind of
4 mushing around in there, because pulling the slide will also
5 set this trigger forward and reset it. Once you pull it and
6 nothing happens, it just kind of in a back position. So I
7 don't know -- it's not going to be nearly as audible the
8 second time.

9 GRAND JUROR: The click would be basically the
10 safety trigger, right?

11 MR. ALESSIO: The safety trigger?

12 GRAND JUROR: The built-in trigger -- built-in
13 safety (indiscernible) --

14 MR. ALESSIO: No, because that really doesn't make
15 any noise. It's just hinging, and you can see -- I -- have
16 you talked about this already, this Glock safe-action
17 trigger?

18 MR. JACKSON: Nope.

19 MR. ALESSIO: So this is a safety that a Glock
20 has, and you see this little blade sticking out and forward.
21 That's in the center of the trigger. And on the backside of
22 this, it's all one piece. That little blade has a backside
23 here. And the theory is if this trigger gets grabbed
24 accidentally and this doesn't get depressed, you can't pull
25 it, it's blocked. There's a little piece from this blade

1 that sticks out back here. So if it's not -- if this
2 isn't pushed in, this piece blocks the trigger from moving,
3 and that's the Glock safe-action trigger. Until this center
4 piece is actually engaged, it's pushed in, which pushes this
5 back piece up out of the way and now the trigger can clear.
6 But that piece, when you move it, it's just kind of -- it's
7 got a little hinge and this hinges back and forth. It
8 doesn't make a lot of noise. It's actually the mechanism of
9 pulling the trigger that makes the click.

10 BY MR. JACKSON:

11 Q. Is the trigger metal?

12 A. No, it's polymer, plastic.

13 Q. Okay.

14 GRAND JUROR: And if -- I'm assuming that's a
15 safety up above the trigger casing there that --

16 GRAND JUROR: (Indiscernible).

17 MR. ALESSIO: Yeah. That is not a safety. That's
18 how you -- if you field strip --

19 GRAND JUROR: Okay.

20 MR. ALESSIO: -- you know, field strip the pistol
21 for cleaning, that's the part --

22 GRAND JUROR: Takes it apart.

23 MR. ALESSIO: -- that you pull down and then the
24 slide --

25 MR. JACKSON: Are you talking about this?

1 MR. ALESSIO: -- can come --

2 GRAND JUROR: Yes.

3 MR. ALESSIO: It's locking the slide onto the
4 firearm.

5 GRAND JUROR: Okay. Is there a safety on the
6 weapon?

7 MR. ALESSIO: A lot of people say Glocks have no
8 safeties, but they really have two. One of them is that
9 safe-action trigger --

10 GRAND JUROR: Right.

11 MR. ALESSIO: -- the what we call a bladed
12 trigger, and then there's another one built inside. It's
13 built up inside the slide. You can't see it. And what is
14 does is it sits and blocks that firing pin from going
15 forward so that if you were carrying the gun and you dropped
16 it and the inertia of that gun hitting the ground hitting the
17 ground, it wouldn't allow that firing pin to go forward
18 because we've got this thing that's blocking it.

19 GRAND JUROR: Okay.

20 MR. ALESSIO: And until you pull the trigger
21 purposely, as you pull the trigger, something pushes that
22 firing pin safety out of the way, and then that allows that
23 firing pin to move forward. So it's what we call a passive
24 safety. It's happening, but the shooter doesn't really --

25 GRAND JUROR: Right.

1 MR. ALESSIO: -- realize it's happening.

2 GRAND JUROR: So --

3 MR. ALESSIO: As far as active safety, like a
4 thumb safety --

5 GRAND JUROR: Right.

6 MR. ALESSIO: -- that you have to click out of the
7 way, Glocks don't have that.

8 GRAND JUROR: Okay, good. Thank you.

9 BY MR. JACKSON:

10 Q. Okay. And I guess the last clarifying question,
11 if you are in that scenario where you've pulled the trigger,
12 nothing has happened, the live cartridge is still in the
13 chamber and you, as I say it, rack the slide, it's going to
14 eject that cartridge out onto the ground, right?

15 A. Correct.

16 Q. And so if that happened, you would expect to find
17 an unfired, fully intact cartridge laying there, right?

18 A. Correct.

19 Q. Yeah, okay.

20 MR. JACKSON: All right. I think those are all
21 the questions that I had. Do the grand jurors have any
22 questions? I don't see any. Okay. Thank you very much.
23 That's all we had for you.

24 MR. ALESSIO: Okay. Thank you.

25 GRAND JUROR: Thank you.

1 MR. ALESSIO: You're welcome.

2 MR. JACKSON: Okay. Thank you, sir.

3 MR. ALESSIO: Yep.

4 MR. JACKSON: If you could stand right here and
5 raise your right hand.

6 JOSE JIMENEZ

7 was thereupon called as a witness; and, having been first
8 duly sworn, was examined and testified as follows:

9 BY MR. JACKSON:

10 Q. Okay. You can have a seat. And could you please
11 state and spell your name?

12 A. Jose Jimenez, J-o-s-e J-i-m-e-n-e-z.

13 Q. Where are you currently employed?

14 A. I work for the City of Portland as a police
15 officer.

16 Q. Okay. And how long have you been a police
17 officer?

18 A. Over 10 years now.

19 Q. And what type of police officer are you?

20 A. I work as a patrol officer.

21 Q. Okay.

22 A. Yes.

23 Q. And were you working as a patrol officer on
24 July 24th, 2022?

25 A. Yes, that is correct.

1 Q. Okay. Do you see on the screen behind you here
2 a map of 148th and Clinton?

3 A. Yes, I do.

4 Q. Did you respond to that location shortly after
5 midnight on July 24th?

6 A. Yes, I did.

7 Q. Okay. Why did you do that?

8 A. First, I got dispatched to that area, and then as
9 I was going to that location, I heard fighting with one,
10 which means an officer was fighting with or struggling with
11 somebody that they were in contact with.

12 Q. Okay. So let's back up just a little bit here.
13 So you said you were dispatched to that location. So what
14 does that mean?

15 A. I was contacted by our dispatcher and told go
16 ahead and go to the area of 148 and Clinton area.

17 Q. And was that in response to a call or to an
18 incident or to something happening or --

19 A. Yes. Earlier in the night, I had heard officers
20 were dispatched to that area regarding a disturbance, and I
21 was in the area of 174th and Powell area, which is east of
22 where the initial call was. And I was headed back to the
23 precinct just shortly after midnight, and on my way there, I
24 was going to go and check on the officers regardless. But
25 as I was coming to the area, I was dispatched due to the

1 fact that officers broadcasted that they were fighting
2 with one.

3 Q. Okay. So you weren't one of the initial officers
4 dispatched to that location?

5 A. No, I wasn't.

6 Q. Do you know who was?

7 A. It was Officer Gill and Officer Cavalli-Singer.

8 Q. And was your understanding they were in a partner
9 car --

10 A. Yes.

11 Q. -- that night? In other words, they were riding
12 together in one police car?

13 A. Yes, that is correct.

14 Q. Okay. Did you have a partner?

15 A. No.

16 Q. And so you said that you heard the call come out
17 initially when they were dispatched to the location?

18 A. Yes.

19 Q. And how did you hear that?

20 A. Just paying attention to the radio, and, I mean,
21 we work East Precinct. If you're familiar with a location
22 area and whatever gets broadcasted, every officer in that
23 East Precinct area will hear what comes out. And just
24 because of my nature of my career, or the 10 years I've
25 worked there, I always pay attention to the call and the

1 ones that do come to my attention are disturbances call.

2 Q. Okay. And have you worked your entire 10 years in
3 East Precinct?

4 A. No. I did my first eight years, I would say, in
5 northeast area of Portland, and then I did about a
6 year-and-a-half of DVD narcotics investigations, and then I
7 came back to the streets.

8 Q. Okay. Doing patrol in East Precinct?

9 A. Yes.

10 Q. And could you tell us just very generally speaking
11 what the boundaries of -- like, when you say East Precinct,
12 what --

13 A. Right, I know.

14 Q. -- part of town is that?

15 A. It was Cesar Chavez Southeast, 39th Avenue, all
16 the way to -- I would guess about 174th Avenue. That's the
17 east and west. North part would be I-84, and the southern
18 part would be maybe Clatsop area, Harney.

19 Q. Okay.

20 A. So -- yeah.

21 Q. So all -- everything within those boundaries --

22 A. Yes.

23 Q. -- is considered East Precinct?

24 A. Yes.

25 Q. And then how do you guys determine what your

1 patrol responsibilities are going to be within that area?

2 A. We get assigned at the beginning of our shift what
3 areas we get to patrol. So it's at the beginning of the
4 shift. Those are made by the sergeants and staffing aids.

5 Q. And are those broken down into districts?

6 A. Yes, that's correct.

7 Q. So you get, like, a district assignment?

8 A. Yes, that is correct.

9 Q. Okay. And do you recall whether on this
10 particular night 148th and Clinton was within your district?

11 A. I don't recall, but I was going to say, no, it
12 doesn't. Normally, I work what's -- the district is 972 or
13 971, which is 112th all the way to 136th is the east and
14 west. North part would be Division, south part would be
15 Holgate. So that whole block radius is what I patrol
16 normally.

17 Q. That's kind of your normal patrol district?

18 A. Yeah.

19 Q. Okay. And given current staffing levels and
20 Portland Police Bureau, is it common for you to be called
21 out of your district to respond to calls in surround
22 districts?

23 A. Oh, definitely. I would say you're just sent
24 wherever you're needed now. Basically, you're not just
25 assigned to that one district. Just based on our numbers,

1 we -- we're -- if you're available you'll get sent
2 anywhere within the East Precinct perimeter that I mentioned
3 earlier.

4 Q. Okay. So it would be less common for you to be
5 dispatched to a call outside of East Precinct?

6 A. Yes, that is correct.

7 Q. But within East --

8 A. Oh, yes.

9 Q. -- you might have to go anywhere?

10 A. Yes, that is correct.

11 Q. Okay. So you hear about this call at 148th and
12 Clinton. You're not dispatched to it?

13 A. No, I'm not.

14 Q. But you were just going to go check it out anyway?

15 A. Yes. I was just going to make sure they were
16 okay. Usually, you hear code 4 from the officers, meaning
17 that everything's okay. It had been -- time had lapsed, and
18 you don't hear -- you couldn't hear anything for a while.
19 So I was just going to make sure that everything was okay.

20 Q. Were you concerned?

21 A. No.

22 Q. Okay. Just hadn't heard an update?

23 A. Yeah.

24 Q. Is it fairly common for officers, if they're in
25 the area, to just kind of swing by a call and make sure

1 everything's going okay?

2 A. Definitely, yes.

3 Q. Okay. So then you said as you were responding --
4 or as you were driving to the area, you actually were
5 dispatched or told --

6 A. Yes.

7 Q. -- you need to get over there?

8 A. Yes.

9 Q. And what prompted that?

10 A. I believe what it was was our officer came up and
11 said fighting with one. I don't remember the exact
12 verbiage, but it was along that lines.

13 Q. And is that -- like, what do you understand is
14 happening when you hear that over the radio?

15 A. You're about to take somebody into custody,
16 someone doesn't think that's -- they should be arrested.
17 You know, that's just one of those things that is like
18 officer has the probable cause and, you know, for some
19 reason, a suspect doesn't want to be taken into custody.

20 Q. Okay. So it doesn't necessarily mean that they're
21 actually involved in a fist fight with someone; it's just
22 they have a noncompliant person they're trying to take into
23 custody or maybe a resisting situation?

24 A. Yeah. I -- my view is they're going hands-on and
25 they're resisting, tug-of-war type of thing, and that's what

1 came into my mind.

2 Q. Okay. And how far away were you when that
3 (indiscernible) came out?

4 A. So when that came out, I was at -- I was on Powell
5 headed eastbound, and I would say about 150, 151 and Powell,
6 just around the corner.

7 Q. Oh, okay. So if we -- oh, I don't have Powell on
8 this map, but so just a couple of blocks to the east?

9 A. To the east and to the south.

10 Q. And Powell is this one coming down here just off
11 screen?

12 A. Yes, that is correct.

13 Q. Okay. So you hear that, how do you react to that
14 or respond?

15 A. Turn on my lights, my sirens. It's a code 3
16 response. Get there as soon as you can to go help out your
17 fellow officers.

18 Q. Is that what code 3 means?

19 A. Yes.

20 Q. Lights and sirens, get there as fast as you can?

21 A. Yes.

22 Q. Okay. And so when you got to the location, here
23 you were coming up northbound down 148th?

24 A. Yes.

25 Q. And what did you see when you first pulled up?

1 A. When I got there, both officers were -- one was
2 behind a vehicle and the other one was behind a patrol
3 vehicle separated from the area.

4 Q. Okay. And did you have any awareness of what had
5 happened at that point?

6 A. No, actually. As soon as I stepped out of the
7 car, Officer Gill said shots fired, and --

8 Q. What does that indicate to you?

9 A. Meaning that either officers had returned fire, or
10 a suspect had shots fired.

11 Q. Okay. And when you hear shots fired come out over
12 the radio, I mean, what does that do to you in terms of your
13 approach to the situation and --

14 A. Now I'm approaching more cautiously and at the
15 same time trying to be aware of my surrounds and seeing --
16 trying to see what's the best way to approach.

17 Q. Okay. So you get that update as you're getting
18 out of your car --

19 A. Yes.

20 Q. -- (indiscernible) shots fired on the radio?

21 A. Yes.

22 Q. And where did you park your car in relation to any
23 other patrol cars that were already there?

24 A. So we can take this car right here as example
25 where the patrol car -- I would say just to the left of that

1 car, I had parked.

2 Q. You pulled up, like, right next to it?

3 A. Not next to it, but a little bit -- I would say
4 about right here. So staggered.

5 Q. Staggered?

6 A. Staggered is the word, yeah.

7 Q. Okay. And then there were -- there was another
8 car in front that the officers, you could see them --

9 A. Yeah.

10 Q. -- kind of behind?

11 A. Parked -- it was a parked car, yes.

12 Q. Not a police car?

13 A. Not a police car.

14 Q. Okay. And then who else could you see around
15 there?

16 A. Right when I walked out, I saw Officer Singer to
17 my left and Officer Gill to my right, and then I was
18 approaching. I saw a female subject over someone's body.

19 Q. Okay. And where was the body that you saw?

20 A. They were on the sidewalk.

21 Q. Okay. Laying down?

22 A. Laying down, yes.

23 Q. Okay. Anyone else that you saw around in the
24 area?

25 A. Not at that moment. I was trying to make sure

1 that we, we meaning officers, were behind a safe area,
2 cover. I was trying to get them a little bit further back
3 from the situation.

4 Q. Trying to get who?

5 A. Officer Gill and Officer Singer.

6 Q. Okay. Were they -- so they were sort of partially
7 behind cover but not completely; is that what you're saying?

8 A. Yes.

9 Q. Okay.

10 A. Yeah.

11 Q. All right. And why was -- why were you trying to
12 get them behind cover at that point?

13 A. To protect us and give ourselves some distance
14 from the suspect, or if there's a possible armed gun in the
15 area still outstanding.

16 Q. Okay. And so these are things that are happening
17 literally, like, in the first few seconds that you get out
18 of the car and start walking up?

19 A. Yes, that is correct.

20 Q. Okay. And did they follow you and get better
21 cover behind the vehicles?

22 A. So as I was approaching Officer Gill and telling
23 him, hey, we need to get back -- because I grabbed him from
24 his back vest, he hands me a firearm. At that point, when
25 -- my thought was that he was one of the involved officers

1 in the shooting and he wanted to give me his firearms.
2 Usually, what we tend to do in these situations if you're
3 involved officer is to remove you from the scene just
4 because of the traumatic incidents that had just occurred.
5 Once he handed me the firearm, it felt -- did not feel like
6 one of our own duty-issue firearm. The firearm was wrapped
7 in a bandana, something that we don't do. Once I realize
8 that it was the weapon that was used by the suspect, I
9 immediately secured the firearm in the back of the patrol
10 car that was nearest to me. And what I did, I just opened
11 the trunk, put it on our back area, locked it back up.

12 As I was doing that, that's when I noticed there
13 was two community members in the area. I kind of didn't
14 know what was going on at the time, but I told them that
15 they had to kind of create space for themselves and to leave
16 the area if possible.

17 Q. Okay. Could you see whether they were filming on
18 their phones or anything like that?

19 A. At the time, I don't recall if I saw them filming,
20 but I recall who they were from previous contacts with them.

21 Q. Are they part of what's known as the cop watchers
22 or --

23 A. Yes.

24 Q. -- people who respond to scenes and film the
25 police?

1 A. Yes, that is correct.

2 Q. So you recognized them?

3 A. Yes, yes. Yeah.

4 Q. Okay. Now, when you took the firearm, or when
5 Officer Gill gave you the firearm, did you manipulate it at
6 all or do anything with it other than just carrying it and
7 putting it in the back of the patrol car?

8 A. No, I didn't manipulate it. I just put it in the
9 backseat. I was like -- I left it for either someone with
10 more knowledgeable (verbatim) of manipulating firearms or a
11 detective.

12 Q. Okay. And then -- so after the firearm was
13 secured in the patrol vehicle, then what did you do?

14 A. We had more officers arrive and sergeants. They
15 kind of took over what we were going to do. Basically, once
16 we came up with the plan, we had to address the female
17 subject that was with the suspect at the time, and we
18 formulated a plan, and once that plan was formulated, we
19 made contact with the suspect and rendered aid.

20 Q. Okay. Is there a reason when you first got there
21 that you didn't just immediately run up to the person who
22 was down on the ground and try to start rendering aid to
23 him?

24 A. Based on what I knew, we didn't -- I didn't have
25 enough information and it was a safety issue. Just based on

1 what -- my experience, it's better to wait for a couple
2 more officers and make sure that everybody's there with the
3 proper resources and tools that we need. So it's -- that's
4 why I decided not to approach at the time.

5 Q. And is that actually part of your training of how
6 to deal with a situation like this?

7 A. Yes, that is correct. Yes.

8 Q. Okay. So once those additional resources got to
9 the scene and you were able to formulate a plan to approach
10 the individual, did you guys do that?

11 A. Yes, we did.

12 Q. Okay. What happened then?

13 A. Once we approached, I believe there was an officer
14 that made contact with the female, kind of removed her from
15 there, then we kind of did, like, check for the suspect,
16 make sure -- where he needed aid and tried to render aid to
17 them.

18 Q. Okay. And how did you guys do that, render aid to
19 him, I mean?

20 A. Basically, what we call checking for a blood
21 sweep. Making sure, if this person was shot, to put what's
22 called chest seals and any additional stuff that he might
23 need.

24 Q. And are Portland police officers equipped with
25 that type of medical gear to render that type of aid?

1 A. Yes. We carry what's called an IFAK kit.
2 They're the tools that we need to -- for -- to render aids.
3 Usually, there's a chest seal, compressions, gauze, sheers,
4 just the stuff that you're going to need immediately on the
5 scene for stuff like that.

6 Q. Okay. And do you know what, if any, of those
7 items were used in this incident?

8 A. No, I don't recall. I think once we made the safe
9 -- the scene safe, I think medical was just staged down the
10 street and came over as well and took over.

11 Q. And when you say medical was staged down the
12 street, what does that mean?

13 A. That means that we had called for an ambulance or
14 an AMR company to stage, and we -- usually, what they do is
15 they wait until the scene is secure for them to be safe and
16 be able to walk into the scene without having to worry about
17 anything else.

18 Q. Okay. So once you guys had gone up and determined
19 that, you know, he wasn't armed anymore and did need aid,
20 would you have called the paramedics to come into the scene
21 at that point?

22 A. Anybody that's there on scene can say, hey, just
23 come over and make that initial --

24 Q. Okay. And then at that point --

25 A. -- request.

1 Q. -- they would come in --

2 A. Yes.

3 Q. -- to start rendering aid? Okay.

4 A. Yes.

5 Q. So it sounds like it was a pretty short amount of
6 time between officers getting to the individual, starting to
7 render aid, before the paramedics actually got there and
8 took over?

9 A. Yes, that's correct.

10 Q. Could you see whether the officers were actually
11 trying to render aid before the paramedics got there?

12 A. We basically turned him over, make sure, you know,
13 if there was any additional things we can do, and I don't
14 recall if anybody put anything on him or not. But --

15 Q. Okay. And then the paramedics came in and took
16 over rendering aid?

17 A. Yes, yes.

18 Q. Okay, all right. Let's see. All right. And then
19 after the paramedics came and took over aid, what did you
20 do?

21 A. I went back to the patrol car where I put the
22 evidence -- or the firearm that was recovered, stood by and
23 make sure no one tampered with the vehicle or moved it, or
24 -- you know, sometimes we don't communicate and things get
25 moved around, so I stood by and I waited until I was

1 relieved out of my post.

2 Q. Okay. Just to make sure nothing happened with
3 that gun?

4 A. Exactly, exactly, just because I knew where it was
5 and --

6 Q. Right. And when you went back to it, was it in
7 the same place that you left it? Did it appear that anybody
8 had accessed it?

9 A. That is correct.

10 Q. Once you are relieved, was that by detectives and
11 criminalists with the Forensic Evidence Division?

12 A. Yes, that is correct. Yes.

13 Q. Okay, all right.

14 MR. JACKSON: Okay, Officer Jimenez. I think
15 that's all the questions I have for you. We'll see if the
16 grand jury has any questions.

17 GRAND JUROR: Yes.

18 MR. JACKSON: Yeah?

19 GRAND JUROR: You were handed the gun by Officer
20 Gill?

21 MR. JIMENEZ: Yes.

22 GRAND JUROR: Did you happen to notice if the rack
23 was back?

24 MR. JIMENEZ: No, I -- like I said, I didn't have
25 time to check it or see if any of the -- what condition the

1 gun was in. I just automatically --

2 GRAND JUROR: How about when you went back the
3 second time? Did you happen to notice if the rack was back
4 (indiscernible) casing --

5 MR. JIMENEZ: I did not touch --

6 GRAND JUROR: -- lodged in there?

7 MR. JIMENEZ: I did not touch that just because it
8 -- by that time, detectives were on scene. They're the ones
9 that make that call. They're the --

10 GRAND JUROR: The detective took it out of your
11 car?

12 MR. JIMENEZ: Detectives and the criminalists came
13 and photographed it and took it away, you know, once --

14 GRAND JUROR: So for the short time that you had
15 it when Officer Gill gave it to you until you put it in the
16 truck, you didn't notice if the rack was all the way back or
17 not?

18 MR. JIMENEZ: No, I did not --

19 GRAND JUROR: Okay.

20 MR. JIMENEZ: -- manipulate the gun at all. I
21 just took it and tried to get rid of it as soon as I was
22 there. I was the first officer. It was only three officers
23 on time (verbatim) so it was just, like, trying to get rid
24 of something that --

25 GRAND JUROR: Okay. Thanks.

1 GRAND JUROR: I'm trying to get a timeline in
2 my head from when you arrived to when the other officers
3 felt that it was safe to render aid. I'm trying to get that
4 timeline. Do you have a number of minutes that that took
5 or --

6 MR. JIMENEZ: I don't. I mean, it was so -- it
7 happened so fast that once officers said shots fired,
8 everybody's coming. Like I said, code 3, lights and sirens,
9 get there as fast as you can and safely. I can't estimate
10 how long it took us to get to and render aid to him.

11 GRAND JUROR: Okay. Less than half-an-hour?

12 MR. JIMENEZ: Oh, yes, definitely.

13 GRAND JUROR: Less than 10 minutes?

14 MR. JIMENEZ: I can't say that.

15 GRAND JUROR: All right.

16 MR. JACKSON: Any other questions? I don't see
17 any. Okay. Thank you very much. That's all we have.

18 GRAND JUROR: Thank you.

19 MR. JACKSON: All right. If you could stand right
20 here and raise your right hand.

21 CHARLES GILL

22 was thereupon called as a witness; and, having been first
23 duly sworn, was examined and testified as follows:

24 BY MR. JACKSON:

25 Q. Okay. You can have a seat. And could you please

1 state and spell your name?

2 A. My name is Charles Gill, C-h-a-r-l-e-s G-i-l-l.

3 Q. Okay. Are you a Portland police officer?

4 A. I am.

5 Q. And were you working in that capacity on
6 July 24th, 2022?

7 A. I was.

8 Q. Okay. How long have you been a Portland police
9 officer?

10 A. I have worked at Portland for about two-and-a-half
11 years, and then had prior law enforcement experience before
12 that.

13 Q. Okay. And where was that?

14 A. Down in the city of Woodburn.

15 Q. So in Oregon?

16 A. Yes, correct.

17 Q. Okay. And were you with the sheriff's office or
18 the Woodburn Police?

19 A. Woodburn Police Department for a little over three
20 years.

21 Q. And did you -- were you primarily a patrol officer
22 down there?

23 A. I was.

24 Q. Okay. And then once you transferred up to
25 Portland, have you been a patrol officer here?

1 A. I have.

2 Q. For that enter two-and-a-half years period?

3 A. Yes, patrol the whole time.

4 Q. Okay. On July 24th, what precinct were you
5 working out of?

6 A. I work night shift our of East Precinct.

7 Q. And have you been out of East Precinct the whole
8 two-and-a-half years?

9 A. No, you rotate through during training, but
10 probably for the last year or so I've been out of East.

11 Q. Okay. And did you have a partner that night?

12 A. I did.

13 Q. Who was that?

14 A. That was Officer Cavalli-Singer.

15 Q. And is it common for you to work in a partner car
16 with Officer Cavalli-Singer?

17 A. Occasionally, yeah.

18 Q. Do you always work with a partner?

19 A. Not always.

20 Q. Okay. If you had to say, you know, working with a
21 partner versus not working with a partner, is it about
22 half-and-half, or is more one or the other?

23 A. It's dependent on staffing and -- you know, some
24 nights you want to work with someone, there's some nights
25 where you, you know, want to do your own thing. So it's hit

1 or miss. I can't give you a percentage.

2 Q. Okay, all right. But that night, you were working
3 with Officer Cavalli-Singer?

4 A. Correct.

5 Q. And what time does your shift start?

6 A. Shift starts at 2200 hours, or 10 p.m.

7 Q. Okay. And can you kind of take me through, or
8 take us through how you start a shift and go out on patrol?

9 A. Yeah. Usually, before my shift I work out, get
10 ready. We have rollcall at 10 p.m. Depending on what
11 you're, like -- what day of the work week it is for you, we
12 have our wellness program, but that's hit or miss -- or not
13 hit or miss, but not really important. It kind of affects
14 your hours that you work.

15 But, usually, you go to roll call, you'll be
16 ready. After roll call, you go get in your patrol vehicle,
17 get all your gear, make sure everything's ready, sign in.
18 And then once you hit sign in, depending on how the night's
19 been going for everybody, it's calls right out of the gate
20 or you go out and find stuff to do like traffic stops and
21 stuff like that.

22 Q. Okay. And then as calls come in, you would be
23 dispatched or respond to those calls?

24 A. Correct.

25 Q. On this particular shift, anything unusual happen

1 leading up to it?

2 A. Do you mean, like, calls beforehand or --

3 Q. I mean, just going through that process you just
4 described of showing up to work, getting ready for the
5 shift, roll call, going out. Anything out of the ordinary?

6 A. Nope, just another typical night at work.

7 Q. Okay. And then once you started your patrol
8 shift, any particularly strange calls, things that were hard
9 to deal with, anything like that?

10 A. I don't want to say anything was hard to deal
11 with. We had a weird call that an officer was following a
12 vehicle, it eluded from them, meaning it didn't stop for
13 them, it took off, and was trying to get away from them.
14 They ended up following it up into north precinct up into,
15 like, the slough area, and it goes in there and it keeps
16 driving back in there. At some point, two other patrol
17 units kind of drive in. They're trying to find it, at which
18 point more of us are showing up up there because we do know
19 that there's -- I don't know, 50 to 100 people that live in
20 there. (Indiscernible). That's not necessarily a safe
21 place to go in by yourself, so more is better, more is safe.

22 We get up there, they have a trail cut out into
23 the slough and it's just basically off-roading. The two
24 officers were kind of back towards the end of the trail
25 where it makes kind of, like, a big circle to come back out.

1 They wanted to find the car, so we made a plan
2 (indiscernible) we're just going to, unfortunately, have to
3 conga line our way through this trail and get back in there
4 and then loop around and come back out. So we spent, I
5 don't know -- it seemed like a long time because it's slow
6 going through there. There's hundreds, if not more, broken
7 down cars on each side of you, there's trees, there's people
8 coming out of the woods with, like, headlamps and
9 flashlights. So there's kind of a lot that you're dealing
10 with and going through. But drive in there, get to the end.
11 Never find the vehicle. We don't know where it -- which
12 little off-shoot of the trail it disappeared down.

13 Q. That was in North Precinct?

14 A. Yeah, that was --

15 Q. So out of your precinct?

16 A. Yeah, North Precinct. For anybody that doesn't
17 know our precincts, East and North, on the side I work, is
18 divided by I-84. So I-84 north is North Precinct, and south
19 is East, but we were on the northside up off airport way.

20 Q. Okay.

21 A. But yeah, that was about it. Got done with that,
22 come back, take the time driving back out, get out. We had
23 to go get an address for detectives out of, like, Glenwood,
24 I think. I think it's Glenwood Park, it's up, like, 148 and
25 Halsey area. But we had to go up there and get an address

1 for detectives and --

2 Q. Okay.

3 A. -- that's all we did before.

4 Q. Okay. And then you get dispatched to 148th and
5 Cliton; is that right?

6 A. Correct.

7 Q. Do you remember approximately what time that was?

8 A. It was pretty early on. I don't recall the exact
9 time. If I had to estimate, it was probably around midnight
10 would be my guess.

11 Q. Okay.

12 A. I don't remember the exact time, and I don't think
13 I've seen any timestamped things lately. It's been five
14 months.

15 Q. Right, okay. But around midnight is your
16 memory --

17 A. Yeah.

18 Q. -- of when that call came out?

19 A. Correct.

20 Q. And what information did you have as part of that
21 initial dispatch?

22 A. You mean, like, just the first call? Is that the
23 one you want me to touch on?

24 Q. Mm-hm.

25 A. The first call came in that there was some sort of

1 domestic disturbance involving a white male and an
2 African American female, and they were associated with
3 either a gray or silver Volvo sedan.

4 Q. And what would you guys ordinarily do with that
5 information? When that dispatch call comes in, you're going
6 to go to that location, right?

7 A. Correct.

8 Q. But, I mean, kind of what's going through your
9 mind about what you're going to be doing?

10 A. We're going to be responding to that. Obviously,
11 that's something we've got to take care of, those -- you
12 know, DVs are situations that are -- domestic violence are
13 situations that are super important. We've got to get
14 people separated, because if we don't, you know, any number
15 of things can happen. It's unsafe for the victim, and it's
16 just, you know, something we've got to do. It was called in
17 by a third-party person, so it wasn't the -- obviously, the
18 suspect wasn't calling in and the victim wasn't calling in.
19 It was somebody that was just witnessing this occur and
20 obviously thought that it was serious enough that police
21 needed to show up and help them with it.

22 Q. Okay. And so you guys start making your way in
23 that direction?

24 A. Correct.

25 Q. And then did an update come?

1 A. Yeah. So we were -- I mean, we were fairly
2 close to begin with. Like I said, we were in the area of
3 about 148 and Halsey. That's only, I don't know -- not far
4 from 148 and Clinton. As we were getting closer, I don't
5 exactly recall how close we were, but we were close --
6 pretty close when we got an update in the call saying that
7 the male was strangling the female. I don't know if that
8 the was the term the guy used, he might've said choking, but
9 at some point there was some alleged form of DV
10 strangulation going on.

11 Q. Okay. So when you're first called to respond to
12 what's described as sort of a disturbance or argument, and
13 then now it's being reported there's choking or strangling
14 happening, how does that affect kind of your approach and
15 how you're going -- or what your expectations are related to
16 the call?

17 A. It definitely changes things. Being called to a
18 domestic disturbance just by itself can be anything from
19 neighbors hearing loud arguing and think something more is
20 going on, to, you know, more extreme ends, such as DV
21 strangulation, which, in Oregon, is a mandatory arrest. So,
22 you know, we have to show up. We've got to get everybody
23 separated, talk to victim by themselves, talk to the suspect
24 by themselves, so, you know, we can get accurate statements
25 from everybody and figure out what's going on. Talk to any

1 witnesses that are there and then determine if we do have
2 probable cause to arrest the suspect for -- in this case, it
3 would've been DV strangulation.

4 Q. Okay. And you have to make the arrest?

5 A. Yes, yes.

6 Q. Okay. And when you say it's a mandatory arrest,
7 is that by law?

8 A. Correct.

9 Q. There's an Oregon statute that requires police to
10 do that?

11 A. Correct.

12 Q. So you get that updated information, you're
13 getting close to the location. What do you see when you
14 first get there?

15 A. As we're first coming up, I was driving, Officer
16 Cavalli-Singer was in the passenger seat. We're going south
17 on 148 towards Clinton. Off to my left, I see a silver/gray
18 Volvo and I see a man and lady matching the descriptions
19 outside the back of the car and they appear to be hugging,
20 embracing. The male had his arms around the female. I
21 couldn't see the female's arms, but he had his arms around
22 her and was holding her. Not necessarily in a choking
23 fashion, but more of, like -- like I said, like an embrace,
24 but it was hard to say whether they're hugging, embracing,
25 or maybe he's holding her. We just didn't know.

1 Q. Okay. So you said you were coming south down
2 148th, like past Fred Meyer?

3 A. Correct.

4 Q. Okay. And then you see that, and then what did
5 you do?

6 A. So once I see that, you know, it's like, okay,
7 these are our people, they're matching descriptions,
8 matching car, matching area. More likely than not, it's
9 going to be them. Coming down, get in the center lane, turn
10 on my overhead lights for safety, make my U-turn so I can
11 park behind their vehicle, and --

12 Q. So you didn't have lights and sirens going when
13 you were coming into the area?

14 A. No. I didn't. Again, when we were coming down
15 there, we were close enough and I personally like to solve
16 domestic violence cases, and I've -- in the past, there's
17 been experiences where if you do come into an area with
18 lights and sirens it'll scare people off. You know, I mean,
19 yes, that stops that situation for that moment, but it
20 doesn't solve it long-term or get the victim the resources
21 they need. So we were close enough that we didn't come in
22 with lights and sirens and we only activated them once I
23 made that U-turn.

24 Q. Okay. And when you saw -- as you first
25 approached, you described seeing what almost looked like an

1 embrace of some kind of something, right? I'm
2 interpreting from that; they were not actively fighting when
3 you pulled up?

4 A. Correct. They both appeared calm, but, again, I
5 don't know if he was holding her, but they were -- there was
6 no active disturbance occurring.

7 Q. Okay. So why didn't you just drive away at that
8 point?

9 A. There's still allegations of a crime, possible a
10 mandatory arrest, so we need to figure that out. That does
11 not justice to the victim if we show up and it's like, oh,
12 yeah, everything's okay, and then they, you know -- we leave
13 and then it escalates again. You know, he couldn't been
14 holding her and saying, if you say anything or something
15 like that. You know, any number of things could've been
16 happening. We can't just show up and leave. We have to do
17 our job and investigate crimes.

18 Q. And based on your training and experience dealing
19 with these kind of domestic violence related calls, are
20 those well-founded concerns that you have that it would not
21 be appropriate for you to just drive away at that point?
22 You need to get out and figure out what's going on here?

23 A. Of course, of course.

24 Q. Okay.

25 A. Yeah. Like I said, you've got to figure it out

1 because there's been plenty of examples where something
2 might not be occurring there but then -- or there's not a
3 crime occurring at the moment, and then later it does turn
4 into something, and, you know, sometimes you go back to
5 places multiple times in the night until it did escalate to
6 the point where it was a crime. So it's something you have
7 to look for.

8 Q. Okay. So turn lights on, do the U-turn, pull up
9 and park, then what did you do?

10 A. At that point, it's business as usual. We're
11 going to get out, you know, say something along the lines
12 of, hey, Portland Police, we need to talk to you. Get
13 people separated. It's makes it easy when there's two of us
14 because, you know, just the way we got out when they
15 separated, it was like, all right, I'll talk to the female,
16 you can talk to the male (indiscernible) over there. We get
17 them separated because, you know, we have to do our
18 investigations independently and then we'll confer or, you
19 know, tell each other, okay, no, this is the primary
20 aggressor, oh, I don't have anything. So we get out, go
21 separate them so that we can start our investigation.

22 Q. And can that happen when once you've separated
23 folks, talked to them for a few minutes, get a sense of
24 what's going on, you decide there is nothing here and then
25 you guys leave?

1 A. Yep, that's a possibility. It's all going to
2 depend on, you know, what the victim is saying, what we're
3 seeing, obviously. If there's super obvious fresh red marks
4 on the neck, that's -- even if they're telling me nothing
5 happened, it's like, well, we've got to talk about why you
6 have red marks on your neck and -- so any sort of injuries,
7 stuff like that, kind of can steer where the call is going.

8 Q. Okay. And is that sort of what your expectation
9 was coming into this, that that's what you would -- not that
10 you would talk to them and leave, but just that you would
11 separate them, talk to them, figure out what's going on, and
12 then make a decision about what to do from there?

13 A. Yeah. I expected it to go -- I don't like the
14 word routine, because that means that everything's the same,
15 but it's not, but we do respond to these situations a lot,
16 and when we show up, it's like, okay, we're going to get
17 people separated, we're going to talk to them, and then
18 we're going to figure what we have and then we're going to
19 make a determination on how to proceed from there, whether
20 it's a mandatory arrest, whether we can figure out somewhere
21 else for one to have to go for the night so they're
22 separated. Or if they're both adamant they don't want to
23 leave, you know, sometimes, if there's no crime, we can't
24 force them to leave so they can stay there together.

25 Q. At what point in the encounter did things deviate

1 from that sort of expectation or plan?

2 A. Very quickly.

3 Q. Okay. Describe for us what happened.

4 A. So we get out. Obviously, again, like I said, I'm
5 driver's side, partner's passenger side. So she's on the
6 sidewalk talking to the male when they first split up. I'm
7 talking to the female kind of behind the Volvo in front of
8 our patrol car where I can still see everything. I asked
9 the female, I think, like, what's going on tonight, just
10 some, you know, basic question that's like, hey, tell me
11 what's going on, or what's going on tonight. She starts to
12 answer, but before I even hear what she's saying, my
13 attention is taken away from what's going on with her to the
14 male half. My partner said take your hands out of your
15 pockets, and I believe she said it two or three times, and
16 when I look over and he's still got his hands in his
17 pockets, that's when it's like, okay. He's already showing
18 us non-compliance, which now -- she's being compliant.
19 She's -- she starts answering, but, again, I don't hear what
20 she's saying, and so now my attention is slowly focusing in
21 on the male half of this incident.

22 Q. And how -- approximately how far apart would you
23 say you guys were while that's happening?

24 A. Rough estimate, 10, 15 feet.

25 Q. Okay. So it's not like you were a block apart or

1 something?

2 A. No, fairly -- close enough that, you know, I can
3 see everything, I can hear everything, I can tell what's
4 going on, and close enough to, I guess, interject or help
5 out if I needed to.

6 Q. And why is it noteworthy to you or concerning to
7 you that this person was not complying with commands to take
8 his hands out of -- or requests to take his hands out of his
9 pockets?

10 A. There could be any number of things in his pockets
11 that we don't have him to have in his hands or to have come
12 out of his pockets quickly. You know, main concern,
13 weapons, and then also, you know, that first step of
14 non-compliance can also be an indicator that, okay, this is
15 now -- instead of kind of being routine talking to him, that
16 they're already demonstrating non-compliance. You know,
17 that's a pretty easy request to comply with. If they're not
18 going to comply to that, they're probably not going to
19 comply to other requests that we make.

20 Q. Okay. And specifically, making sure you can see
21 hands and ensure that there isn't anything in people's
22 hands, is that something that you're trained to focus on as
23 part of the patrol tactics and just general encounters with
24 people?

25 A. Correct. Kind of one of those things that they

1 always tell us is the hands are what kill you, so that's
2 why you want them out and be able to see that there's
3 nothing in them, 'cause, you know, if there's nothing in the
4 hands, it's safer.

5 Q. Okay. So you see -- or you hear these requests
6 from Officer Cavalli-Singer and you see that he's not
7 complying with them. Your attention is focusing in that
8 direction. What happens then?

9 A. At that point, he very quickly pulls his hands out
10 of his pockets and has items. I don't know what they were,
11 never saw what they were. Probably, like, keys and stuff
12 like that. He very aggressively pulls his hands out of his
13 pockets and then throws the items aggressively at the
14 ground. Not necessarily at Officer Cavalli-Singer, at least
15 from my point of view and perception. It didn't look like
16 he was -- like, he didn't throw them at her. He threw them
17 down at the ground. And then, again, still being
18 non-compliant. That's another just clue that that's -- you
19 know, pre-assault indicators. He's not complying. Now he's
20 showing multiple forms of aggression by throwing things and
21 doing it in such a way that's aggressive. It's not like he
22 gently sat them down. He's throwing them.

23 Q. Okay. And you just reference something,
24 pre-assault indicators. What is that?

25 A. Pre-assault indicators would be somebody -- you

1 know, if you're in a room and looking at people, it'd be
2 target glancing. So if I was a suspect and say you're a cop
3 and you're a cop, like, if I'm constantly looking back
4 between you, you know, looking for escape, stuff like that.
5 Balling up a fist, flexing, anything like that. Pacing.
6 Just small clues that help you say, yeah, this person's
7 probably going to be non-compliant. They're extremely
8 agitated. It's not somebody sitting there just compliant
9 like, okay, yeah, no problem. It's they're showing you that
10 they are planning to be aggressive in one way or another.
11 It doesn't always mean that it turns out that way, but
12 there's still things that we look for and are trained to
13 look for that can help us in those situations so that it's
14 safer for everybody.

15 Q. It's sort of so you don't get blindsided by
16 (indiscernible) assault coming out of nowhere --

17 A. Correct.

18 Q. -- you would have been able to key in on these
19 things and see and prepare for what might happen?

20 A. Correct.

21 Q. So you're seeing some of these things from this
22 individual. What did that cause you to do?

23 A. From that point, I -- again, my attention now is
24 solely focused on him. The female, again, she's off to my
25 side kind of, but she's still being fairly compliant. She's

1 just standing there next to me, so I'm not as concerned
2 about her. I'm focused on him. I think, at this point,
3 Officer Cavalli-Singer tells him put your hands on top your
4 head, interlace your fingers. Standard practice when we're
5 going to, you know, put somebody in handcuffs. We want
6 their hands on their head with their fingers interlaces
7 because it -- it's inconvenience for them, it makes it take
8 time for them to get their hands back down if they are going
9 to do something.

10 He's still non-compliant with that. He's not
11 putting his hands on his head and interlacing his fingers.
12 He's still just non-compliant. At that point, once I heard
13 her ask, I think, two times, I started approaching him. I
14 very bluntly told him what I wanted to do. I said, put your
15 fucking hands on your head. Sometimes, you know, you have
16 to talk to people that way to get compliance from them.
17 Sometimes that's what it takes to snap them out of whatever
18 they're in when they hear kind of harsher language like
19 that, and sometimes that's just how people talk and the only
20 way that they respond.

21 Q. Okay. So you did that and you're sort of walking
22 over there at that point?

23 A. Correct.

24 Q. Okay. And what happened at that point?

25 A. At that point, he, like, leans or sits on this

1 retaining wall that's -- so it's, like, street, curb,
2 two-and-a-half-foot, three-foot retaining wall. At that
3 point, he kind of turns and sits back on it or is kind of,
4 like, leaning on it. And then at that point, you know, I'm
5 on his righthand side. My right hand is on his right wrist
6 area; my left hand is up behind his, like, tricep area, so
7 like up here kind of. It's a good way to control people.
8 If we were just to be walking this person, some would call
9 it an escort hold. You're just literally escorting him.

10 So I'm holding him like that on his right side.
11 Officer Cavalli-Singer is holding him like that on his left
12 side.

13 Q. Why were you doing that at that point?

14 A. At that point, based on his behaviors, mannerisms,
15 actions, we're going to put him in handcuffs. Officer
16 Cavalli-Singer told him, hey, look, you know -- at some
17 point, you know, hey look, you can do this compliantly or we
18 can put you in handcuffs.

19 Q. What do you mean do this? Like, just talk to us?

20 A. Yeah, go through the investigation, be compliant,
21 talk to us.

22 Q. Okay. So she -- you heard her say that to him --

23 A. Correct.

24 Q. -- or -- so --

25 A. Yeah.

1 Q. -- you can be compliant with the investigation,
2 or we'll have to put you in handcuffs?

3 A. Right. And that's fairly common. Sometimes we
4 have to detain people to be able to talk to them. Detain
5 them, put them in handcuffs, put them in the back of a
6 patrol car, get them separated where they can, you know,
7 take those moments to calm down. And if we go through our
8 investigation and find out that, you know, there are no
9 crimes, we're more than happy to take the handcuffs back
10 off. They're always told, they come off as easily as they
11 go on, so it's not like we're going to be like, oh, no
12 you're in handcuffs, you're going to jail. If we have no
13 reason to take you to jail, we're not going to, so we'll let
14 you back out.

15 Q. Okay. After Officer Cavalli-Singer told him that,
16 did you see a chance in his behavior?

17 A. Nope. He still continued. He was tensing his
18 arms. So we're obviously holding him kind of like this.
19 He's, you know, holding his arms tight, flexing and tensing
20 so that we can't manipulate his arms to go behind him to
21 place him in handcuffs. And then, obviously, unfortunately,
22 with the wall being there, it makes it easier for him to
23 continue resisting because we can't get around behind him to
24 use leverage to get his arm behind him. So we're kind of in
25 this point where it's -- you know, we're trying to get his

1 arms behind him, but he's still just sitting there
2 flexing and tensing so that we can't put him in handcuffs.

3 Q. Okay. What happened then?

4 A. At some point, there's a --

5 Q. Actually, before I -- let me ask you, was he
6 saying anything through this? You described a lot of what
7 he was doing, but did he say anything that you recall?

8 A. I don't recall what -- or if he was saying
9 anything during this. Yeah. I don't recall what he was
10 saying or doing. I know the female was somewhere yelling.

11 Like I said, there's a weird pause where -- it's
12 not that he's not resisting anymore, because he still is,
13 he's still got his arms there, but everything kind of just
14 stops for a second, at which point I'm able to tell him, you
15 know, if you don't stop resisting, I'm going to use force on
16 you. And then at that point, the female walks up very close
17 to Officer Cavalli and I and male half, and is kind of
18 standing off to our right, which I don't like, because then
19 who knows if she jumps in. That's a two-on-two fight.
20 That's not good. Still kind of this weird pause, so I tell
21 her too, you need to back up or force may be used on your as
22 well, at which point she -- I don't know, goes somewhere.

23 Q. But you were still focused on the male individual?

24 A. Yeah. Again, still focused on the male. He's,
25 you know -- he's the one being aggressive. She's just kind

1 of there.

2 Q. Okay. So then what happened?

3 A. After that is when he stands up and starts pulling
4 away from Officer Cavalli-Singer and I. My first thought
5 is, all right, he's going to take off and run up the street.
6 At some point, Officer Cavalli was able to ask for -- I
7 think she -- I believe she just said something like, send us
8 more units, which if I hear that come across the radio,
9 that's going to get me -- I mean, for the most part, you can
10 tell people's voices on the radio, so it's easier to tell
11 who people are, especially when you work around them a long
12 time. So if that was me hearing that from somebody that I
13 work with and I know their voice, I try and monitor pretty
14 well where people are and what they're doing. You know, if
15 I hear that, that's going to make me start responding
16 somewhere a lot more urgently than if it's like, oh, hey,
17 can we just code 1, which would just be, like, normal
18 routine driving. Even if you weren't a police officer.
19 Just normal driving to a location would be code 1. If
20 somebody just says, send us more units, that's going to
21 escalate that to probably code 3 driving, which is lights
22 and sirens, because you want to get there quick because
23 that's an odd way to say things over the radio because you
24 don't even have time to say your unit number or how -- what
25 code you want. It's kind of like a get-there-quick type

1 thing.

2 So she says that. At that point, still go his
3 right arm.

4 Q. Is he still kind of leaning against the wall at
5 that point and seated, or had he gotten up from the wall?

6 A. When --

7 Q. When you're describing he starts pulling away from
8 you and you -- and Officer Cavalli-Singer puts that out on
9 the radio.

10 A. I'm not sure at what point she says send us more
11 units, if it was right before he got up or when he got up.
12 Obviously, things were a little chaotic and happening fast.
13 But that's when he stands up. So he's standing up and
14 actively pulling away from us. At some point, the male half
15 and Officer Cavalli fall to the ground -- Cavalli-Singer.
16 They fall to the ground and then it's, all right, I guess
17 now we're going to -- this is going to turn into an incident
18 on the ground where we're going to have to try and get him
19 into custody on the ground.

20 Q. And so did you not fall with them to the ground?

21 A. Not initially. I'm not sure how I -- when I ended
22 up on the ground. I just remember having that thought of,
23 okay, this is a ground deal now, because they kind of fall,
24 trip, whatever down on the ground. In my mind, there's that
25 second where I'm like, all right, this is a ground deal now,

1 which, at that point, is, okay, I have to get on top of
2 him and start controlling him.

3 Q. Okay. Did you do that?

4 A. I did.

5 Q. Okay. And so he fell down, you said Officer
6 Cavalli-Singer fell down too. How were they oriented on the
7 ground?

8 A. So -- you just mean on the ground not in
9 relationship to the wall, or do you want, like, the whole --

10 Q. Just on the ground, like --

11 A. Okay.

12 Q. Front, back, sideways to each other, next to each
13 other, that --

14 A. Okay. The male fell down and was laying on his
15 back and was looking up, and then Officer Cavalli-Singer
16 fell off the male's right side.

17 Q. And was she also laying on her back?

18 A. No, she was on her left side.

19 Q. Left side, so facing him?

20 A. Yes, yeah. So male, Cavalli-Singer, like that.

21 (Indiscernible) helped at all.

22 Q. Sure, okay. And you're still standing --

23 A. Yeah, and I'm --

24 Q. -- looking down at this?

25 A. Yeah. I'm kind of by the male's feet kind of,

1 like, again, okay, now we're going to the ground.

2 Q. Okay. And so had you released his arm at that
3 point then when he fell?

4 A. At some point, I had to have released, because he
5 kind of spun around, but then again, obviously, once I'm
6 down there with the male, my left arm is tangled up
7 somewhere. I don't know where it got tangled or was holding
8 onto, but it got intertwined somehow with him and what was
9 going on.

10 Q. Okay. So he's on his back, Officer Cavalli-Singer
11 is on her left side next to him, and then you are laying now
12 on top of him trying to get control of his hands still?

13 A. Correct.

14 Q. You're on -- left arm gets tied up in something
15 and you can't really move it anymore?

16 A. Correct.

17 Q. Like, pinned?

18 A. I don't know if I would use the word -- pinned,
19 yeah. I -- it was tangled somewhere. I don't know.

20 Q. Okay. But it wasn't free to move around?

21 A. Correct. It wasn't free for me to be able to use
22 it and assist with controlling him.

23 Q. Okay. And could you see whether or not Officer
24 Cavalli-Singer still had control of his arm, or the arm that
25 she had previously?

1 A. I didn't really get to that point, because as
2 we fell and started controlling him, that's when I realized
3 there was a gun pointed at my head so I kind of focused on
4 that.

5 Q. Okay. So let's talk about that a little bit more.
6 So you see them fall down, you have this thought, like,
7 okay, this is going to be a ground thing now. Then you go
8 down on top of him to try to start controlling him, and then
9 is it just immediately you see a gun pointing at you, or did
10 some time pass?

11 A. My perception was it was kind of like they fell, I
12 get on top of him, I go to start controlling, and then all
13 of a sudden it's -- I don't know. They talk about in
14 stressful situations when something like that happens,
15 that's all you focus on, so all of a sudden I just remember
16 saying, oh, that's a gun pointed at me, I don't like that.

17 Q. Okay. And so you're over the top of him and so
18 the gun -- do you know which hand it was in?

19 A. It was in his left hand.

20 Q. Okay. Left hand. And was it pointing straight at
21 you?

22 A. At first, it was pointing straight at me.

23 Q. Okay. Like, you could see down the barrel?

24 A. Yes.

25 Q. And you're laying on top of him, and so was that -

1 - I mean, was that gun, like, right in front of your
2 face?

3 A. I perceived it as being inches from my face.

4 Q. Okay. What did you do when you saw that?

5 A. Well, probably as most of us would do when there's
6 a gun pointed at you, you're going to want to get it away
7 from you. Somehow, used my right hand to redirect it away
8 from myself, from my partner, from wherever he was trying to
9 point it, and then did my best to lean to my left to also
10 create that buffer space so it's not pointed at me.

11 Q. What happened then?

12 A. He fired a shot.

13 Q. Okay. Now, when you did what you described as
14 redirecting the gun away from you, how did you actually do
15 that? Do you know?

16 A. I, again, don't know. It's one of those things
17 where it's kind of startling when there's a gun pointed
18 right at your face, so, you know, just move it. Just I'm
19 going to move it with my right hand. I don't know if my
20 wrist hit his and I pushed it, my hand hit his wrist, I
21 don't know, but was just able to get it just far enough away
22 that I didn't get shot.

23 Q. Okay. And then it went off?

24 A. Correct.

25 Q. How did you know that the gun had fired?

1 A. I knew it fired because I immediately heard it,
2 and could see the muzzle flash right next to my face, and
3 then could feel the (indiscernible) of the gun going off and
4 then also feel the heat from the muzzle going past my head.
5 And then obviously ringing in the ears. I couldn't hear out
6 of my right ear, so I had known that he had fired the gun.

7 Q. Okay. Did you still have your hand on his hand at
8 that point, or do you know?

9 A. I was still trying to redirect it, so whether it
10 was on his hand or his arm, I don't know, but just, again,
11 getting it out of the way so that I'm not shot in the face
12 and then therefore useless.

13 Q. Did you hear that you had been shot?

14 A. I had some concerns and questions on whether I had
15 been shot or not. Again, everything's so quick. After the
16 shot went off, heard it, felt it, could feel the heat, feel
17 the (indiscernible), saw it go off. I knew it went off. I
18 think the main reason that I knew that I obviously wasn't
19 dead was because I was still able to move and, you know,
20 had, obviously, function and could think and stuff. So I
21 knew I was shot in the face, but I had no idea whether I had
22 been grazed in the ear or anything like that. I just didn't
23 know.

24 Q. Okay. After that shot happened, what did you do
25 then?

1 A. He's still trying to maintain the gun. It --
2 you know, he's already fired at us once. He's more likely
3 than not going to probably try to shoot us again, which I
4 don't want to happen. I want my partner to go home safely.
5 I would like to go home safely. I want him to go home
6 safely. I want that female to go home safely. Everybody
7 needs to go home safely. So he's trying to maintain control
8 of the gun, I'm trying to get control of it, and we're just
9 kind of hand fighting, struggling until --

10 Q. Over the gun?

11 A. Yeah.

12 Q. Okay.

13 A. I guess the best way to describe it.

14 Q. And in terms of -- aside from struggling over the
15 gun, I mean, was he laying kind of calmly on the street or
16 was he thrashing around or, like, how was he -- was he still
17 resisting?

18 A. He was definitely thrashing around and squirming
19 and -- you know, it's not like he's just laying there now
20 totally compliant. He's still actively trying to resist.

21 Q. And that's even after he's fired the weapon now?

22 A. Correct.

23 Q. Okay. At some point, were you able to gain
24 control of the firearm?

25 A. I was.

1 Q. Okay. Do you know approximately -- well,
2 jumping ahead a little bit. At some point, did you become
3 aware that Officer Cavalli-Singer had fired her weapon at
4 the person?

5 A. Yes, I was aware.

6 Q. And how were you aware that that happened?

7 A. Honestly, I'm focused on my part of this incident,
8 dealing with the gun and making sure, you know, that people
9 aren't going to get shot. Just out of peripherals, I can
10 see her start to roll, at which point I know she's going to
11 start drawing her handgun. So that -- you know, she rolls.
12 I had no -- I know it's about to come, and then obviously I
13 hear the shots also coming from my left side now.

14 Q. Okay. And when that happened, were you still
15 wrestling with this individual over the gun?

16 A. I was.

17 Q. And after Officer Cavalli-Singer had fired her
18 shots, what happened then?

19 A. Once she fired her shots, that is when the
20 behavior of the male changed completely, because, at that
21 point, he became motionless, at which point I was able to be
22 confident that I had 100 percent control of the gun and we
23 were able to get up and move away from the male. Again,
24 reassuring us that, okay, we're away from him, I have the
25 gun, things are now safe. Because up until that point, he's

1 still working to maintain the gun, I'm trying to control
2 it. There's still a gun that is obviously not mine, not
3 Officer Cavalli-Singer's that's in play in this situation
4 that we need to account for and get out of the equation.

5 Q. At any point, while you were down after he had
6 fired -- or I guess actually after you saw this gun pointing
7 at you, did you consider drawing your own gun and firing?

8 A. Based on the situation -- I guess let me explain
9 it two ways maybe. Had my hands been reversed -- obviously,
10 I'm righthanded, my gun's on my right side. Had it been
11 switched where I'm dealing with the gun with my left hand
12 and he fires that shot or is pointing the gun at me even,
13 pulling the gun out, I would've pulled my gun out and shot
14 him myself. Unfortunately, or fortunately, however you want
15 to look at it, things were reversed, and with my left arm
16 being who knows where, my right arm's dealing with this,
17 there's -- yeah. There's no point in me not dealing with
18 that, because if I stop dealing with that and attempt to get
19 my gun, you know, he shoots me in the head and my gun's now
20 out there. Now there's potentially two guns for him. So it
21 just wasn't -- it wasn't feasible for me to try and get my
22 gun out. It probably would've made the situation worse.

23 Q. Okay. So your right hand would've been that one
24 to draw and fire, but that was occupied with trying to keep
25 his gun away from you; does that sound right?

1 A. Correct.

2 Q. Okay. Your left arm was still stuck in whatever
3 way it was stuck throughout this whole thing?

4 A. Yeah. My left arm was still somewhere.

5 Q. Okay. Until you were able to (indiscernible) --
6 until Officer Cavalli-Singer had fired and then you were
7 able to get up --

8 A. Correct.

9 Q. -- and move away?

10 A. Once she was able to fire and change his behavior,
11 that's when everything seemed free and we were able to get
12 up and get that distance from him.

13 Q. Okay. And you had his gun in your hand at that
14 point --

15 A. Correct.

16 Q. -- when you moved away from him?

17 A. Correct.

18 Q. And where did you guys go?

19 A. At first, we got up and we kind of moved back to
20 the curb line. I think we paused there because, again, it's
21 probably -- you know, everything unfolded so quickly that
22 you get up and you move back, and then it's like, okay,
23 that's what happened, we need to now go through our
24 protocols, and the first one is cover, so at that point,
25 it's like, okay, we need to move further back, get on the

1 other sides of the vehicle so we do have that cover.
2 Because once we get up and move back -- you know, you don't
3 know if he's got other weapons, you don't know what his
4 state is at that point. The female comes over and
5 immediately latches onto him I guess would be the best
6 describer I could use. But during all this, she's
7 unaccounted for. I don't know where she is when we're
8 fighting on the ground. They're associated with this car.
9 I don't know if she's getting weapons out of the car to use
10 on us to be like, oh, you just did this, well, I'm going to
11 react this way. We don't know, so as pause at the curb and
12 it's like, all right, let's get back to business, move back,
13 get cover behind the cars, and then that's when more
14 officers started showing up.

15 Q. Okay. And is there a reason, once you had backed
16 up and got that cover, that you didn't run back up and begin
17 rendering aid to the individual?

18 A. It just wasn't feasibly safe. Again, like I kind
19 of touched on, we don't know what his state is, we don't
20 know what this female's doing or if she has weapons on her,
21 we don't know if he has more weapons on her -- or on him.
22 You know, it would be great if we could've, but it's just
23 not feasible. You're not going to go back up there and
24 reengage with somebody immediately after that. You're going
25 to make sure that everything is as contained as possible, as

1 safe as possible, and then once everything is as feasibly
2 safe as possible, that's when you're going to go in and
3 render aid.

4 Q. Okay. You said these other officers arrived
5 pretty quickly on scene after the incident. Did they sort
6 of take over handling the scene and dealing with that aspect
7 of it?

8 A. They did.

9 Q. Okay. Is that common protocol when there's been
10 an officer-use-of-force incident like this for the people
11 who were right there directly involved to be removed and
12 other officers move in to take over?

13 A. Correct. They showed up. I handed the gun off to
14 another officer and said this is the gun, so that we had
15 that. He put it somewhere away. I just mostly wanted to
16 convey that, you know, at least that gun was out of play now
17 and we had it so we don't have to worry about it. And then
18 at that point, once more officers showed up, they put
19 Officer Cavalli-Singer and I in separate cars and then they
20 (indiscernible) heard them making their plan of, okay, we're
21 going go up, we're going to deal with the female, get her
22 separated from the male, and then we're going to start
23 rendering aid to the male. So even in the time that I
24 handed the gun off and was being taken somewhere else, I was
25 already hearing their plan being put in place.

1 Q. Okay, all right. Now, just going back to sort
2 of the critical moments there when you see that gun and you
3 sweep it away and it's fired and the subsequent struggle
4 over it. Was it your sense that this person is trying to
5 kill you?

6 A. Yes. I believe that he was trying to kill me, and
7 then obviously if he had killed me, I have no doubt he
8 would've turned that attention to my partner and killed her
9 as well.

10 Q. Okay.

11 MR. JACKSON: Officer Gill, I don't have any other
12 questions for you. We'll see if the grand jurors have any
13 questions.

14 GRAND JUROR: Who yelled gun, do you remember?

15 MR. GILL: At the time, I didn't know, I didn't
16 hear anybody yelling. Actually, I guess I should touch on,
17 the only thing that I heard being yelled during the entire
18 incident was the male half himself. Once he fired the shot
19 and was yelling at us, made some mention of kill me, some
20 sort of iteration of that. That's all I heard. I obviously
21 was instructed to watch the video at some point, so I was
22 aware of it, and during watching the video --

23 MR. JACKSON: Well, for purposes of this
24 proceeding, we'll stick to just what you remember from the
25 incident scene itself.

1 MR. GILL: Okay.

2 MR. JACKSON: And I should ask a clarifying
3 question.

4 BY MR. JACKSON:

5 Q. What you just relayed to us in terms of your
6 testimony, was that based upon your memory of what happened
7 as you experienced it and went through it --

8 A. Correct.

9 Q. -- or based on what you saw in a video?

10 A. My experience of living through it.

11 Q. Okay, all right. So just to sort of rephrase the
12 question. From your memory, as you were experiencing this
13 and living through it, do you recall anyone at any point
14 yelling out gun?

15 A. Not that I can recall.

16 Q. Okay. You didn't yell out gun?

17 A. I did not yell out gun.

18 Q. Okay.

19 GRAND JUROR: But it was from your memory that he
20 said kill me?

21 MR. GILL: Correct.

22 GRAND JUROR: So did you -- at what point -- so
23 you eventually found out -- let me start over. From your
24 memory, as you were experiencing, he only got one shot off.
25 We have learned, I think, correctly, that it was because the

1 gun jammed because the casing was stuck in it. Is that
2 correct?

3 MR. JACKSON: Well --

4 GRAND JUROR: He only got one shot off, right?

5 MR. JACKSON: If you're --

6 GRAND JUROR: And we thought -- I thought we had
7 learned because the casing got stuck and he couldn't pull
8 off another shot; is that correct?

9 MR. JACKSON: Well, is that a question for Officer
10 Gill?

11 GRAND JUROR: So I assume that was the case and
12 I'm asking Officer Gill at what point did he learn that?

13 MR. JACKSON: Did you learn that ever?

14 MR. GILL: Never been told that the gun was
15 jammed.

16 MR. JACKSON: Okay.

17 GRAND JUROR: You showed us a picture of it,
18 remember?

19 MR. JACKSON: Yeah, but Officer Gill, have you
20 been exposed to the investigation in this case?

21 MR. GILL: No.

22 GRAND JUROR: So his answer is he never knew that
23 it was jammed. Okay.

24 MR. JACKSON: Is that correct?

25 MR. GILL: As far as I was aware, it was a fully

1 operational gun, even when I handed it off to the other
2 officer.

3 GRAND JUROR: So that was going to be my next
4 question. In that case, did you notice that the rack was
5 back and there was a casing jammed in it?

6 MR. GILL: I did not.

7 GRAND JUROR: Okay. Also -- just okay. Neither
8 did the cop that you handed it to, to your knowledge, right?

9 MR. GILL: As far as -- I haven't talked to the
10 other officer. I haven't talked to anybody about it.

11 GRAND JUROR: Okay, all right.

12 MR. JACKSON: Any other questions for Officer
13 Gill? No? Okay. I think that's all we have. Thank you
14 very much.

15 MR. GILL: Thank you.

16 GRAND JUROR: All right, thanks a lot.

17 GRAND JUROR: Thank you.

18 GRAND JUROR: Glad you're okay.

19 MR. JACKSON: Okay. Anybody need a break?

20 GRAND JUROR: Seriously.

21 MR. JACKSON: Yep, okay. Let's go off the record
22 then.

23 (Off the record at 3:59 p.m.)

24 (On the record at 4:06 p.m.)

25 MR. JACKSON: Okay. We're back on the record

1 following our afternoon bathroom break. We'll proceed
2 with our next witness.

3 All right. If you could stand here and raise your
4 right hand.

5 MINA CAVALLI-SINGER

6 was thereupon called as a witness; and, having been first
7 duly sworn, was examined and testified as follows:

8 BY MR. JACKSON:

9 Q. Okay. Could you please state and spell your name?

10 A. My name is Mina Cavalli-Singer. My first name is
11 M-i-n-a C-a-v-a-l-l-i-hyphen-S-i-n-g-e-r.

12 Q. Okay. And are you a Portland police officers?

13 A. Yes.

14 Q. And how long have you been a Portland police
15 officer?

16 A. Four years.

17 Q. Do you have any law enforcement experience before
18 that?

19 A. No.

20 Q. Okay. And, you know, before we continue with any
21 more questions, I just want to make sure that we are correct
22 in understanding you're here voluntarily?

23 A. Yes.

24 Q. You're not under subpoena or otherwise being
25 compelled to present today?

1 A. No.

2 Q. Okay. And you understand that if at any point
3 you'd like to end this, just let me know and we'll end.

4 A. Okay.

5 Q. Okay. So you said you've been a police officer
6 with Portland for four years?

7 A. Yes.

8 Q. And have you been a patrol officer --

9 A. I have.

10 Q. -- that whole time?

11 A. Yes.

12 Q. And did you work out of multiple precincts, or
13 just one in particular?

14 A. For my training, they moved me around for multiple
15 precincts, but I ended up landing at East Precinct night
16 shift.

17 Q. And how long were you working at East Precinct
18 when this incident happened?

19 A. It's got to be close to three years now almost.

20 Q. So most of your career?

21 A. Most of my career was spent at East, yeah.

22 Q. Okay. All right. And so were you working as a
23 police officer patrol for East Precinct on July 23rd into
24 July 24th, 2022?

25 A. Yes.

1 Q. Okay. Can you kind of take us through briefly
2 how you start a shift? You said you were night shift,
3 right?

4 A. I am night shift.

5 Q. So about what time do you get there and get
6 started with things?

7 A. So it was a Saturday night, which is my Friday, my
8 last shift. So I sleep all day mostly, and I wake up and,
9 you know, take care of my dog, and then I get all ready to
10 go and I leave about 7:30. I get there at 8. I work out.
11 We have a gym. We get a wellness hour from 8 to 9, and then
12 I get ready from 9 to 10, and we start work at 10. Pretty
13 much four days a week.

14 Q. And so on July 23rd into the 24th, had you passed
15 all your certifications and training and were current on all
16 that?

17 A. Yes.

18 Q. And day begin as usual, just like you described?

19 A. Yes.

20 Q. What about when you went into actually begin your
21 patrol shift, anything out of the ordinary happen?

22 A. Nothing out of the ordinary.

23 Q. So how do you go about actually starting your
24 shift?

25 A. So we start every shift -- unless, like, there's

1 some extenuating circumstance already happening out on
2 the street, but we started with roll call at 10 p.m. I had
3 already chosen my partner. I had already decided that we
4 wanted to partner that night. We partnered most Saturdays
5 in the recent months and things. So we decided we wanted to
6 partner. He drives, I operate the computer and the radio in
7 the passenger seat.

8 Q. And who is your partner?

9 A. Officer Gill.

10 Q. Okay. And do you guys work together frequently?

11 A. Yes, yes.

12 Q. Okay. Now, prior to starting your shift or at any
13 time during your shift, had you consumed any alcohol or
14 other substances that would affect your judgement or ability
15 to make decisions?

16 A. No.

17 Q. Okay. So go through roll call, you're partnered
18 up with Officer Gill, and then the two of you went out to
19 start your shift?

20 A. Yeah. We went out, started out shift. There was
21 -- you know, you wait on dispatch calls, but we were
22 cleared. So I am a district officer, which is how we ended
23 up in the 978 district, if that is on your paperwork at all,
24 which is 82nd to 136th, Division to Holgate is our primary
25 job to take as -- all those calls, unless something -- you

1 know, unless we're really busy and someone has to help
2 us. Those are my calls, my people that I love to work for.
3 But we are extremely short staffed, so if, you know, a
4 district officer is taking another call and we get
5 dispatched to something outside our district, like this
6 particular night, then we just go as -- where we're needed.

7 Q. Okay. And so do you remember before the incident
8 we're here to talk about any unusual calls happening or
9 weird things going on on the shift?

10 A. No. It was kind of busy, but we were dispatched
11 and then cleared a lot, so we hadn't really taken many calls
12 yet.

13 Q. Do you remember taking a call up out of North
14 Precinct in, like, the slough area where you guys had to go
15 drive --

16 A. Oh, yeah, we --

17 Q. -- to go try to find a vehicle that had eluded?

18 A. Yeah. A vehicle eluded a different officer, so we
19 drove through the Columbia slough and then we were on our
20 way back out. We didn't find it. It was quite the event,
21 Columbia slough, I discovered.

22 Q. Okay, all right. So you guys do that call, you're
23 kind of taking and clearing calls, and then at some point
24 were you dispatched to 148th and Clinton?

25 A. Yes.

1 Q. Do you remember approximately when that was in
2 your shift?

3 A. I was early on. Only, like, maybe two hours in,
4 around midnight. We were going into Sunday, and we were the
5 closest available car. The district officer was busy on a
6 different call.

7 Q. Okay. And what information did you receive from
8 dispatch related to the call?

9 A. That it was a domestic violence call. It's inside
10 a silver sedan parked on the east curb line across from the
11 Franciscan Montessori school. And it was two occupants
12 physically fighting, I think initially.

13 Q. So that's the preliminary information you're
14 getting?

15 A. Yes.

16 Q. So was it your understanding that it was a 9-1-1
17 call that triggered that dispatch?

18 A. Correct. Somebody called into 9-1-1 and talked to
19 a call taker who tells dispatch who then dispatches us.

20 Q. Okay, all right. And was it your understanding
21 that it was -- the caller was not someone involved in the
22 incident; it was someone who was seeing the incident
23 happening?

24 A. Correct. It was a person that is a security guard
25 for the Franciscan Montessori whose name I recognize. He

1 calls in some things in the area from time to time.

2 Q. That was the initial caller?

3 A. Yeah.

4 Q. And then at some point, did you receive updated
5 information from a second caller?

6 A. Yes. There was a second caller who had a little
7 bit better information. They were trying to give us some
8 descriptions. There was somebody wearing all black.
9 Eventually, it was the male half in all black and the female
10 half in -- they weren't quite sure, but I think maybe a gray
11 sweatshirt. But he was choking her in the car, and then it
12 updated again that they were outside of the vehicle.

13 Q. So that information came from this second caller?

14 A. Yeah, yes.

15 Q. Okay. So before you received that update, you're
16 getting dispatched to what's being described as sort of a
17 domestic disturbance in the car on 148th?

18 A. Yeah, correct.

19 Q. What's kind of going through your mind in terms of
20 how you're going to approach this and what you're going to
21 do?

22 A. So we go to DVs quite often. They're almost a
23 daily occurrence I would say. If someone is already
24 witnessing that this person is choking, or sometimes we use
25 the term strangulation, for just, you know, more of, like, a

1 legal term, that -- odds are -- I mean, we're going to
2 talk to that witness, but I'm going to the scene first and
3 see, you know, what -- we need to investigate everything
4 that's going on, but odds are the suspect half that they're
5 describing is going to go into handcuffs fairly quickly and
6 we're going to separate out parties so we can get the --
7 each story. A lot of times, victims, if they're not
8 separated, which is something that we're taught in training,
9 you separate all parties just to cool things down, find out
10 the information of what's going on, and if you can separate
11 a victim half, they can maybe tell you the truth and so they
12 don't feel pressured by another half to either not say
13 anything or they can give you more information and they can
14 say, hey, I need X, Y and Z resources, how do I -- I need
15 help getting out of this situation, or whatever is going on.

16 Q. Okay. And so that's sort of going through your
17 mind is what --

18 A. Yeah.

19 Q. -- the approach may be here, but, of course --

20 A. It's all --

21 Q. -- you're going to asses when you get there and --

22 A. Yeah. It's all fluid, and I -- sometimes you
23 don't truly know until you're showing up of what exactly is
24 going on. Sometimes it's active, sometimes it's not, and
25 we'll just have to see when we get there.

1 Q. Okay. So you guys said you heard -- you said
2 that you were the closest car to the call, and so to get
3 there, are we talking 30 minutes, 10 minutes, 5 minutes?

4 A. I think we were well -- pretty well under 10
5 minutes.

6 Q. Okay.

7 A. Yeah.

8 Q. To actually get from the dispatch to getting to
9 the scene?

10 A. Yes.

11 Q. What did you see when you first got there?

12 A. So my partner, Officer Gill, actually saw them
13 because they were -- the party was facing north, which would
14 be facing Glendoveer golf course, and we were coming from
15 Glendoveer so I was on the opposite side. And he saw it and
16 he's like, oh, those people, I see them, they're out.
17 Because I had said, you know, they're outside of the vehicle
18 there, and he said, oh, those people. So he U-turned and
19 there was a space. We got in behind their car, and they
20 were both standing very close to each other, like chest to
21 chest almost, outside of the sedan.

22 Q. Okay. Did it look like they were fighting,
23 strangling?

24 A. They were not actively fighting. They were
25 standing there -- when I got out of the car, it was very

1 evident the female half was crying, like snot crying.
2 She had tear marks down her face and nose and things like
3 that.

4 Q. Okay.

5 A. So something -- I figured something had
6 (indiscernible) happened.

7 Q. Okay. But it wasn't actively happening?

8 A. No, it was not actively happening.

9 Q. And so you sort of touched on this already, but,
10 you know, seeing that things weren't actively happening at
11 that moment, why didn't you guys just drive away? Why did
12 you decide to contact these people anyway?

13 A. This was a 9-1-1 call. You've got to go and make
14 sure every party is safe, do they need help. Especially
15 with domestic violence. If you just drive away, things
16 could very well go back to what they were, and you just have
17 to just check out -- you know, there's obviously policies
18 and procedures and things that -- you know, you're trained
19 and requirements. Every DV requires a report at the very
20 least, even if it's just a verbal argument and you don't
21 arrest anybody. But you never know if it's -- if someone's
22 calling in that they're witnessing this, I at least want to
23 hear both sides of the story and then I can make the
24 assessment whether or not someone needs to go to jail or
25 not, or just a report, or somebody just leave for the night

1 kind of idea.

2 Q. And so is that kind of what's going through your
3 mind as you guys are pulling up and parking?

4 A. Yeah. We're slowing things down. Nothing's
5 active. Let's just separate them and talk to them and go
6 from there, and see -- let's investigate, you know, further.

7 Q. And what ended up happening?

8 A. Well, I stepped out of the car onto the sidewalk.
9 My partner stepped -- he was in between their sedan and our
10 patrol car. The male half, he was wearing a black hoodie,
11 black Adidas track pants with the three white stripes, and
12 she was wearing a gray -- I think a zip-up or hoodie, but
13 her arms were tucked inside and they were chest to chest.
14 She was -- I'm, like, 3, 5'2", so she's a little bit taller
15 than me maybe, but he was at least probably 6 feet. So her
16 face is, like, in his chest. And I said, hey, you know, we
17 got a call, I just want to, you know, see what's going on
18 here, could you come talk to me, to the male half. And he
19 scooted, like, two or three inches closer to her so her face
20 was in his chest and he looked down and sideways at me, and
21 then just looked down at her and completely ignored me and
22 got close to her in what I felt was very manipulative
23 behavior of, you know, we're not going to say anything,
24 we're not going to talk to them. We're going to pretend
25 that they don't even exist and maybe they'll go away.

1 And I said, hey --

2 Q. They being the police?

3 A. The police would go away, yes. Myself and my
4 partner.

5 I said, hey, I just want to talk to you, we'll
6 sort this out, and, you know, I don't know what's going on.
7 So come over here. She's going to go talk to my partner.
8 So he slowly starts walking towards me and he has his hands
9 in his pockets, probably just up to his knuckles, and I like
10 to make everybody feel comfortable. Because if I need to
11 talk to a cop and I want to put my hands in my sweatshirt or
12 my pants to -- because it's more natural, I always just tell
13 people, hey, how about you take your hands out of your
14 pockets, I'm going to pat you down, and then you can put
15 your hands back in and we can continue. I also feel like it
16 builds a little bit of rapport, a little bit of trust, hey,
17 that she's going to do this and then she's going to let go
18 of me and I can put my hands in my pockets comfortably and
19 we can talk.

20 He took his hands out of his pockets. At the same
21 time, he said, I'm good, and he probably was maybe five
22 yards from me and took another two steps back, and I said,
23 no, I'm going to pat you down. I want to make sure this
24 scene is safe, so I'm going to pat you down, and then we can
25 investigate further. And I was a little bit confused at

1 first why this, like, instantaneous non-compliance. I
2 mean, I'm not going to put you -- I had no plans to
3 initially just put him in handcuffs right there just for a
4 pat down.

5 Q. That was not your plan to put him in handcuffs?

6 A. It -- eventually, it was, but, like, not right in
7 that second. We do that with two officers, do that for one
8 suspect. I just wanted to pat him down so I could
9 investigate the crime.

10 Q. Okay. And when you say pat him down, it's just
11 literally patting him down?

12 A. For -- yeah, just a weapons check. You know,
13 like, I'm not digging around in your pocket, I'm not taking
14 your things. I'm just making sure that there's no knives or
15 firearms or anything on your person. And he backed up. At
16 the same time, he just jammed his hands in his pockets --
17 his sweatpants pockets and pulls a lot of items out, throws
18 them on the ground, and says I have nothing, I have nothing.
19 And based on his initial eye contact or avoidance of eye
20 contact with me, his I'm good, and his I have nothing and
21 throwing everything on the ground, and his just non-
22 compliance, I -- something is wrong. I described it as an
23 eerie feeling of he's either going to run from me or we're
24 going to get in a fight, I think, if -- when we go to
25 eventually, you know, either pat him down or put him in

1 handcuffs. But I've asked him twice now, and he had not
2 followed my instructions.

3 And so I said, no, this is what's going to happen,
4 and at this point, I don't feel like this scene is safe, and
5 so my partner can hear my tone changing. He starts coming
6 over. The suspect sits himself on the retaining wall that's
7 right there. He sits himself down. And we're not
8 communicating, but my partner, Officer Gill and I have
9 worked together enough that we know at this point, with his
10 non-compliance, he's walking away, he's sitting down, he's
11 done all the opposite of what I've asked, that he's just
12 going to go into handcuffs and so then I can continue my
13 investigation. You know, why is he -- or -- because he
14 hasn't run away yet. Why is this non-compliance happening?
15 We need to sort this out.

16 So he sits himself down. I got to his left side
17 and face him; my partner goes to his right side. And I go
18 to grab his wrist and his hand is super wet, soaking wet. I
19 don't know if he was sweating or he had something on his
20 hand or what, and my hand slid off right away. So I tried
21 again and put it up higher on his hoodie. And then we're
22 taught in our training two on one, so I put my right hand on
23 his bicep. And my partner gave him a force warning and then
24 the female half was standing in between us on the sidewalk,
25 just about a step or two behind us.

1 Q. What does that mean, a force warning?

2 A. A force warning is -- so he said, if you resist,
3 force is going to be used against you. So it's just letting
4 you know that if you resist us putting you in handcuffs, we
5 may use force to put you in handcuffs. So if you decide to
6 fight us, whatever, that may be your -- how much that
7 entails. We'll use the least amount of force necessary to
8 get you into handcuffs. And he also told the female half,
9 just in case, because at this point I'm kind of feeling like
10 we might get in a fight -- the male half is extremely tense.
11 You can feel it throughout his whole body. Just stiffened
12 up completely. And so my partner turn to the female half
13 and he said, force will be used against you too just -- I
14 think just in case she decides if we do get in a fight that
15 she was to assist her other half here. And then he asked
16 her to step back, which she didn't do, so I turned around
17 and I said, I need you to step back. So she stepped back a
18 couple steps, still on the sidewalk.

19 And then we asked him to stand up, because the way
20 the retaining wall was, I can't get around him, and I'm not
21 going to awkwardly reach to handcuff him. So we asked him
22 multiple times, get up, stand up, and he won't. He's just
23 sitting there. And so he's a very thin, thin gentleman, and
24 we both just stood him up ourselves and he went completely
25 limp in our arms and just fell forward kind of like dead

1 weight, and he just fell and I lost my grasp on him. And
2 he ended up spinning and landing on his back. So now at
3 this point, I'm on his right side.

4 Q. Did you also fall down?

5 A. Yeah, I went down with him in hopes just to hold
6 him, and, you know, we were all kind of tangled up, tripped
7 up in our legs and stuff. So I went down with him, which
8 would not be on his right side. Excuse me. So I just had
9 plans to just grab his right wrist and just pin it so that
10 we could figure out how to get him rolled over and handcuff
11 him, but I was falling. I could see that I'm falling on his
12 black hoodie of his chest, and -- excuse me, sorry. Then I
13 look up and I go to grab his right hand, but his left hand
14 is straight out stretched above his head with a gun in it,
15 and my first thought was where did that come from. Like,
16 how -- I don't -- he's wearing -- you know, he's wearing
17 sweatpants, where did that come from.

18 Q. Wait. So he's laying on his back on the ground
19 and his arm is stretched out like this, or --

20 A. Yeah, it's stretched out like --

21 Q. -- up in the air?

22 A. It's stretched out directly above him. He's
23 laying on the sidewalk, so it's laying on the sidewalk with
24 a gun in it. And I had gone to grab his right wrist, but I
25 wasn't quite enough and his right wrist comes up and racks

1 the gun, and he racks a round into the chamber. And I
2 start yelling gun because I wasn't sure if my partner knew
3 that -- if he saw what I saw, because I was laying on this
4 man. And I don't want that -- I know that I don't want the
5 gun in my face, so I roll off onto my left side and I'm
6 still trying to, you know -- we're still fighting, I'm still
7 trying to get control of his right arm somehow, and my
8 partner sees this. I don't know. My partner falls down
9 with when I roll, and the firearm goes off next to my
10 partner's head. Like, I see the muzzle flash. It's got to
11 be within an inch or two of his head.

12 And I see this flash go off and I tell him -- I
13 just say, Gill, we have to shoot -- you need to shoot him,
14 you have to shoot him because we're going to die. This guy
15 is trying to kill us. And -- excuse me. So I see him, he's
16 pushing, he's actively fighting and pushing the suspect's
17 left arm with the gun in it towards -- like, pushing it
18 away, because this guy is going to kill him and he's trying
19 to prevent him from killing him and me, and all I know is
20 this threat has to stop. So I -- my partner is busy. I
21 know I told him to shoot him, but -- so I roll a little bit
22 more to my left because my leg was tangled with his and I --
23 the suspect's yelling something like -- all I hear is kill
24 me.

25 And I roll out. I'm righthanded. I keep my

1 firearm on my right side. And I pull out my gun and I
2 attempt a contact shot because I'm terrified of shooting my
3 partner, I don't want to do that. We're laying on the
4 ground, we're scuffling, we're still actively fighting with
5 him and my gun malfunctions. When I go to shoot it, it
6 clicks really loud, and so I have to lean back and fix my
7 malfunction and, in doing that, it's -- you tap the
8 magazine, you rack this round out, and it's a live round.
9 And so I see it eject out of my left peripheral vision. I'm
10 realizing that the female half is standing over us
11 screaming, and as -- because I've rolled, and while I'm
12 fixing my malfunction, Officer Gill is still fighting with
13 him over this gun. And he rolls a little bit and it opens
14 up space on his -- on the right side of his torso and so I
15 put rounds into his torso until the threat stops, and I just
16 needed the threat to stop so everybody, this female half, my
17 partner and I are safe and okay.

18 And the second the threat stops, I stop, we get
19 up. We're taught in training you shoot, you move, so I
20 immediately found hard cover, and hard cover is things like
21 a car or a building -- you know, a brick building or
22 something like that. So I took cover behind their silver
23 sedan, and -- I apologize. I missed this whole portion.
24 When he sat down on the retaining wall I had asked really
25 quickly for additional cover units because I thought we were

1 going to get in a fight. So by the time we had stood up
2 and I had found hard cover, I looked over and Officer
3 Jimenez was standing right there with his patrol car and his
4 door open, and I was like, oh my God. So fast. And Officer
5 Gill was standing with him. And I got on the radio and I
6 said, okay, we have shots fired, it's officer involved, we
7 need medical.

8 I do not know where his gun is, because I did not
9 know, you know, if it had stayed on the ground when we got
10 up or what happened. And the female half had sprinted
11 towards him and was now laying on him screaming and my
12 greatest fear was that I was going to have to use more
13 force, and if the gun was over there that she was going to
14 pick it up or she was going to be upset with us for what
15 happened and turn it on us and then we were going to have to
16 use more force, and I didn't want to do that. So I said a
17 couple of times on the radio, I don't know where the gun is,
18 but, like, he needs medical. And it took two or three tries
19 before I really realized that Officer Gill was yelling at me
20 that he had the suspect's gun and he had it in his hand, and
21 he kind of showed it to me, and he said, I have the gun,
22 which was a huge relief, because we knew that she couldn't
23 have any access to it, or he couldn't have any access to it
24 if he was alive and fighting, but then we could get him the
25 medical treatment he needed right away.

1 So I got back on the radio and I said, we have
2 the gun a bunch of times, so that everybody knew that they
3 could just go right in and give him the assistance that he
4 needed. And Officer Jimenez and another officer, they said,
5 oh, come over here, so I went over there behind patrol cars
6 with other officers so I wasn't quite so isolated. And at
7 this point, I put my gun back in my holster because I was
8 standing behind other cops and I didn't need it and I was
9 the shooter and I knew that I was going to have to go sit by
10 myself. And the officer that works the district next to me
11 showed up and Officer Gill knows, you know -- you know,
12 we're all friends, but we're friends, and he said, she's the
13 shooter, you need to go take her and sit in your car. So we
14 went and we sat in the car, and it all happened so fast, and
15 I was very overwhelmed, so I just turned my radio off and I
16 turned the car radio off. And so the last I remember is her
17 laying on her boyfriend screaming for help, and --

18 Q. Okay. When you say you fired until the threat
19 stopped --

20 A. Correct.

21 Q. -- what did you see happen that caused you to
22 conclude, okay, I can stop firing now?

23 A. My partner was starting to get up and the suspect
24 kind of flopped his one arm to the side and I knew that he
25 was no longer a threat.

1 Q. Wasn't fighting anymore?

2 A. He wasn't fighting anymore. He had stopped
3 actively moving, his right hand had stopped actively moving.
4 That was -- I was kind of struggling to get pinned.

5 Q. And until that point, had he stopped kind of
6 moving, thrashing around, fighting with you guys at any
7 point in the encounter that you recall?

8 A. No.

9 Q. Okay. And if you did not take the action that you
10 did, what did you think was going to happen?

11 A. He was going to continue to fire that gun until he
12 killed one or both of us.

13 Q. Okay.

14 A. One hundred percent.

15 MR. JACKSON: Those are all the questions I have
16 for you.

17 MS. CAVALLI-SINGER: Okay.

18 MR. JACKSON: We'll see if the grand jury has any
19 questions.

20 MS. CAVALLI-SINGER: You guys have any questions?

21 GRAND JUROR: Could you describe what you meant by
22 contact shot?

23 MS. CAVALLI-SINGER: So a contact shot, like on a
24 body part, like pressed against, to minimize my backdrop of
25 my partner.

1 GRAND JUROR: Okay. Is that a thing you guys
2 practice? I'm trying to understand (indiscernible).

3 MS. CAVALLI-SINGER: Yes.

4 MR. JACKSON: Okay. Any other questions?

5 MS. CAVALLI-SINGER: That's it?

6 MR. JACKSON: I don't see any. Okay. Thank you
7 very much.

8 MS. CAVALLI-SINGER: Thank you guys --

9 MR. JACKSON: That's all we have.

10 MS. CAVALLI-SINGER: -- for being here.

11 GRAND JUROR: Thank you.

12 GRAND JUROR: Glad you're okay.

13 GRAND JUROR: Yeah.

14 MR. JACKSON: That concludes the evidence so we
15 can go off the record.

16 (Whereupon, the proceedings ended at 4:34 p.m. on
17 December 12, 2022.)

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C E R T I F I C A T E

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I hereby certify that the proceedings set forth in the above-entitled matter were reported by audio recording; that thereafter I caused the said audio recorded notes to be transcribed into the foregoing transcript and the foregoing 215 pages constitute a full, true and accurate transcript of the proceedings as noted herein.

January 3, 2023
Date

Shelby Shover

SHELBY SHOVER
Official Transcriber

Within this transcript of proceedings, some of the names and/or technical terms are spelled phonetically, inasmuch as exhibits, files and support documentation were not made available to us for reference.