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

-----x	
STATE OF OREGON,	:
	:
	:
Plaintiff	:
	:
v.	:
	:
JOHN BARTLETT, BRIAN WHEELER,	:
ADI RAMIC	:
Defendant	:
-----x	

No. 2469270-1,-2,-3

GRAND JURY A
PROCEEDINGS
Case No. 42

Conducted by:
Brian Davidson, Deputy District Attorney
DA Case No. 2469270-1,-2,-3
Wednesday, May 1, 2024

Transcribed by: Sandra Hirsch

Proceedings recorded on FTR audio recording; transcript provided by legal transcriber.
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AAERT Member No. 18511641

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P R O C E E D I N G S

May 1, 2024

(9:08 a.m.)

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

DDA DAVIDSON: All right. We are back on the record in Grand Jury A, Case No. 42, DA Case No. 2469270-1,-2,-3, relating to John Barlett, Brian Wheeler, and Adi Ramic. This is day three of our Grand Jury proceedings, Brian Davidson on behalf of the Multnomah County DA's Office. My last name is spelled D-A-V-I-D-S-O-N.

DDA BENSON: And Colin Benson, Senior Assistant Attorney General for the Oregon Department of Justice. Last name is spelled B-E-N-S-O-N.

DDA DAVIDSON: Okay. And we'll go ahead and call our first witness, which is Officer Wyatt. Ready?

MR. WYATT: Yeah.

DDA DAVIDSON: Go ahead and stand right there next to that chair and raise whichever hand you prefer.

TYLER WYATT

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

THE FOREPERSON: Thank you.

DDA DAVIDSON: Go ahead and have a seat.

DIRECT EXAMINATION

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1 BY DDA DAVIDSON:

2 Q. And if you want to go ahead and state and spell
3 your full name for us.

4 A. Tyler Wyatt, W-Y-A-T-T.

5 Q. Okay.

6 DDA DAVIDSON: And let just get this computer up
7 and running here, real quick.

8 BY DDA DAVIDSON:

9 Q. Maybe you could tell us how you are currently
10 employed.

11 A. I work for the City of Portland. I'm a police
12 officer with the Portland Police Bureau.

13 Q. Okay. And how many years of law enforcement
14 experience do you have?

15 A. I got hired in January of 2018.

16 Q. All right. And do you have any law enforcement
17 experience prior to that?

18 A. I do not.

19 Q. Okay. So your entire law enforcement career is
20 with the Portland Police Bureau?

21 A. Yes.

22 Q. All right. Did you attend college prior to that?

23 A. I did.

24 Q. Where did you go to school?

25 A. Willamette University.

1 Q. And did you obtain a degree?

2 A. I did.

3 Q. What kind of degree did you obtain?

4 A. I have a bachelor's in environmental science.

5 Q. Okay. That's an interesting background for being
6 a police officer.

7 A. Yeah.

8 Q. Okay. All right. So I'm assuming that you
9 attended all the usual academies.

10 A. I have.

11 Q. So the 16 week DPSST academy.

12 A. Yes.

13 Q. And then the Portland Advanced Academy.

14 A. Yes.

15 Q. How many weeks was the Portland Advanced Academy
16 when you took it?

17 A. I believe it was ten when I went through.

18 Q. Okay. And then what kind of assignments have you
19 had with PPB since you began?

20 A. After our 18 month probation period, I was
21 assigned to East Precinct's C shift, that works 4 p.m. to 2
22 a.m. About -- coming up on two years ago, I was assigned to
23 the focus intervention team full time. I had been a member
24 of that team since its inception of January 2022, I believe.
25 But that was just in like a part time role. And then that

1 following October, I moved over full time.

2 Q. Okay. So since October of 2022, you've been full
3 time with FIT.

4 A. Yes.

5 Q. Okay. And we've obviously heard a little bit
6 about this, but what's your understanding of FIT's
7 particularized mission?

8 A. Reducing gun violence in the city. Gun violence
9 is probably the biggest epidemic our city is facing.
10 There's, there's people getting shot and bleeding all over
11 the city, and our main objective is reducing, reducing that
12 impact on the families and members of the community.

13 Q. Okay. So is part of that just kind of trying to
14 interdict illegal guns, I guess. People walking around who
15 shouldn't have them.

16 A. Yeah. And repeat offenders that were known --
17 that are known to us and doing follow up for our detectives
18 and investigators.

19 Q. All right. So were you on duty in uniform,
20 displaying your badge back on the date of our relevant
21 incident, which would have been December 27th of 2023?

22 A. I was.

23 Q. All right. And were you operating in a car, a
24 police car?

25 A. Yeah. My -- I was in the passenger's seat of my

1 partner's car, with Officer Taylor Woods.

2 Q. Taylor Woods. Okay. And as I mentioned, you were
3 wearing a uniform. Typical police uniform?

4 A. Yes.

5 Q. And the unit you were in, it sounds like your
6 partner was driving.

7 A. Correct.

8 Q. And what kind of unit was that?

9 A. It's a black Ford FIU. It's basically a Ford
10 Explorer. Our vehicles are unmarked, so they don't say
11 police all over the sides of them, with an exterior light
12 bar and package. That being said, we do have a specialized
13 light package that has your typical red and blue lights, but
14 they're mounted on the inside of our vehicle.

15 That being said, you can spot it as a police car.
16 It's not like an undercover vehicle. You can spot it as a
17 police car from a mile away. We've got a cage in the back.
18 There's no tint on our windows. You can clearly see it's a
19 police car.

20 Q. Okay.

21 A. Yeah.

22 Q. You're not fooling anybody.

23 A. No. No. If anything, we look like security
24 guards.

25 Q. Yeah. Okay. All right. So it's my understanding

1 that FIT was on a mission maybe in North, or Northeast
2 Portland that day.

3 A. Yeah. I don't remember what specific mission, but
4 we were working like 82nd and Halsey area, which is the --
5 near the border of where East Precinct patrol ends, and
6 North Precinct patrol starts.

7 Q. All right. And when did you first become aware
8 that something was going on in Mall 205.

9 A. Whenever we're working the border like that, my
10 partner and I will split nets. That way we can stay in the
11 know of like what's going on, because we are, we are working
12 like something could be happening in East Precinct getting
13 broadcasted over East Precinct net that we're right on top
14 of.

15 But we technically could be in North Precinct and
16 still be the closest car there. So I was listening to north
17 net and Officer Woods was listening to east net.

18 Q. And actually, that brings about a question that we
19 haven't really discussed.

20 A. Mm-hm.

21 Q. When we're talking about officer's use of radios
22 to communicate --

23 A. Mm-hm.

24 Q. Talk a little bit about different nets that the
25 different precincts are using.

1 A. Sure.

2 Q. When you, when you refer to that are you talking
3 about like is this like coming over your -- to your car,
4 your unit have a radio, or how are each officers
5 individually equipped with radio communication?

6 A. So there's a radio in each car. But we also
7 individually wear our own radio pack set. So I generally
8 will listen to the precinct radio in my earpiece. And then
9 our team works on a, I guess, a backchannel where that's not
10 being broadcasted over the main net. It's called x-ray
11 nine, that's our channel.

12 So we leave that on in the car so we can
13 communicate with our 12 person plus two sergeant team at all
14 times while still listening to the, the main radio nets
15 without kind of stepping over other people talking on calls
16 that we're not even close to or unrelated to.

17 Q. Okay. So basically, you got an earpiece in and a
18 microphone. Is there a microphone too?

19 A. Yeah. It's just like clipped onto my vest.

20 Q. Okay. And to speak over that, do you actually
21 have to activate it, or is it --

22 A. Yeah. There's a couple different buttons. But
23 yeah.

24 Q. Otherwise, passively, you're listening in an
25 earpiece.

1 A. Yes.

2 Q. You got one ear listening to - which net were you
3 listening to?

4 A. I was listening to north net.

5 Q. Okay. And then you've got a free ear.

6 A. Mm-hm.

7 Q. But that's listening to the radio that is tuned
8 into your x-ray channel for your team.

9 A. Correct.

10 Q. And then your partner, Woods, has got an earpiece
11 in and he's listening to a different --

12 A. Yes.

13 Q. -- net. Which one was he listening to?

14 A. East Precinct.

15 Q. Okay. And then he's also, obviously, listening to
16 your team net over the car radio.

17 A. Yes.

18 Q. Okay. A lot of communication.

19 A. A lot of communication. It's always weird when
20 you go home at night and you're not constantly hearing
21 voices.

22 Q. Yeah.

23 A. So --

24 Q. All right. So you're doing that, and so you were
25 about to tell us, I'm assuming you got some information over

1 one of these nets, that something was going on Mall 205.

2 A. Yeah. Officer Woods told me, hey, flip over to
3 East Precinct's net. I didn't know exactly what was going
4 on at first. So I changed over on my pack set. A name gets
5 broadcasted over at Mall 205, mall -- or 205 loss
6 prevention, new to be wanted, it was Tyrone Johnson.

7 At first, I didn't recognize the name. I'm not
8 the best with names. I'm good with faces, not with names.
9 My partner, on the other hand, is great with names. And I
10 plugged him into the computer, and then a picture popped up,
11 and immediately I was like oh, I remember him.

12 So we started drifting towards Mall 205 and
13 communicated with the FIT team over x-ray nine, what was
14 going on. And that's when we started kind of talking to
15 patrol. I don't -- our team tries not to just barge into
16 patrol calls and try to like take things over. It can be a
17 little bit overwhelming if 12 dudes all of a sudden roll up
18 that you didn't know were actually coming.

19 Q. You're referring to as far as how East Precinct
20 officers might receive the FIT team just rolling in on their
21 call.

22 A. Yeah. And you don't know if, you know, we might
23 be coming into something a little bit late, too. So you
24 don't want to step on any toes, and you don't want to upset
25 any plans or do anything that might kind of shift or

1 jeopardize how the call is being ran.

2 Q. Because, I guess, primary responsibility for the
3 call was kind of East Precinct.

4 A. Yeah. It, it was a patrol call. We had our own
5 interest in the subject, and I believe it was around shift
6 change, so we knew each precinct was a little bit short
7 staffed. And we were fairly close by so we decided we would
8 help, which is one of our main pillars of our team is to
9 support patrol.

10 Q. Okay. You said your team had an interest in the
11 subject. Why don't you tell us what you mean?

12 A. Well, so every, every week we have kind of reviews
13 with all of our detectives and different entities throughout
14 the Portland Police Bureau. And at that point, I, I knew
15 that Mr. Johnson had a warrant for robbery one. I believe
16 it was with a firearm.

17 And previous talks with our detectives, I knew
18 that he was a suspect --

19 Q. Hold on, hold on one second.

20 A. Yeah. Sorry.

21 DDA DAVIDSON: Can we actually go off record for a
22 second? I want to --

23 THE FOREPERSON: Yeah, absolutely.

24 (Off the record.)

25 (On the record.)

1 DDA DAVIDSON: We're back on the record.

2 BY DDA DAVIDSON:

3 Q. I'm sorry, Detective, you were about -- you're
4 talking about what you -- I asked your understanding of
5 Tyrone Johnson's kind of issues were going into this call.

6 A. Yeah. I -- we knew he had the warrant, and there
7 was some involvement in another non-injury shooting that he
8 was being investigated in.

9 Q. Mm-hm. Okay. So I guess are all your units that
10 were involved in this Northeast Portland kind of mission now
11 headed towards Mall 205?

12 A. I, I think so and I don't know where they were
13 coming from, and I don't know like the timeframe of when
14 they left, what they were doing. I honestly don't even
15 remember what the mission was we were working. I just knew
16 we were over in that general area.

17 Q. Okay. So you were with your partner, Woods.

18 A. Yes.

19 Q. And so what are the two of you doing?

20 A. Maybe 30 seconds after Officers Woods hears this
21 broadcasted, I get on the phone with the primary officer
22 that's dispatched, Officer Wheeler. He's just kind of
23 getting ready for the day. Like I said, it was shift
24 change.

25 Q. Is Officer Wheeler a CA -- he's a precinct

1 officer?

2 A. Yeah. He's precinct patrol.

3 Q. Okay. Go ahead.

4 A. So I'm just talking to him, seeing what he wants
5 to do, what his plan is. And since we're kind of going to
6 be the first people there, Officer Woods decides to call
7 loss prevention and get up to, like up to the second updates
8 on what's going on. They're watching him over cameras. So
9 we were just kind of discussing our game plan and setting up
10 resources.

11 Q. Okay. And do you recall like how long would it
12 have taken you kind of to go from where you had been when
13 you got the call to Mall 205? Do you have a sense of that
14 at all?

15 A. Five minutes.

16 Q. Oh, it was pretty close.

17 A. Yeah.

18 Q. Okay.

19 A. Yeah. It's just 82nd and Halsey-ish to like, I
20 guess, 96th and Washington.

21 Q. Okay. Great. All right. So what happened next?

22 A. We decided to set up on the north side where we
23 have Officer Wheeler coming in. I directed some of the --

24 Q. You mean -- you might have noticed behind you, we
25 got a map here.

1 A. Yeah.

2 Q. Of Mall 205. If at any point during your
3 testimony you think this might assist you in explaining
4 what's going on, please feel free to use it.

5 A. If I can stand.

6 Q. Absolutely.

7 A. I can just point it all out. So one of the
8 benefits of us having an unmarked black police car is we do
9 look like security, and there's a lot of security in this
10 parking lot. So the Target's down here, and this is where
11 loss prevention is calling from. We can in into the parking
12 lot and just kind of hung out on this north side here.

13 And I believe that's where Officer Wheeler was
14 coming in, too. I directed at least a couple of our Focus
15 Intervention Team cars to set up on the west side, and then
16 I believe Officer Costanzo from East Precinct patrol was
17 also working his way over here.

18 My kind of thinking with this, this Target opens
19 up into this whole mall, and whenever we're dealing with
20 someone with a probability of maybe danger or noncompliance,
21 I don't like dealing around a lot of other people. It kind
22 of puts them at risk.

23 So my idea was to challenge and flush out to the
24 west where there was -- it wasn't as densely populated with
25 people shopping, and just a little bit cleaner space to

1 work. This Target has an exit to the south, two doors on
2 the -- there's an exit kind of on the east side of the
3 Target and an exit more on the west.

4 And then within the Target, you can actually go
5 out through into the rest of the mall, which kind of makes
6 it a nightmare to do anything. So that's kind of where I
7 started setting people up.

8 Q. Okay. So you were kind of quarterbacking the
9 situation at this point.

10 A. Yeah. And it was, it was based off the
11 information I was getting from Officer Woods. I mean, we're
12 sitting right next to each other, but we are playing phone
13 tag, because he's talking to an individual with loss
14 prevention, relaying that information to me, and then I'm
15 talking on two different nets, our x-ray nine and our East
16 Precinct channel.

17 Q. Okay.

18 A. So --

19 Q. So yeah, just tell us how this unfolded.

20 A. Well, Officer Woods gets a photo from loss
21 prevention from their cameras. I confirm again that it's
22 who we believe it is. That photo is disseminated to at
23 least our team that was in the area.

24 Q. And that was a photo of Tyrone Johnson.

25 A. That was. He had, I believe it was like bleach

1 blond sort of kind of cornrow-ish hair, some fact tats,
2 and then was wearing a pretty distinct light green with like
3 tan camo pattern jacket at the time.

4 So we got that image out, and then we were just
5 kind of sitting and waiting. We really wanted to make sure
6 loss prevention did not try to intervene with anything that
7 was going on. We didn't want to send loss prevention to
8 deal with him.

9 And if I recall, I was getting told that he was
10 acting pretty paranoid, looking around, which I mean, I
11 don't know if he was shoplifting or not. That was never
12 given to me, but I could see someone acting that way I the
13 store if that's what they were doing.

14 We were told he comes out towards the, like the
15 eastern exit, which is where I showed you on the Target, and
16 there's a -- there's like two different sliding doors as you
17 go out, like the security doors. He kind of hangs out there
18 for a little bit. At one point --

19 Q. You're not observing this yourself. You're
20 getting this from --

21 A. No. We're just getting this over the phone.
22 Yeah. With the, the security cameras. And then all of a
23 sudden he walks out -- or walks towards the west through the
24 Target and goes out the far western door. And at this
25 point, I could see him wearing what I just talked about.

1 And he's -- the first thing I noticed, which was
2 pretty odd, he had a shopping cart with him that was pretty
3 loaded down with stuff, and pushing a shopping cart can be
4 pretty awkward with one hand. And he's pushing it with one
5 hand and kind of stops at the, the exit. And he's got his
6 right hand just kind of buried in like his front pocket,
7 front jacket pocket.

8 And I just kind of see him like scanning around,
9 looking, which again, I thought was fairly odd. At this
10 point, I know that resources are, are set, and he starts
11 walking off west along that sidewalk, just like attached to
12 the Target there.

13 Q. Could you identify for us on the map where you're
14 referring to?

15 A. Yeah. It's kind of, it's like right here.

16 Q. Mm-hm.

17 A. There's like a little bit of a sidewalk. It's
18 kind of blocked by some of the overhang and the Target. But
19 generally speaking, that's where it's at.

20 Q. Mm-hm.

21 A. So he's pushing that shopping cart with his left
22 hand, and he's still got that right hand just dove into a
23 pocket.

24 Q. So why is that concerning to you as an experienced
25 police officer?

1 A. I know from my experience people that really
2 don't want to get caught by police are about as
3 hypervigilant as police are. And that is -- it's concerning
4 because they're often just scanning for threats or looking
5 for trouble that may -- I mean, trouble can come from all
6 sorts of situations, but to see someone, obviously,
7 everybody pushes a heavy shopping cart with one hand.

8 Q. With two hands?

9 A. Two hands, I'm sorry.

10 Q. Okay.

11 A. The two hands so you can control it. And he's got
12 like one hand in the middle and it's just kind of wobbling
13 around. His priority is clearly keeping his hand in his
14 pocket on whatever that is. So that was kind of my first
15 concern.

16 At that point, I'm trained by the police bureau to
17 carry a, a AR-15. I decided to take my AR-15 out of the
18 rack.

19 Q. Why?

20 A. I knew that the subject had a previous history of
21 firearms. He had no knowledge of us being there, and how
22 kind of hinked up he was, just with his general day-to-day,
23 is what it appeared to be. I, I think he was very paranoid
24 about maybe police coming to arrest him, or other possible
25 dangers.

1 And it's just such an unnatural way to walk and
2 push a shopping cart to -- he was just absolutely married to
3 that front pocket. They -- that hand wasn't moving. The
4 rest of his body was totally normal except for the shopping
5 cart hand. But he was really hugging that, whatever that
6 was in his pocket.

7 Q. Well, let me just ask you, were you concerned he
8 was concealing a firearm in his right front pocket?

9 A. I thought he had a firearm on him, yeah.

10 Q. Is that consistent -- and I mean, I'm assuming
11 you're not -- this is not like the first time you've seen
12 this kind of presentation in somebody you later determined
13 was harboring a gun. Right?

14 A. No, no. I've seen it on foot, I've seen it on
15 people in cars. It, it's weird and something that you start
16 picking up on with more experience. When someone's whole
17 body is acting natural except for maybe one little aspect,
18 like a hand, like an arm, like your leg, that kind of keys
19 you into maybe there's something going on there. Maybe
20 there's something they're trying to conceal that they don't
21 want anybody else seeing.

22 Q. Okay. Please continue.

23 A. So we voice up over the air that we were going to
24 move in and challenge him. The layout of that parking lot,
25 it, it does have --

1 Q. And Officer, I can -- if you -- I can zoom in or
2 pan, or we have street view too.

3 A. Oh, okay.

4 Q. If there's some other angle you want, just let us
5 know.

6 A. This parking lot looks pretty open, but there's a
7 lot of curbs and trees that you can't like drive over
8 without being super obvious. It was also pretty busy that
9 day as it was like 3:00, 4:00 in the afternoon, so a lot of
10 people were shopping.

11 So we weren't able to make just like a straight B-
12 line, we also didn't want to turn like our lights non-
13 adversarial sirens on from 200 yards away or whatever we
14 were. Because that just kind of gives him more time to make
15 decisions and plan, and also to see where we're coming from.

16 So we kind of made our way through the parking
17 lot. I don't know our exact route. I was kind of more
18 focused on him and the radio. We get down to this kind of
19 main stretch in front of the Target. There was a couple
20 people shopping, just like normal cars, not police, that
21 were in front of us.

22 So again, we didn't want to like turn on our
23 lights and cause any sort of mayhem in the parking lot.
24 There's a ton of people walking on foot. Our goal is not to
25 kind of disrupt the day-to-day. So those two cars kind of

1 peel off, and I see him, he's continuing walking west, and
2 that's kind of when I realized maybe the gig's up.

3 He's pushing that shopping cart still with that
4 hand in that pocket, and he's constantly doing this scan,
5 looking all around, and I see him kind of scan over. I
6 think he sees us. He maybe doesn't notice at first, and he
7 looks back and he kind of does a doubletake and then just
8 kind of stares at us for a second.

9 Q. What was the distance between your unit and him at
10 that time?

11 A. Oh, maybe like 120 feet, 150 feet.

12 Q. Okay.

13 A. So again, our car doesn't have any tint. It -- we
14 knew the gig was up. We still just kind of wanted to buy as
15 much time as we could, but ultimately, you have to -- you
16 got to do it eventually. Right? So as he gets kind of more
17 towards the western end of this Target, we decide to
18 challenge him.

19 Challenging is kind of our common phrase for we
20 put -- I guess put your cards on the table, say like hey,
21 we're police, you're under arrest. We know you have a
22 warrant. We know who you are. At that point, Officer Woods
23 is turning on our red and blue police lights, and I'm
24 hopping out the door with my AR-15.

25 Q. Well let me, let me ask you about that piece,

1 Officer. So you're making an arrest, I mean, you're
2 planning on arresting him --

3 A. Yes.

4 Q. -- correct, for warrants and this robbery.

5 A. Yeah.

6 Q. You know that he's been involved in prior -- he's
7 been armed with a firearm before, that he's apparently been
8 involved in a shooting, and you were concerned that he may
9 be carrying a firearm with him at the time, given what you
10 observed about his right hand.

11 A. Mm-hm.

12 Q. Can you tell us how that all plays into your
13 decision? Because it sounds like you're stepping out armed.

14 A. Yes.

15 Q. I don't know if your partner -- I can't recall if
16 your partner was also stepping out with his gun drawn.
17 Explain if that was the case, why that choice versus like
18 stepping out without your firearm.

19 A. I mean, we've always got like our pistol on us.
20 The AR-15 platform gives us stand-off distance, which gives
21 us time. It also gives us precision. Again, this parking
22 lot is highly populated and if anything were to go wrong,
23 I'm responsible for any shot I take, and I want the highest
24 probability to, to make a successful impact and change in
25 behavior.

1 Officer Woods and I have worked together for a
2 long time. He's operating the vehicle. He's not getting
3 out of his car at that point. It's my sole responsibility
4 to address Mr. Johnson and protect my partner. And so
5 that's why I get out of my vehicle with my rifle.

6 Q. Okay. And I guess, you know, there might be
7 situations where you might arrest somebody for like, I don't
8 know, something innocuous, where you wouldn't step out armed
9 with a firearm. Correct?

10 A. I have, I've arrested many people with firearms
11 without holding my own gun. The -- his behavior raised such
12 kind of the hairs on the back of my neck, the red flags,
13 that I honestly felt like there was almost a 50/50 chance
14 that he pulls a gun out on me at this point

15 Q. Mm-hm. Okay. And that decision, that was all
16 part of your decision making as far as stepping out with the
17 --

18 A. Yeah.

19 Q. -- the weapon.

20 A. You don't want to -- you want to be out of your
21 vehicle as fast as possible. You can't do a whole lot from
22 inside your car other than like drive away.

23 Q. Mm-hm.

24 A. I can't give my partner cover and protection if
25 I'm sitting in the passenger seat of my car. It also, our

1 vehicles have the bulletproof panels in our door. Like
2 our, our windshield is not bulletproof, so like you don't
3 really gain a whole lot of extra protection by sitting in
4 your care. You're much better off mobile, standing outside
5 the car with a stable shooting platform.

6 Even just like how you present your body, like our
7 protection on our vest, it's, it's all from the front.
8 We've got hard plates in the front. It's, it's all from the
9 front of our vest. As soon as you start sitting down in a
10 car where maybe your head's a little bit lower and your neck
11 and upper chest is exposed, or your kind of turning to the
12 side, you're losing that protection.

13 So really, our best defense is standing with our
14 vest on over the bulletproof door panels, so our lower body
15 is also covered. It's just the safest and most stable
16 platform to address someone that you think might try to kill
17 you.

18 Q. Okay. So when you stepped out, did you say
19 anything?

20 A. I started to yell that you're under arrest. That
21 wasn't happening. He immediately took off running to the
22 west.

23 Q. Okay. Did he abandon his cart?

24 A. Yes, he did.

25 Q. Okay.

1 A. Yeah, it -- when he took off running, again,
2 everybody knows what running looks like, two hands. He left
3 that cart with his left hand takes off sprinting with his
4 right hand still married in that front pocket, looking over
5 his shoulder, still peeking to see what we were doing.

6 Q. Okay. So is that unusual?

7 A. Yeah.

8 Q. To see someone running in that fashion with, I
9 guess, left arm churning and then the right arm buried in a
10 pocket.

11 A. Yeah. That's, that's pretty unusual. If you're,
12 I mean, you're going to run from police, you want to run as
13 fast as you can. That's not the ideal way to run, at least
14 in my experience. And it's also just kind of adding to that
15 red flag that regardless of how badly he wants to get away
16 from police, there's something in that pocket that he wants
17 to -- even if it slows him down, he wants to secure it.

18 Q. Okay. So what happened next?

19 A. I'll try to point it out on the map. So at this
20 point, I think I'm working x-ray nine and Officer Woods is
21 now running I think the main net. We broadcast that he's
22 running west, kind of past this alleyway here. And it gets
23 a little bit difficult to operate all of our wires and
24 radios, and I've got a large, well, not large, but a rifle
25 slung across my chest taking up most of my space in the car.

1 So he runs through, there's like a T-Mobile, I
2 think, right here. Runs through here and then you can't
3 quite tell on the map, but this is actually sloped downwards
4 onto 96th Ave. So this parking lot's kind of elevated. I
5 can't tell you how -- what the sea level change in feet is,
6 but enough if someone goes down to 96th Ave, you couldn't
7 see it.

8 And I knew I had set up police officers in this
9 general area. And from where our car was coming from, it
10 was enough of a shift in elevation that I couldn't see them.
11 So he -- Mr. Johnson's running westbound. Somewhere in this
12 general area, there's like a, a, like an electrical box and
13 like a cement pad for it.

14 Q. Does this look like what you're --

15 A. That looks like it.

16 Q. Yeah.

17 A. It's pretty difficult to tell specifically what
18 that is. But I promise it's there. All of a sudden Mr.
19 Johnson falls to the ground as he's going down the hill. At
20 that point, we're still traveling westbound through this
21 Target, and again, even though we've got this active thing
22 going on, this is still a super busy parking lot with people
23 out shopping, moms and kids walking around with shopping
24 carts.

25 Like we're not flooring it through this parking

1 lot, even if he gets away. That's just -- it's too
2 dangerous. So we're driving this way, he's fallen, and then
3 probably one of the scariest moments in my life, sorry.
4 Wow. Sorry.

5 Q. Happens all the time. It's very, very common.
6 And Officer, if you need a break or a minute, we can go off
7 the record and step out if you'd like.

8 A. No, I'm all right. I see Mr. Johnson stand up and
9 clear as day, he's pointing a firearm at some of my best
10 friends over on 96th Ave. At that point, I'm thinking why
11 did I just position them into this (indiscernible) kill him.
12 So I'm yelling -- sorry, guys, and ma'am.

13 I'm yelling at my partner, hey, get me in a
14 position where I can address this guy. He's about to try to
15 shoot some of my best friends. We come around this corner
16 and start going down this downhill grade, and I just start
17 hearing gunshots going off.

18 At that point, I can't see what's going on here.
19 I just think my friends just got ambushed. We come around
20 this corner, I see Mr. Johnson hid in the ground, or maybe
21 going from his knees to the ground. I'm not exactly sure
22 how he fell. And I come across and Officer Constanzo and
23 Officer Wheeler, Officer Ramic, and Officer Barlett are set
24 up here really close to him, maybe within like 45 feet,
25 taking cover behind their cars.

1 I realized that maybe not be the best position
2 for them, so I start directing them back to take hard cover
3 behind me, because I still had the long gun. I can be
4 effective from a longer range. So I bring them back and
5 then we start working through a medical plan immediately.
6 Sorry, I didn't know that was going to happen.

7 Q. I'm sorry. I'm going to go ahead and show you the
8 street view of this.

9 A. Yeah.

10 Q. I don't know if you can maybe tell us where, like
11 where approximately you think you ended up parked.

12 A. I believe it's on South.

13 Q. On South.

14 A. Yeah. We're kind of splitting, we're kind of in
15 that, I guess, turn lane or empty lane in the middle.

16 Q. Yeah.

17 A. Just maybe a little bit north of there.

18 Q. Let's go a little farther north here. I think
19 this video is -- it's obviously a different day. So you're
20 further south.

21 A. Probably like right in there.

22 Q. You're here?

23 A. Yeah, yeah. It's kind of hard to tell.

24 Q. Yeah, it's -- this is a Google map, it only --

25 A. Yeah. We're north of this pad and electrical box,

1 kind of splitting in this empty lane here. My coworker's
2 cars are a little bit closer, where they're positioned more
3 in this northbound lane. So that's why I decided to bring
4 them back where they could kind of be behind me.

5 At that point, I keep lethal cover on him. And
6 it, it was weird. He was laying with his head to the north
7 and his feet to the south, kind of on his side, and I could
8 see this black semiauto, it looked like a striker-fired
9 pistol.

10 Q. Looks like a what?

11 A. Striker-fired pistol.

12 Q. What does that mean?

13 A. Instead of like having a hammer, that it hits the
14 firing pin and the -- it's more like a Glock or --

15 Q. Like your sidearm?

16 A. Yeah. Like what I'm carrying right now that
17 doesn't have an exposed -- and again, this is from like 60
18 feet away. But this, this is what I can tell in looking at
19 him. He's, he's laying on the ground like this, and I
20 can't, I can't remember, I can't really tell, one of his
21 hands is laying on top of the gun, and his hand's moving
22 around.

23 And I'm telling him like dude, just push yourself
24 away from the gun, please, I really want to get you some
25 help. I'm not getting any response from him. He's still

1 moving his hand on top of that firearm. And I, I can't
2 tell where he's injured at this point, if he's injured. So
3 I don't know if he's trying to bait us in and then grab the
4 gun. But he's literally just laying with his hand right on
5 that firearm.

6 So and I don't know how long it takes us to get a
7 team going to, to render him aid. It was, it was within a
8 couple minutes. It was extremely fast. We had a shield,
9 like a bulletproof shield leading a group with two people
10 with hands, less lethal.

11 They approached him while I kept -- they
12 approached him from the north walking south, and I was on
13 his -- to his west keeping that kind of tactical L on him,
14 keeping cover for, again, for my coworkers. They move up,
15 place hands on him, and move him from the firearm.

16 At that point, this is safe. I hand my rifle away
17 to, to Officer Hertzler, and I already had an IFAC, which is
18 like an individual first aid kit, with all the medical
19 equipment you need to stop traumatic bleeding. And that's,
20 excuse me, that's something I pride myself on knowing how to
21 do and, and keeping up on training to do.

22 So as soon as kind of the tactical dangerous
23 situation was over, I wanted to transition to rendering aid
24 as quick as possible. I got up to Mr. Johnson, and at that
25 point, he was positioned on his -- flat on his back. We

1 started removing clothes to see where the injuries were.
2 There was, there was a decent amount of blood.

3 We had medical was already like a half a block
4 away waiting for us. I couldn't find anything that I could
5 immediately patch. He had an injury to his -- the right
6 side of his face, to his eye. And at that point, medical
7 came in and declared him deceased.

8 Q. So at that point, does the nature of what's going
9 on seem kind of changed?

10 A. Yeah. It, it 100 percent changes. It goes from a
11 tactical police call to an investigation. Anybody with any
12 involvement is pulled from like directly participating in
13 the scene, and separated from other witnesses or involved
14 members, and basically just ordered to, to wait for further
15 instruction from like our homicide detectives.

16 Q. Okay. And were you, were you one of those
17 officers who was sequestered away from the other officers?

18 A. I was.

19 Q. And so how does that effectively work?

20 A. For me, I was sent to another coworkers car who
21 was uninvolved, showed up after the fact, and we always are
22 buddied up with an uninvolved after any sort of traumatic
23 event. So I just hung out with Officer Hagenson (ph.) for
24 probably an hour and a half, until, I believe, Officer
25 Kenley (ph.) drove me back to East Precinct, who was also

1 not an involved member.

2 Q. And what happened at East Precinct?

3 A. I was interviewed by our homicide detectives.

4 Q. Okay. All right. And you told them basically
5 what you just told us.

6 A. Yeah. Yeah.

7 Q. Okay. All right.

8 DDA DAVIDSON: I think those are all the questions
9 I have for Officer Wyatt. Any additional questions, Colin?

10 DDA BENSON: Nothing from me. Thank you, Officer.

11 THE WITNESS: Thank you.

12 DDA DAVIDSON: Anything -- yeah.

13 GRAND JUROR: Yeah. When you were observing him
14 with the cart and his hand in his pocket --

15 THE WITNESS: Mm-hm.

16 GRAND JUROR: -- how were you watching him?
17 Because you were at the other end of the parking lot.

18 THE WITNESS: Yeah.

19 GRAND JUROR: Like did you have, like you know,
20 binoculars?

21 THE WITNESS: Yeah. We've got binoculars. As
22 soon as I saw that like lime green camo jacket, that really
23 stood out, so like even if -- we were passing by and it was
24 like back-and-forth, even without binoculars, I could, I
25 could spot him from -- I mean, we were, we were on the north

1 side of the lot, but it really wasn't that far and it was,
2 it was daylight out. It was pretty visible.

3 GRAND JUROR: Thank you.

4 THE WITNESS: Yeah. Of course.

5 DDA DAVIDSON: Any other questions for Officer
6 Wyatt?

7 GRAND JUROR: When you first got out of the car --

8 THE WITNESS: Mm-hm.

9 GRAND JUROR: And started challenging him, you had
10 your rifle, did you point the rifle or --

11 THE WITNESS: No.

12 GRAND JUROR: What was the -- maybe show us,
13 actually, if you don't mind. Standing like how would you --

14 THE WITNESS: Yeah.

15 GRAND JUROR: -- like you when you, when you
16 stepped out of your car, how was your rifle presented?

17 THE WITNESS: Yeah. So if, I mean, if my
18 passenger door is here, a lot of our training is, is from
19 like a low ready or a high ready. So I'll just have my
20 rifle pointed more towards the ground. As soon as you lock
21 a rifle into your shoulder, it kind of makes it awkward to
22 move around objects. So you got that door right there.

23 Generally speaking, if I was to present my rifle
24 at someone, like literally at someone, pointing it at
25 someone, I would -- it's called like a C-clamp around the

1 handguard and pin it into my front door, and then push my
2 knee into the door forward, so there's not sway in my knee,
3 so I have a very stable platform with it. It won't shift
4 around as much if like Woods -- Officer Woods hops out of
5 the car or something, like even if the car kind of moves.
6 Because I've got that pretension pushed into the door. It's
7 a very stable platform.

8 So I, I hopped out trying to be as mobile as I
9 could, still holding my rifle so I was ready if needed. But
10 I can't think of a single qualification we have where we
11 start on target. It's always either slung down here or at a
12 low ride. So --

13 GRAND JUROR: But it's on the door at --

14 THE WITNESS: Well, I don't have it resting on the
15 door at this point, but I've got it out kind of over the
16 door. Yeah. Just so I can clear that door if I need to
17 move positions.

18 GRAND JUROR: Okay.

19 DDA DAVIDSON: Any other questions?

20 GRAND JUROR: With this suspect, because he has a
21 warrant, you guys are, you guys are required to challenge
22 and arrest him?

23 THE WITNESS: Yeah. A warrant is a mandatory
24 arrest from a Judge.

25 GRAND JUROR: So when you mentioned that, you

1 know, it was never, you know, that he might have a target
2 drawn on you, there's no point at that -- there's no
3 decision from you to say oh, maybe we shouldn't challenge
4 him at this time?

5 THE WITNESS: I mean --

6 GRAND JUROR: Is there a safer time, perhaps, to
7 challenge him?

8 THE WITNESS: Yeah. I mean, so you could, you
9 could. That would be, that would be okay if like, if a
10 safer time was like let him get farther away. If it's like
11 within the same incident, I guess. I felt like we -- the,
12 the time we chose to challenge him was the most ideal for
13 our current setup. And that's why we even let him -- we
14 waited a little bit juts to kind of make sure we really had
15 everything in order.

16 And as soon as we got to the -- as he was
17 approaching this alcove, if he was going to comply, I wanted
18 him to comply here before we got to this alcove. If he, if
19 he, if he made it past that, he could have took off south
20 where we didn't have everything set up for it. So I kind of
21 wanted to present, present what we were doing and give him
22 the, the most optimal chance to comply with us, I guess.

23 DDA DAVIDSON: Any other questions? Okay.

24 Officer Wyatt, I think you are finished.

25 THE WITNESS: Awesome. Thank you.

1 DDA DAVIDSON: We're going to go off the record
2 for a moment. We'll just see where we are with our next
3 witness. Okay.

4 (Off the record.)

5 (On the record.)

6 DDA DAVIDSON: And we are back on the record in
7 Grand Jury A on Case No. 42. We're ready to call our next
8 witness, and you'll swear him in.

9 JOSEPH CORONA

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

12 THE FOREPERSON: Thank you.

13 DIRECT EXAMINATION

14 BY DDA DAVIDSON:

15 Q. If you could state and spell your full name for
16 us, please.

17 A. Sure. It's Joseph Corona. J-O-S-E-P-H, C-O-R-O-
18 N-A.

19 Q. Okay. And how are you employed?

20 A. I'm a detective with the Portland Police Bureau,
21 and I've been a police officer for over 22 years, and a
22 detective for a little over six years.

23 Q. Okay. And prior to coming -- so is your entire
24 law enforcement career with Portland Police Bureau?

25 A. Yes.

1 Q. All right. And excuse me while I multitask.
2 Prior to becoming a police officer, did you attend college?

3 A. I did.

4 Q. What college did you attend?

5 A. I attended Columbus State University in Georgia,
6 and I got a bachelor's degree and a master's degree in
7 business administration.

8 Q. Okay. And I'm assuming you went to the usual
9 police academies.

10 A. I did. Yeah, I went to the Oregon State Police
11 Academy which at the time was ten weeks. And then I also
12 attended the Portland Police Advanced Academy shortly after
13 that, which was 14 weeks.

14 Q. Okay. And what kind of assignments have you held
15 since then?

16 A. So I worked regular patrol assignments, so
17 answering 911 calls, those kind of things. I've also worked
18 at a neighborhood response team, which was also in uniform
19 but more specifically designed to address like neighborhood
20 complaints than patrol officers can deal with.

21 Worked in a street crimes detail. Worked in a
22 gang enforcement detail. And then after I got promoted to
23 detective, I worked in the sex crimes unit. Again in the
24 gang unit, burglary, and then I've been in the homicide
25 detail for about three and a half years now.

1 Q. Okay. So the homicide detail, obviously, it's -

2 DDA DAVIDSON: - bless you.

3 GRAND JUROR: Thank you so much.

4 BY DDA DAVIDSON:

5 Q. It's mission primarily involves investigating
6 criminal homicides?

7 A. Correct.

8 Q. Okay. Part of also what you do is if there's an
9 officer involved shooting incident, that is investigated in
10 the same fashion, more or less. Is that right?

11 A. Yes, it is.

12 Q. Okay. So you're here, obviously, my understanding
13 is that you were the primary detective (indiscernible)
14 responsibility for the case we're here about. Portland
15 Police Bureau case 23-33153, which occurred on December
16 27th, 2023, in the -- basically Mall 205. You were the lead
17 detective for that. Right?

18 A. Yes.

19 Q. Okay. You've created a PowerPoint presentation to
20 walk us through kind of some of the findings from your
21 investigation. Is that right?

22 A. Yes.

23 Q. Okay. Before we get into that, I wanted to ask
24 you, so when something like this happens, what is the
25 practical response of the homicide unit? What happens when

1 you -- how does this information get to you, and how do
2 you end up responding?

3 A. So we first get notified, the homicide detail
4 supervisor, whoever the up team is. And an up team is
5 basically every week, one detail or one team is up on call
6 for homicides or anything that happens. And we have three
7 teams.

8 So if there's an incident like this, the up team
9 sergeant would get notified. Our Bureau of Emergency
10 Communications, which is our 911, they would page the
11 sergeant who would then find out some details, figure out
12 what the response is going to be, and then would page the up
13 team.

14 And for an officer involved shooting, we actually
15 bring a lot of resources to these. So basically, it's going
16 to be whoever else is available to respond to these. So
17 we'll, we'll traditionally show up with, you know, a dozen
18 or more detectives. Usually, it's more than that. Along
19 with our forensic evidence division and several criminalists
20 will show up to the, to the scene to help us process that
21 and document all the evidence.

22 And we'll also get usually detectives from the
23 East County major crimes team will send detectives, say from
24 the Port of Portland, Gresham, Multnomah County Sheriff's
25 Office to assist us with that.

1 Q. Now what is -- why, why is that? What's the
2 significance to having outside law enforcement?

3 A. It's nice to have outside law enforcement when a
4 shooting occurs in Portland, so we have an outside eye that
5 comes in and assists us with that.

6 Q. Okay. Great. Did that happen in this instance?
7 Did you have --

8 A. It --

9 Q. -- detectives from outside of the Portland Police
10 Bureau participating?

11 A. Yes, we did.

12 Q. Okay. And do you remember which organizations
13 they were from?

14 A. I believe it was Gresham and Port of Portland --

15 Q. Mm-hm.

16 A. -- sent it's representatives.

17 Q. Okay. Got it. All right. Here in your
18 PowerPoint presentation, you obviously responded that day,
19 or that -- during -- after the incident. Correct?

20 A. Yes, it is.

21 Q. So you were on the scene there. And you again,
22 created a PowerPoint presentation to walk us through some of
23 the events and the findings in this case. Correct?

24 A. Correct.

25 Q. All right. So we'll just -- and I'm happy to

1 drive this if you like, or you can have the clicker,
2 whatever works for you.

3 A. Why don't we see how it goes?

4 Q. Okay.

5 A. And if we need to adjust, we can.

6 (Whereupon, the PowerPoint presentation was
7 played.)

8 Q. Okay. Oops. Hold on. We've already started
9 here. What do we got here, what's our first slide?

10 A. This is the, the 911 call that Holly Eyler made.
11 She's the loss prevention manager at Target. So this is
12 kind of what, what kicked things off for this incident.

13 Q. Okay. And technologically speaking, it sounds
14 like it's going to try and play through the speaker here.
15 Is that what normally happens when you guys -- oh.

16 DDA DAVIDSON: Okay. Let me see what's happening.

17 (Whereupon, an audio recording was played.)

18 911 OPERATOR: 911, what's the address of your --

19 (Whereupon, the audio recording was paused.

20 DDA DAVIDSON: There it is.

21 (Whereupon, an audio recording was played.)

22 MS. EYLER: 9800 Southeast Washington Street at
23 the Target.

24 911 OPERATOR: And what's the phone number that
25 you're calling me from?

1 MS. EYLER: (503) 367-1119.

2 911 OPERATOR: (Indiscernible) what happened?

3 MS. EYLER: We have a subject in our store,
4 they're name is Tyrone Johnson. Date of birth November 16,
5 1990. They were involved in a robbery at the
6 (indiscernible) Target earlier this year. So they're --
7 they had a probable cause for (indiscernible). He's
8 currently in our store.

9 911 OPERATOR: Okay. So the phone cut out when
10 you gave the name. Can you repeat it?

11 MS. EYLER: Yes. It's Tyrone Johnson, II.

12 911 OPERATOR: Okay. And you said the date of
13 birth was 11/16 of 1990.

14 MS. EYLER: Correct.

15 911 OPERATOR: Where (indiscernible) at?

16 MS. EYLER: He's currently on our second floor.

17 911 OPERATOR: Okay. And are you like loss
18 prevention there or --

19 MS. EYLER: Correct. I'm the (indiscernible)
20 manager.

21 911 OPERATOR: Okay. Just a second, just one
22 second here.

23 MS. EYLER: Okay.

24 911 OPERATOR: Is Tyrone white, black, Hispanic,
25 Asian?

1 MS. EYLER: He's black.

2 911 OPERATOR: Okay. And what's he wearing today?

3 MS. EYLER: A light green and tan kind of like
4 camo type print jacket with a black hoodie underneath.

5 Light colored denim with tan boots. And he has headphones,
6 over the ear headphones on, and they a gray face mask.

7 Sometimes he takes it off, sometimes he's putting it on.

8 911 OPERATOR: Got it. When you said light denim,
9 those were his pants that you were talking about. Right?

10 MS. EYLER: Correct.

11 911 OPERATOR: Okay. And then I missed
12 (indiscernible).

13 MS. EYLER: He's a black (indiscernible).

14 911 OPERATOR: Okay. Got it.

15 MS. EYLER: Yeah.

16 911 OPERATOR: Okay. So black male, green and tan
17 camo jacket with a black hood, light denim and over the ear
18 headphones. What color are those?

19 MS. EYLER: Black.

20 911 OPERATOR: Black. Any weapon seen at any
21 point?

22 MS. EYLER: Keisha, did you for sure see a cutting
23 tool or a knife?

24 MS. RUNCIE: No.

25 MS. EYLER: Okay. We're not 100 percent sure. He

1 pulled something out of his pocket on the elevator, but we
2 couldn't (indiscernible) what it was.

3 911 OPERATOR: Okay.

4 MS. EYLER: But it's possible.

5 911 OPERATOR: So he had some sort of item.

6 MS. EYLER: Yes.

7 911 OPERATOR: Okay. All right. (Indiscernible)
8 so we'll get them out there. What is your name?

9 MS. EYLER: My name is Holly.

10 911 OPERATOR: Last name?

11 MS. EYLER: Eyler, E-Y-L-E-R.

12 911 OPERATOR: All right, Holly. I'll get them
13 sent over. If anything changes, like if it escalates or he
14 leaves, give us a call back so we can update the police.

15 MS. EYLER: We will. Thank you.

16 911 OPERATOR: All right. Thanks so much.

17 MS. EYLER: Okay.

18 (Whereupon, the audio recording was stopped.)

19 DDA DAVIDSON: Before this continues here, it
20 wants to run on its own.

21 BY DDA DAVIDSON:

22 Q. So Detective, that 911 call, how -- I guess those
23 are recorded. I mean, can you explain how we have this?

24 A. Yeah. All those calls are recorded. A 911 call
25 goes to a call taker. Call taker then takes all the

1 information and then will send it over to a dispatcher,
2 who will then dispatch officers to the scene. But all those
3 calls are recorded and available for us to go copies.

4 Q. Okay. All right. All right. So what do we -- so
5 you know, obvious, it seems obvious that there was a lot of
6 surveillance cameras in the mall.

7 A. Yeah. There were multiple cameras from multiple
8 different businesses that we collected during the
9 investigation. We're going to see some different camera
10 angles in the presentation here. This particular angle is
11 from a kind of a portable camera tower that's in the Target
12 parking lot.

13 Q. Is it like one of those with the blue flashing
14 lights that you see sometimes?

15 A. Yeah, that's exactly what it is.

16 Q. Mm-hm.

17 A. And so it's, it's high up on the tower, and this
18 one happens to be looking to the east. And I think for the
19 duration of the clip we have here, it's not going to rotate.
20 I think periodically sometimes those will rotate to be a
21 better view of a different part of the parking lot, but I
22 think we'll have just this angle right here.

23 Q. And are -- is that, because we're obviously going
24 to see some film later that's internal to Target. This
25 particular camera system, who's it operated by?

1 A. It's operated by Target.

2 Q. So Target's, part of Target's camera system.

3 A. Yes, sir.

4 Q. Okay. Okay. And what, what should we be looking
5 for here?

6 A. So what we're going to look for, hopefully I don't
7 block anybody. We're going to look in this area right here.
8 There's going to be a black sedan that kind of backs into a
9 spot right there. And during the investigation, we
10 determined that that's the vehicle that Tyrone Johnson
11 arrived in, along with two other people. And at different
12 times, all three went into the Target and then exited the
13 Target.

14 Q. And who were the two other people?

15 A. The two other people were Eliza Lewis and Malik
16 Jackson (ph.).

17 Q. Okay. And feel free to jump up and point to --

18 A. Yeah. So this is the, the black sedan. It's kind
19 of backing into a spot there. And I think we'll have
20 another clip after this one that will show the three
21 occupants get out.

22 Q. So this is the vehicle here.

23 A. Yeah. So that's Malik, who's the driver. It
24 looks like Eliza was in the back passenger's seat. And then
25 Tyrone was in the front passenger's seat.

1 Q. Okay.

2 A. All right. So this is an actually a still shot
3 from Target. It's at 1511 hours, which is 3:11 p.m. And
4 this is Eliza on the right and Malik on the left walking
5 into the store.

6 Q. I never had this do this before, it's just
7 advancing these --

8 A. It must be set to kind of --

9 Q. Oh.

10 A. -- start automatically.

11 Q. Okay. So this is a still basically.

12 A. Yes.

13 Q. From the security camera.

14 A. Yes.

15 Q. Okay.

16 A. This next one is a, it's a video and this is
17 Tyrone Johnson walking in the store.

18 Q. Can you identify where he is in this picture?

19 A. Yeah. He's right here. He's in this kind of
20 bright camo style jacket with the hood up and a face mask
21 on.

22 Q. I don't know how to change these settings. It's
23 actually annoying.

24 A. I think there's a setting --

25 DDA DAVIDSON: Hold on, hold on one second because

1 these are advancing on their own.

2 UNIDENTIFIED FEMALE: You should also be able to
3 use the arrows to move backwards.

4 DDA DAVIDSON: Yeah, I can. It's just for some
5 reason, it's clicking forward automatically when I don't
6 want it to. What is this thing? Playback slide. No.

7 UNIDENTIFIED FEMALE: Can you go into it and right
8 click while you're in there?

9 DDA DAVIDSON: Do you want me to start the
10 slideshow?

11 UNIDENTIFIED FEMALE: Yeah.

12 DDA DAVIDSON: This?

13 UNIDENTIFIED FEMALE: Can you -- yeah, so right
14 click now or --

15 DDA DAVIDSON: Oh, that might work. I don't know.
16 All right. We'll just deal with it. This is kind of a
17 crime itself. What do we got here.

18 BY DDA DAVIDSON:

19 Q. Okay. We're there, and this. Okay. Excuse me.
20 So did -- as far as your review of the video, did Tyrone
21 Johnson come in separately from Malik and Eliza Lewis?

22 A. He did. So he came in approximately two minutes
23 after they walked into the store. So he came in by himself.
24 As you see there on the video, he went where the cart corral
25 is, selected a cart, and then spent the next probably 25 to

1 30 minutes pushing the cart around the store and
2 collecting items in his cart.

3 Q. So is there anything interesting that you note in
4 the way he is presenting himself, as far as how he's pushing
5 his cart?

6 A. Well, what's interesting is he's pushing the cart
7 with his left hand only, and pretty much for, not the entire
8 time he's in the Target, but for a large majority of the
9 time, he's got his right hand in his jacket pocket, and
10 keeps it inside his jacket pocket.

11 Q. I think we've seen this from start to finish. I
12 apologize for the technical difficulties.

13 A. That's okay. And the camera jumps a lot because
14 the loss prevention employee who's monitoring this, she's
15 kind of moved the camera as Tyrone goes throughout the
16 store. So it jumps a little bit.

17 Q. What are we looking at here?

18 A. So this is a little after 3:30, this is Malik on
19 the left and Eliza on the right exiting, it looks like they
20 got a couple of Starbucks drinks, and they're going to walk
21 out to the lot and go to that same black sedan.

22 Q. And what are we going to see here in this -- where
23 are we -- what is this --

24 A. Okay. So this, this was a rooftop camera from the
25 Home Depot, which is east, on the east end of the lot. So

1 Target is over here on the top left. Here's the Home
2 Depot. And this black sedan right here is the same black
3 sedan that they arrived in, just a different angle.

4 And so this is kind of a lengthy clip. But what
5 it's going to show is --

6 Q. Is that them there?

7 A. -- the vehicle's going to, yeah, it's going to
8 drive north. It's going to come up here, take a right, go
9 by the Home Depot. Loop around, drive back to the west, and
10 then kind of right there still, and then it's going to come
11 in this area right here. It looks like it's going to wait
12 there, potentially for Mr. Johnson to come out. But either
13 way, it's, it's kind of circling around the parking lot.

14 Q. So it's there just disappearing --

15 A. Yeah. It'll come back right over here, and then
16 drive back to the west. Kind of give it a second here. And
17 that's it. So just --

18 Q. Right there?

19 A. Yeah. Just came out right in front of the Home
20 Depot, and it's got to turn left -- or turn west and just go
21 across the parking lot. So it's going to come across to
22 this area right over here and it's going to wait there for,
23 for a minute or two.

24 Q. Is that the -- I'm sorry, do we have the whole
25 clip?

1 A. I think there might have been a little bit more
2 to that.

3 Q. I'll try to run it here again. All right.

4 A. So that's, that's it right there. Going back up
5 to the, the Home Depot, and then it's going to turn south in
6 front of the Home Depot and drive toward the Target, which
7 will be seen on the next slide.

8 So this is that same vehicle making a turn. It's
9 going to go all the way up to the end of the driveway. And
10 then take a right which you'll see on the next slide. And
11 that's it on the left making a turn. Then it's going to
12 come right over here to where the driveway is. It'll pause
13 right there for a couple seconds.

14 And it appears that they're perhaps waiting for
15 Mr. Johnson to come out.

16 Q. Did we get -- I'm sorry, did we get all of that or
17 did it --

18 A. Yeah, that was, that was all of that.

19 Q. Okay.

20 A. So this is another view from the Home Depot.

21 Q. Sorry, I've got a big -- let me get back to it.
22 We were just there, and it went to the next slide.

23 A. Yeah. So what we're going to see is they're going
24 to drive north again, and then they'll take a left to go
25 west towards Southeast 96th Avenue. There's a couple of

1 driveway entrances into the parking lot here. This is the
2 -- where they're going to turn is the north entrance, and
3 then there's another one that's very close to where the
4 Target is.

5 Q. Detective, do you have any explanation for why
6 they're circling in this fashion versus just staying in the
7 spot that they parked in to wait for Mr. Johnson?

8 A. I think one of the things that prompted this was
9 the arrival of police cars in the area.

10 Q. Mm-hm.

11 A. They're, they're kind of hard to see but at
12 various points, you can see one or two uniformed cars coming
13 into the lot in response to that 911 call.

14 Q. Okay.

15 A. So this is a camera angle, if you go -- okay. So
16 this is from the Fixoid, which is in a -- it's a strip of
17 stores to the, the west of the Target. And this camera
18 angle looks west towards Southeast 96th Avenue. The
19 timestamp is a little bit fast. Unfortunately, that guy
20 that's running had nothing to do with anything. He just
21 happens to be running by.

22 The notable thing on the camera is going to be
23 that same black sedan driving south on 96, and that's --

24 Q. Right there?

25 A. -- driving right there.

1 Q. This guy?

2 A. Yes.

3 Q. Okay.

4 A. So it's --

5 Q. Do they -- as far as you know, does that, does
6 that vehicle leaving the location?

7 A. Yes. So there's one more slide from the TriMet
8 platform on 96th at about Main. And this is going to be
9 after that white vehicle, that's our same black vehicle
10 continuing southbound.

11 Q. So right here.

12 A. Yes.

13 Q. Okay. Apologies. So as far as you've reviewed a
14 lot of this surveillance video, I guess all the surveillance
15 video that you recovered, and as far as you know, is this
16 the last time that that vehicle with Eliza and Malik is seen
17 in the, in the area?

18 A. Yeah. In my viewing of the video, that's, that's
19 the last time I saw that vehicle.

20 Q. So it leaves southbound on 96th and they're out of
21 the scenario.

22 A. Correct.

23 Q. Okay.

24 A. Okay. So around the, it's around about the same
25 time that vehicle is leaving the area, this is Tyrone still

1 in the Target store. Pushing the shopping cart with his
2 left hand, right hand in his jacket pocket.

3 Q. Okay. And as an experienced police officer for
4 over 20 some years, what, what about that concerns you or is
5 noteworthy to you?

6 A. In my experience and my training, this kind of
7 behavior is consistent with somebody who's concealing
8 something in their, in their pocket and they want to make
9 sure they know where it is. They want to make sure they can
10 access it. And it's consistent with somebody indexing a
11 weapon.

12 Q. Okay. What is the -- as far as like his head
13 movement, what do you make of that?

14 A. So he's looking around I think to see who's around
15 him, see if there's any employees in the area. And he's
16 going to push up, out toward the entrance.

17 Q. Okay.

18 A. And he's going to, I think once we get near the,
19 the caution sign right there, he's going to actually look
20 down at his jacket pocket area --

21 Q. Mm-hm.

22 A. -- on the right side.

23 Q. And in this shot, the cart seems full with what I
24 would describe as fairly random items. As far as the video
25 you reviewed from Target, I mean, do you observe him like

1 placing items in his cart?

2 A. Yes.

3 Q. Okay.

4 A. It looked --

5 Q. So --

6 A. -- like he partially pulled his hand out, looked
7 down, and then put it back in.

8 Q. Hold on a second. Let me back up a second. Okay.
9 So right there, you see him nod and then --

10 A. Yes.

11 Q. -- look in his lower pocket. So has he paid for
12 this merchandise?

13 A. No. At this point, he's bypassing the registers
14 and is just pushing the shopping cart with merchandise out.
15 All right. This camera is, it's also going to be a Target
16 camera, but this one is affixed to the outside of the
17 building, but it's movable so we'll see the employee pan
18 around and follow Mr. Johnson.

19 So he's walking west on this driveway in front of
20 the Target store. Still got his hand in his jacket pocket.
21 The CRV on the right belongs to Tricia Mitchell, one of the
22 witnesses that we interviewed.

23 Q. So what did we just observe here?

24 A. So that black car right there has its emergency
25 lights activated. That's a, we call it an unmarked police

1 car, but it does have emergency lights. That's Officer
2 Wyatt and Officer Woods, who attempted to stop Tyrone
3 Johnson.

4 It looks like he immediately ran to the west, and
5 then we had -- you can see other police cars converging in
6 the area. He falls. Do you want to let that play or do you
7 want to --

8 Q. Well, we were at -- let's one it through once.

9 A. Okay.

10 Q. Just so we can see it from start to finish, then
11 we can go back through it and find out relevant bits. Okay.
12 Let's go back here. Let's fast forward a bit here.

13 A. So we're going to see when Tyrone runs, he's going
14 to cut through this parking lot here, and then,
15 unfortunately, he'll disappear from view, but there's a curb
16 and kind of a bioswale area around the other side before you
17 get to the sidewalk on Southeast 96th Avenue. So it goes
18 down like that, and it appears that you can see kind of a
19 leg and arm fly. I believe that's where he tripped and fell
20 over in the bioswale area.

21 Q. Sorry. So that's Ms. Mitchell. That is Woods and
22 Wyatt.

23 A. That's Officer Costanzo.

24 Q. I'm sorry, where, where's that?

25 A. Can you pause it for me?

1 Q. Yeah.

2 A. So this vehicle right here is Officer Costanzo.
3 If I'm blocking anybody's view, let me know. That's him
4 right there. He had come up from the south on 96. This is
5 Officer Ramic and Officer Bartlett. And this right here is
6 going to be Officer Wheeler, and then this is Woods and
7 Wyatt.

8 GRAND JUROR: Can we stay paused here for just a
9 second?

10 DDA DAVIDSON: Sure, yeah.

11 GRAND JUROR: Okay. Can I ask a question --

12 DDA DAVIDSON: Sure.

13 GRAND JUROR: You said who was in the car. Which
14 one did you say Bartlett and his partner were in? I just
15 couldn't tell which one you were pointing to.

16 THE WITNESS: I'm sorry. Bartlett and his
17 partner?

18 GRAND JUROR: Yeah.

19 THE WITNESS: In this silver --

20 GRAND JUROR: Oh, the one across the street.

21 THE WITNESS: Yeah.

22 GRAND JUROR: Thank you.

23 THE WITNESS: Yeah. They were waiting up here in
24 this lot, and then once Tyrone came out, they inched forward
25 and then drove south on 96th Avenue.

1 GRAND JUROR: Can we --

2 GRAND JUROR: So the red car, is that a
3 significant car?

4 THE WITNESS: The red car is going to be Deanne
5 Diaz, who was also interviewed by us.

6 GRAND JUROR: Can we rewind like ten seconds?

7 DDA DAVIDSON: Sure.

8 GRAND JUROR: Just to see when he starts running.

9 DDA DAVIDSON: Yeah.

10 GRAND JUROR: There's no sound on these, right?

11 THE WITNESS: Right.

12 BY DDA DAVIDSON:

13 Q. So Detective, in this scene I notice as he's
14 running from the police, it's kind of what we've seen before
15 where his left arm is churning, and his right arm seems to
16 be buried in his pocket. Do you observe the same thing?

17 A. It appears to either be buried or kind of close to
18 his side.

19 Q. Okay.

20 A. As he's running. It's not a normal --

21 Q. I don't know if any --

22 A. Kind of pump, and pumping his arms.

23 Q. I don't know if you can tell, he almost seems to
24 have something in his right hand a little bit. It's hard to
25 tell, as he's running.

1 A. And his, his hand's out of his pocket right
2 there.

3 Q. So there's almost something -- it looks like
4 there's something in his hand. Well, anyways, okay.

5 DDA DAVIDSON: Does anybody else want to see this
6 video more or --

7 GRAND JUROR: Yeah. Yeah, I don't think we've
8 seen this to the end of it.

9 DDA DAVIDSON: Okay. Yeah.

10 GRAND JUROR: And explain to me, Ms. Mitchell's
11 car is to the upper right side.

12 DDA DAVIDSON: That's Ms. Mitchell.

13 GRAND JUROR: There's now a car to the front,
14 police car to the front, police car to the rear, and police
15 car to her port -- or starboard -- the port side.

16 DDA DAVIDSON:

17 Q. And this is Ms. Diaz here. Correct?

18 A. Correct. All right. So this is -- just let it
19 play. And then --

20 Q. You just want to tell me when to stop?

21 A. Pause right there. So this is Costanzo's vehicle
22 right there. So he's gotten turned around, and he has
23 driven partially southbound on 96th Avenue. This is Officer
24 Ramic and Officer Bartlett. I believe Officer Ramic is
25 already out of his car right there. You can see that. And

1 this is Officer Wheeler, who is driving south.

2 This police vehicle right here is going to be
3 Officer Hertzler and Officer Snitily. We'll let it go for
4 another second or two. All right. Right there. So it
5 might have been hard to see, but it looks like Officer Ramic
6 ran like behind this police car right here, looks like he
7 ran for cover.

8 And then Officer Wheeler is exiting his, his car
9 right now. So that's Hertzler and Snitily getting out of
10 their car. And then we're going to have a lot of moving
11 around on the video as --

12 Q. As far as you, have the shots already been fired?

13 A. Shots had already been fired, and it's a long
14 angle. We do have it put, I believe like a zoomed up one of
15 this or from the Fixoid video that we'll have in here.
16 You'll actually see a little bit better transition of events
17 as they happen.

18 DDA DAVIDSON: Is it okay to move to the next
19 slide or does somebody want to -- I'm asking the Grand Jury,
20 sorry.

21 THE WITNESS: Oh, go ahead.

22 DDA DAVIDSON: Anybody want -- we can always come
23 back and look at whatever you all want. But is it okay for
24 me to go to the next slide then?

25 GRAND JUROR: Mm-hm.

1 DDA DAVIDSON: Okay.

2 BY DDA DAVIDSON:

3 Q. So what are we looking at here?

4 A. So again, this is the, the Fixoid video again,
5 where we saw the car drive by. So this is going to capture
6 Johnson running by, and it'll get a different angle of what
7 we just saw.

8 GRAND JUROR: Can we see that again when we're
9 done?

10 DDA DAVIDSON: Of course.

11 THE WITNESS: So that's Officer Wheeler right
12 there. So Officer Hertzler and Officer Snitily getting out
13 of their car. And that other black car coming by is Officer
14 Woods and Officer Wyatt. After the attempted stop, they
15 drove around onto 96.

16 So it's hard to see from this long angle, but it
17 appears that as soon as Officer Wheeler pulls to a stop, he
18 exits and fires shots. We'll have a zoomed up version of
19 that on the next one, you'll see that a little more
20 apparently.

21 BY DDA DAVIDSON:

22 Q. I can stop whenever you need, Detective. Are you
23 referring to right here?

24 A. Yeah. So right there, and if you can see, you
25 won't see a muzzle flash, but you see the gun tip. The

1 recoil from the gun being fired. And that's Officer
2 Wheeler.

3 Q. Okay. Detective, before we go to the next slide,
4 so there are no cameras, I guess, that recorded anything off
5 of the west side of that strip mall building.

6 A. No.

7 Q. So you canvassed and there were --

8 A. Yeah. We didn't, we didn't find any cameras that
9 covered like a different angle on 96th.

10 Q. Okay.

11 A. On the west side.

12 Q. What are those in here?

13 A. So this is from inside the T-Mobile store. They
14 did not have an external camera. But this captures pretty
15 much the same events, just from inside their store looking
16 out. So this, it kind of looks --

17 Q. I'll start over.

18 A. -- to the west, a little more northwest.

19 Q. Phillip Nguyen here?

20 A. Yeah. Phillip Nguyen.

21 Q. Mm-hm.

22 A. Right again, we'll see Mr. Johnson run by that
23 way. And then he kind of disappears.

24 Q. And no sound with this video?

25 A. No sound with that.

1 Q. Okay.

2 A. Yeah. So it looks like, like Johnson gets to
3 about right here, and then just disappears, which is right
4 where that bioswale is, and right where there's an
5 electrical box right there, which is where he is shot.

6 Q. All right. What is this?

7 A. So this is from the hair salon. That same strip
8 where the Fixoid and the T-Mobile is. It's just a little
9 bit further east from the T-Mobile. So this is Melody Brown
10 --

11 Q. You're --

12 A. Yeah. I'm right there in the gray. So she's
13 working with a client, and this does have audio. I don't
14 know if you can see, but Mr. Johnson, that little sliver
15 right there that captures the outside, you saw him run by to
16 the west.

17 Q. Do we have -- this is a longer video than that.
18 So when Ms. Brown says (indiscernible), I think you believe
19 she's referring to a police officer.

20 A. Yeah. Based on the other video and how the events
21 transpired, I believe she was looking at Officer Woods and
22 Officer Wyatt attempting to stop Mr. Johnson and seeing one
23 or both of them pointing their firearms at Mr. Johnson as he
24 ran away.

25 MS. BROWN: (Indiscernible). He went like this.

1 UNIDENTIFIED FEMALE: What happened?

2 (Sounds of gunfire.)

3 MS. BROWN: (Screaming.) (Indiscernible).

4 Q. What, and what do we have here now?

5 A. So we have a couple of longer clips. So this is
6 the, the dispatch audio from our dispatch center. And so
7 this is going to be the traffic where the dispatcher
8 initially sends officers to deal with this call, and some
9 other ones that will cover the shooting.

10 Q. And how long is this video -- or clip, I guess?

11 A. This is probably I think about 30 seconds, maybe.

12 Q. Okay. And if you, if you could explain to me,
13 this is what's called condensed or compressed. Is that
14 right?

15 A. This actually is not compressed.

16 Q. Oh, okay.

17 A. Yeah. This is actually as it happened.

18 (Whereupon, the videotape referred to was played.)

19 UNIDENTIFIED FEMALE: At different Targets, he
20 also got an (indiscernible) by Target 98005 East Washington
21 Street. Call in loss prevention (indiscernible) Tyrone
22 Johnson born in '98, curly hair, not causing any problems
23 but there's (indiscernible) for rob one, for a robbery
24 committed in a different Target. He's also got an
25 (indiscernible) for parole violation. He'll be in lockdown

1 (indiscernible).

2 UNIDENTIFIED MALE: (Indiscernible) how can I help
3 you?

4 (Whereupon, playing of the videotape was paused.)

5 BY DDA DAVIDSON:

6 Q. So what -- this is a -- this is the next slide, so
7 --

8 A. Yeah. I don't know if anybody heard the like
9 appended 52 and then initial dispatch. All that means is
10 the dispatcher ran Mr. Johnson and found that he had a
11 felony charge. So they're letting the officers know that he
12 had a felony warrant, and that they've attached it to the
13 call.

14 So they'd be able to see that in the call notes.
15 This next clip is traffic amongst the officers. You can
16 hear the dispatcher chime in as well, but basically, they're
17 chatting back-and-forth about what their, their plan is
18 going to be going in.

19 (Whereupon, the videotape referred to was played.)

20 UNIDENTIFIED MALE: (Indiscernible) officer, can I
21 help you? (Indiscernible) Target parking lot.

22 (Indiscernible).

23 UNIDENTIFIED FEMALE: (Indiscernible).

24 UNIDENTIFIED MALE: 1649, (indiscernible) at the
25 Target. He came from the Home Depot (indiscernible).

1 (Whereupon, playing of the videotape concluded.)

2 BY DDA DAVIDSON:

3 Q. Officer, I'm sorry. Did you say this is
4 compressed or this is not?

5 A. This is uncompressed.

6 Q. Okay. And what does compressed mean when you use
7 that term?

8 A. Compressed, so dispatch can give us these audio
9 files and compressed means they take all the dead air out.
10 And all we hear is basically the transmissions. This is
11 actually how it happened. So this would be what somebody
12 would have heard if they were listening to it live.

13 Q. Okay.

14 (Whereupon, the videotape referred to was played.)

15 UNIDENTIFIED MALE 1: (Indiscernible) blond hair,
16 kind of in a ponytail.

17 UNIDENTIFIED MALE 2: Okay. We have eyes on
18 (indiscernible) at Target. So we'll give (indiscernible).

19 UNIDENTIFIED MALE 1: All right. We're
20 (indiscernible).

21 (Whereupon, playing of the videotape was paused.)

22 DDA DAVIDSON: I think that's the end of that.

23 BY DDA DAVIDSON:

24 Q. We didn't hear that entire segment, did we?

25 A. No. It was about two-thirds of the way done. So

1 I mean, basically what this, this summarizes is --

2 Q. Let's listen to this.

3 A. Okay.

4 (Whereupon, the videotape referred to was played.)

5 UNIDENTIFIED MALE: (Indiscernible) exited out the
6 back.

7 (Whereupon, playing of the videotape was paused.)

8 BY DDA DAVIDSON:

9 Q. All right. So I'm sorry to interrupt. Detective,
10 what were you going to say?

11 A. All I was going to say is just for context, this
12 is, this clip is basically about the officers responding,
13 coordinating, the SMA broadcast, like you know, what Tyrone
14 was currently wearing, what he's looking like, what his hair
15 looked like, and just where, where everybody is in the
16 parking lot. So they're kind of coordinating resources.

17 Q. And the next slide?

18 A. So this is again kind of a description of what's
19 going on inside the Target. I believe it was Officer Wyatt
20 who was on the phone with the Target employee, getting
21 updates from them as they're watching him on the, on the
22 video camera.

23 (Whereupon, the videotape referred to was played.)

24 UNIDENTIFIED MALE: He was walking toward the
25 eastern (indiscernible), actually. He's got a shopping cart

1 and (indiscernible).

2 (Whereupon, playing of the videotape was paused.)

3 BY DDA DAVIDSON:

4 Q. Was that the entire clip? We're onto the next
5 clip, I think. Did we get all -- I'm sorry. Detective, did
6 we get this entire clip?

7 A. I think we did, yeah.

8 Q. Okay. All right.

9 A. I got one more here.

10 (Whereupon, the videotape referred to was played.)

11 UNIDENTIFIED MALE 1: (Indiscernible) across the
12 crosswalk. (Indiscernible). He's walking westbound in the
13 street. (Indiscernible) left side. (Indiscernible) hand in
14 his pocket.

15 UNIDENTIFIED MALE 2: Is he wearing that red,
16 green jacket? All right. I'm ready to move in.

17 UNIDENTIFIED MALE 1: He's still pushing the cart.
18 (Indiscernible) now. He's running to (indiscernible). He's
19 got like blue jeans on (indiscernible).

20 UNIDENTIFIED MALE 2: Shots fired. Suspect is
21 down (indiscernible) we got a shot fired.

22 UNIDENTIFIED FEMALE: Shots fired.
23 (Indiscernible).

24 UNIDENTIFIED MALE 2: (Indiscernible) he's still
25 got the gun by his hand (indiscernible).

1 UNIDENTIFIED FEMALE: (Indiscernible) which is
2 the best way in?

3 (Whereupon, playing of the videotape was paused.)

4 BY DDA DAVIDSON:

5 Q. So Detective, you've heard -- listened to this,
6 obviously, repeatedly. I heard, and perhaps you heard
7 someone after shots fired say he pointed a gun at all of us.
8 Do you know who that was?

9 A. I believe that might have been Officer Hertzler.
10 I'm not sure.

11 Q. Okay.

12 A. I'd have to look at my notes to see if I could
13 tell you exactly who that was.

14 Q. Okay. All right.

15 DDA DAVIDSON: Did you want to listen to that
16 again?

17 GRAND JUROR: I would.

18 DDA DAVIDSON: Oh, okay, sure.

19 GRAND JUROR: If we could.

20 DDA DAVIDSON: Sure.

21 (Whereupon, the videotape referred to was played.)

22 UNIDENTIFIED MALE 1: (Indiscernible) across the
23 crosswalk. (Indiscernible). He's walking westbound in the
24 street. (Indiscernible) left side. (Indiscernible) hand in
25 his pocket.

1 UNIDENTIFIED MALE 2: Is he wearing that red,
2 green jacket? All right. I'm ready to move in.

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4 (Indiscernible) now. He's running to (indiscernible). He's
5 got like blue jeans on (indiscernible).

6 UNIDENTIFIED MALE 2: Shots fired. Suspect is
7 down (indiscernible) we got a shot fired.

8 UNIDENTIFIED FEMALE: Shots fired.
9 (Indiscernible).

10 UNIDENTIFIED MALE 2: (Indiscernible) he's still
11 got the gun by his hand (indiscernible).

12 UNIDENTIFIED FEMALE: (Indiscernible) which is the
13 best way in?

14 (Whereupon, playing of the videotape was paused.)

15 BY DDA DAVIDSON:

16 Q. So again, this is uncompressed, Detective.

17 A. Right.

18 Q. So they called for medical almost within seconds
19 of the shots being fired.

20 A. Yeah. Pretty, pretty much immediately after it
21 happened.

22 Q. Okay. All right. Next slide, what do we have
23 here?

24 A. So this is another clip from that Max platform
25 camera. So it's pointing to the door, it's a fixed camera.

1 So this is just going to show kind of the events like
2 immediately surrounding the shooting. So what you'll see in
3 the, in the top corner, so Officer Ramice and Officer
4 Bartlett are in this area right here at the top. You'll
5 see, I think Officer Costanzo, he may have already driven up
6 there.

7 But you'll see the police cars kind of converge in
8 the area. Unfortunately, the, kind of the bend, and the
9 landscaping, and the trees will obscure of the actual
10 shooting event.

11 Q. Is this Ms. Diaz's view?

12 A. Yes, sir.

13 Q. Okay. I'll start that. Give me a minute.

14 (Whereupon, the videotape referred to was played.)

15 (Whereupon, playing of the videotape concluded.)

16 BY DDA DAVIDSON:

17 Q. So I'll just cut that. Is that -- we didn't see --
18 - did we see the entire thing, or do we have more?

19 A. There's more.

20 Q. Okay.

21 A. If you want to --

22 Q. Let me go back here.

23 GRAND JUROR: Can you go back --

24 DDA DAVIDSON: Sure.

25 GRAND JUROR: -- 30 seconds? Is that white car

1 Malik and Lisa's vehicle?

2 THE WITNESS: No.

3 GRAND JUROR: Okay. That was several minutes
4 earlier?

5 THE WITNESS: Yes.

6 GRAND JUROR: Okay.

7 THE WITNESS: Yeah.

8 BY DDA DAVIDSON:

9 Q. Any idea who this is backing up in the vehicle
10 here?

11 A. We don't know who those, those people are. We
12 weren't able to identify them.

13 Q. Neither one of these vehicles here?

14 A. No.

15 GRAND JUROR: Was that Sergeant Kerwin in --

16 THE WITNESS: That actually, I believe, was one of
17 the K-9 units --

18 GRAND JUROR: Okay.

19 THE WITNESS: -- that responded

20 DDA DAVIDSON: Does anybody want to watch that
21 again or can we go onto the next slide? Yeah, we can
22 revisit any of these slides as needed.

23 THE WITNESS: So this is from the Target camera
24 again, so this is kind of the aftermath of the shooting.
25 That's actually our K-9 officer who had just arrived. So

1 the officers are on the right side. They're kind of
2 staged up over there behind cover at this point. They're
3 coordinating a plan to approach Mr. Johnson safely and take
4 him into custody and then render medical aid.

5 So this is a -- it's a pretty lengthy clip. It's
6 about, I think about four minutes.

7 (Whereupon, the videotape referred to was played.)

8 BY DDA DAVIDSON:

9 Q. It seems to be just, I guess, shoppers and, and
10 bystanders kind of wandering around still.

11 A. Yeah. There, there's actually a couple of people
12 that wander kind of down the driveway here, take some
13 cellphone video. Maybe take some selfies as well. And so
14 this area right here, this is where Mr. Johnson was. I
15 believe that's the electrical box I think has probably been
16 mentioned by, by other witnesses.

17 Q. Again, this is cameras being operated by the loss
18 prevention folks at Target.

19 A. Correct.

20 Q. Okay. So this angle is unique, Officer, and this
21 is the first -- I'm sorry, Detective. And this is the first
22 time we've kind of seen what's going on in the backdrop
23 behind the officers. So that's I-205, I guess.

24 A. Correct. Yeah, it's the Max Track.

25 Q. Mm-hm.

1 A. And then beyond that is I-205, which as you see
2 was busy with traffic.

3 Q. Okay. And that would have been the direction that
4 Mr. Johnson was pointing his firearm in.

5 A. Correct.

6 Q. So what do we see now?

7 A. So this is the officers, they've come up with a
8 plan to approach Mr. Johnson. They got a shield, so they're
9 walking up to contact him. And what we're going to see is
10 they're actually going to pull him out away from that box
11 and onto the sidewalk, so away from the firearm that's on
12 the ground, and then out on the sidewalk to try and start
13 medical aid.

14 Q. They do not handcuff him, though. Correct?

15 A. No.

16 Q. So an officer seemed to just walk into frame with
17 some kind of red bag. Do you know what that is?

18 A. So we have a -- medical kits, they're called an
19 IFAK bags. Every patrol car has them and they're packed
20 with different kinds of gauze, chest seals, you know,
21 tourniquets things like that to provide kind of emergency
22 trauma care.

23 GRAND JUROR: So that's AMR approaching?

24 THE WITNESS: Yeah. That would have been one of
25 the -- either AMR or one of the firefighters who's

1 responding.

2 DDA DAVIDSON: Okay.

3 (Whereupon, playing of the videotape concluded.)

4 BY DDA DAVIDSON:

5 Q. And is that the end of the presentation?

6 A. I believe that's all we have. Yeah.

7 Q. Okay. So you reviewed the, the video and the, the
8 radio traffic. Do you have a sense of how much time elapsed
9 between when the shots were fired and when AMR was called
10 actually into the scene?

11 A. It was about -- well, they, they were called
12 pretty quickly and then asked -- they asked them to stage,
13 and then it was about probably four to six minutes.

14 Q. Mm-hm.

15 A. When the paramedics arrived.

16 Q. Okay.

17 A. To assess him. At that time, officers had already
18 been like looking for wounds, attempting to treat what the
19 could. There was a pretty significant head injury. But
20 once medical arrived, they pronounced him deceased
21 immediately.

22 Q. Got it. You -- so you are at the scene for quite
23 a while, I'm assuming.

24 A. Yes.

25 Q. Hours and hours, I would say.

1 A. Yeah. Many hours.

2 Q. Yes. Directing the investigation along with other
3 detectives. You -- did you observe the firearm --

4 A. I did.

5 Q. -- present. What did you -- tell us what you
6 observed.

7 A. So the firearm was, so it was on a concrete pad
8 next to the utility box. It was a SIG Sauer nine millimeter
9 pistol. The pistol was -- it was loaded. Did not have a
10 round in the chamber, but it had a loaded magazine, seated
11 in the magazine well.

12 Q. Do you know how many rounds were in the magazine?

13 A. I believe it was seven.

14 Q. That were all loaded in the magazine?

15 A. And when the criminalist, the one who collected
16 it, cleared it, he had a little bit of difficulty moving the
17 slide back to, to get the slide lock back.

18 Q. Mm-hm.

19 A. To make it safe. But yeah, there was not a round
20 in the chamber.

21 Q. Okay. And do you know what condition the -- or I
22 guess what position the trigger was in when the gun was
23 recovered?

24 A. Trigger looked like it was pushed to the back.

25 Q. Mm-hm.

1 A. So in comparison to a, a photo of the pistol
2 with the trigger moved forward, it was significantly back.
3 I can't say whether somebody had depressed the trigger, but
4 it was pulled back.

5 Q. Mm-hm.

6 A. Not in the normal position.

7 Q. Okay. And what did you do with that firearm?

8 A. That firearm was collected as evidence, and
9 eventually submitted to Officer Panter.

10 Q. Mm-hm.

11 A. So he could conduct a function check and a test
12 fire. And he was able to do that. He told me that the
13 pistol was able to cycle -- or he was able to fire rounds
14 through it.

15 Q. After he did some, some cleaning on it, I guess.

16 A. Yeah. He said it was -- it was pretty dirty and
17 gunky. And he actually had to get some debris out of it and
18 oil it up in order to get, to get it working.

19 Q. Okay. When you observed the firearm in its
20 location after the shooting, I mean, physically, from the
21 outside, was there anything about it that would have
22 indicated to you that it was, I guess, not capable of firing
23 at the time?

24 A. No.

25 Q. Okay. It looked like a normal functioning firearm

1 to you.

2 A. Yeah. It looked like a, like a regular firearm.

3 Q. Okay. So were you able to determine who the three
4 officers were who discharged their firearms?

5 A. Yes. We determined it was Officer Wheeler,
6 Officer Ramic, and Officer Bartlett.

7 Q. Okay. So what do you do with the officers? Like
8 how are the officers who were involved, the shooting
9 officers, how were they handled at the scene?

10 A. So they are pretty immediately, I hate to use, use
11 the term sequestered, but they're, they're pulled aside, and
12 another officer will stay with them until, basically until
13 investigators arrive. And so they're, they're by
14 themselves. They're not allowed to like manipulate the
15 firearms. They're kept as they were when it happened.

16 And depending on the amount of resources that
17 might be at the scene immediately, those officers are
18 generally pulled out pretty quickly. So they'll usually say
19 I used deadly force and they'll be pulled to the side and
20 kind of in a, kind of in a holding position so we can
21 process the scene and kind of get things going.

22 Q. Mm-hm.

23 A. Once we determine who the involved officers were,
24 we do a weapons countdown on all of them. So we take their
25 pistol, we download it, we determine how many rounds were in

1 the magazine, is there a round in the chamber, and then
2 also magazines that -- extra magazines that they have in
3 their duty pouches.

4 So we'll count down those as well to determine
5 based on a standard load of those magazines, how many rounds
6 were likely fired.

7 Q. Okay. And that was done, I guess, and photographs
8 of them are taken at the scene.

9 A. Yeah. Photographs were taken, how they appear at
10 the time of the incident, and then photographs taken of the
11 weapons, the magazines, and the ammunition that they had on
12 their persons.

13 Q. Okay. So as a result of the weapons countdown, or
14 the kind of determining how many rounds they would have
15 started out with and how many rounds that were counted down
16 after the incident, were you able to determine how many
17 rounds each one of those officers fired?

18 A. Yes. Based on the countdown, we determined that
19 Officer Wheeler fired five shots. Officer Ramic fired
20 three. And then Officer Bartlett fired once.

21 Q. Mm-hm. Okay. And there were obviously shell
22 casings left at the scene.

23 A. Yes.

24 Q. Can you tell us a little bit about that evidence?

25 A. Yes. So we recovered nine spent shell casings at

1 the scene. All nine millimeter --

2 Q. They were all nine millimeters?

3 A. Yes. In the area of Officer Wheeler's vehicle,
4 kind of outside his driver door area, we recovered five
5 shell casings there in between Officer Ramic and Bartlett,
6 their silver vehicle, and Officer Constanzo's vehicle, there
7 were three rounds, three shell casings recovered.

8 And then kind of in the front, closer to the
9 passenger side, we recovered a single spent round, or single
10 shell casing in front of Officer Ramic and Officer
11 Bartlett's vehicle, that silver SUV.

12 Q. Okay. And what if anything did you do with the
13 firearms that were on the officers, you seized those.
14 Correct?

15 A. Yeah. We collect that. In this case, we collect
16 like all the pistols, all the ammunition, the magazines, and
17 then that's sent to the Oregon State Police Crime Lab.

18 Q. Okay. Because you can forensically, I guess, the
19 folks at the crime lab forensically compare the shell
20 casings recovered and attempt to match them to the firearms
21 recovered from the officers.

22 A. Correct.

23 Q. Okay. Now, you also attended the autopsy of Mr.
24 Johnson. Is that correct?

25 A. Yes.

1 Q. Where did that take place at?

2 A. It took place at the Oregon State Police --

3 Q. The medical examiner's office?

4 A. It was the medical examiner's office. Thank you
5 very much.

6 Q. Yeah.

7 A. I was thinking forensic laboratory, but that would
8 not be it.

9 Q. Same building as the forensic laboratory.

10 A. It is the same building. Yes, I attended the
11 postmortem examination.

12 Q. And who was that conducted by?

13 A. That was Dr. Ariel Viramontes.

14 Q. Okay. Yes. Medical examiner for the State of
15 Oregon.

16 A. Yes.

17 Q. All right. And you were present for the entire
18 examination.

19 A. I was.

20 Q. Okay. And what, what injuries did you or were
21 deduced by Dr. Viramontes as far as what Mr. Johnson had
22 suffered?

23 A. So he had two gunshot injuries. He also had
24 abrasions to the outside of his legs, and then he had a
25 single gunshot to his left shoulder, and then a single

1 gunshot to his right eye.

2 Q. And I'm assuming that bullet traveled and came to
3 rest where in his anatomy?

4 A. So the one that entered his eye came to rest in
5 the brain.

6 Q. Mm-hm.

7 A. Inside his skull.

8 Q. And the shoulder injury, to the left shoulder.

9 A. That was -- that remained lodged in the shoulder
10 area.

11 Q. Mm-hm.

12 A. And actually both of those bullets were extracted
13 by the medical examiner.

14 Q. Okay. And what -- did you recover those bullets?

15 A. Yes.

16 Q. And what did you do with those bullets?

17 A. So those were also sent to the forensic laboratory
18 for comparison to the other evidence, the firearms. So per
19 the bullet in the shoulder --

20 Q. And before we get to that --

21 A. Yeah.

22 Q. -- let me ask another question. Did Dr.
23 Viramontes come to a conclusion about what the cause and
24 manner of death was for Mr. Johnson?

25 A. Yes. So the cause of death was the, the gunshot

1 to the head, and the manner of death was homicide.

2 Q. Okay. And you understand, homicide is basically
3 that's a term that describes when there's the death of one
4 person at the hands of another person.

5 A. Correct.

6 Q. It's not like a criminal legal --

7 A. Yeah. It means one person caused the death of
8 another.

9 Q. Okay. I think you were about to tell us what you
10 did with the recovered bullets from Mr. Johnson.

11 A. Yes. So those were sent to the lab along with the
12 shell casings that we recovered, and the firearms from the
13 officers, and so Leland Samuelson who's the scientist who
14 worked on this case, he wrote a report and stated that the
15 bullet from the shoulder was linked to Officer Wheeler's
16 gun. The bullet from Mr. Johnson's head excluded Officer
17 Wheeler's gun but couldn't determine which of the other two
18 officers that bullet was fired from. They both had similar
19 characteristics.

20 Q. Okay. And is that because, I guess, certain
21 firearms, a different manufacturer, sometimes they're
22 difficult to discern from each other.

23 A. Firearms from the same manufacturer.

24 Q. Yes, I'm sorry.

25 A. So yeah, all three of the officers had Glock 17

1 pistols.

2 Q. Okay. Okay. Got it. All right. So as far as
3 the wound to the head, Officer, I'm sorry, Wheeler is
4 excluded?

5 A. Yes.

6 Q. Okay. But it could have been fired from either
7 Officer Ramic or Officer Bartlett.

8 A. That's correct.

9 Q. Okay. But he couldn't tell which.

10 A. Could not tell which.

11 Q. Because the characteristics were somewhat similar.

12 A. Yes.

13 Q. Got it. Okay. Obviously, you went on to
14 interview a variety of people or detectives, I guess,
15 interviewed a variety of people that evening.

16 A. Yes.

17 Q. It was quite a large team there of detectives.

18 A. Yeah. We had a quite robust response --

19 Q. Okay.

20 A. -- to this.

21 Q. What happens to the uninvolved officers? How are
22 they handled?

23 A. They --

24 Q. I guess the witness officers.

25 A. So the witness officers are handled kind of in a

1 similar fashion to the involved officers. They're kind of
2 pulled aside, another officer will sit with them. And
3 they're basically told not to, you know, discuss their --
4 what they witnessed, not to talk with anybody else until
5 they're interviewed by detectives.

6 And so all of those witness officers were
7 interviewed that night by detectives.

8 Q. Okay. And what about civilians?

9 A. Civilians were -- the ones who were on scene were
10 interviewed that night.

11 Q. Mm-hm.

12 A. Either by responding officers, and then with
13 follow up interviews by detectives. And then there were
14 other people that were interviewed after the incident.

15 Q. Okay. And I guess you continued to try to track
16 down any civilian witness who might have seen what occurred,
17 I guess, even in the weeks and months that followed.
18 Correct?

19 A. Correct.

20 Q. Yeah. And collected the video, we talked about
21 that.

22 A. Mm-hm.

23 Q. Let's see.

24 A. Do you want to talk about the shell casings at the
25 lab? Conclusions from that.

1 Q. The shell casings at the lab, oh, yes, sorry.
2 Please.

3 A. Yes.

4 Q. We do --

5 A. So, so Forensic Scientist Samuelson, so he did the
6 work with the shell casings that we recovered from the scene
7 as well. The five shell casings that were recovered near
8 Officer Wheeler's vehicle, he linked those to Officer
9 Wheeler's firearm.

10 The three shell casings that were in between the
11 two patrol cars, the silver patrol car and Officer
12 Costanzo's patrol car, those were linked to Officer Ramic's
13 gun. And then the remaining shell casing was linked to
14 Officer Bartlett's gun.

15 Q. So that, that concurs or agrees with the results
16 of the weapons countdown.

17 A. Yes.

18 Q. Okay. Let me ask another question. Were any of
19 the nine rounds that were fired, there was a burned area
20 behind Mr. Johnson's backdrop. Correct?

21 A. Correct.

22 Q. Any of the rounds -- two of the rounds were
23 recovered. Obviously, they were in Mr. Johnson. The other
24 rounds, were they recovered?

25 A. We did not recover those. We looked extensively

1 for strikes to the berm, but we did not find any of those
2 other rounds. We did not see any strikes to that utility
3 box that Mr. Johnson was behind.

4 Q. Mm-hm.

5 A. As well. So I'm assuming that they all
6 disappeared into the berm, but we did not find any.

7 Q. Okay. And no bullet strikes, I'm assuming to the
8 businesses in the building behind --

9 A. No.

10 Q. -- where the automobiles --

11 A. No strikes that we found. Windows, brick, any of
12 the exterior of the businesses.

13 Q. Okay.

14 GRAND JUROR: I just have one question.

15 THE WITNESS: Mm-hm.

16 GRAND JUROR: When you talked during your
17 recitation of the facts here about a vehicle that contained
18 Ms. Eliza Lewis and Mr. Malik Jackson.

19 THE WITNESS: Correct.

20 GRAND JUROR: And your testimony was, and the
21 video evidence was that that vehicle left several minutes
22 before this shooting took place.

23 THE WITNESS: Probably about, about two minutes.

24 GRAND JUROR: About two minutes.

25 THE WITNESS: Prior to the shooting.

1 GRAND JUROR: Okay. Is there any evidence in
2 your investigation that indicated that that motor vehicle
3 returns to that area prior to the shooting?

4 THE WITNESS: No.

5 GRAND JUROR: Okay. Thank you.

6 DDA DAVIDSON: Questions from the grand jury?

7 GRAND JUROR: In the video that we see where he
8 starts to run, it does look like he might be holding
9 something. Was there anything, like any objects, anything
10 from the store, or anything like that found near him?

11 THE WITNESS: We didn't recover anything like that
12 near him. The best we could tell, all the items that were
13 taken from Target were recovered in the shopping cart that
14 he left behind. We did find some, some headphones that were
15 his near where he fell, and a couple of other miscellaneous
16 items, but nothing that looked like it was merchandise that
17 he was hanging onto as he was running.

18 BY DDA DAVIDSON:

19 Q. Detective, was a gun holster or something
20 approximating a gun holster found at the location where his
21 body came to rest?

22 A. It looked like there was, like in his, in his
23 pocket, there was a soft holster.

24 Q. Mm-hm.

25 A. And that's something that it's basically called a

1 pocket holster that somebody would wear like inside their
2 pocket to keep a firearm. So it's not like loose in
3 somebody's pocket, and like the trigger is available for
4 something to catch on.

5 Q. Okay.

6 GRAND JUROR: And so is that like filed into
7 evidence? Like what do you mean by it looked like?

8 THE WITNESS: So that's something in examining the
9 photos I observed. It was not taken separately but it was
10 something that I, when I was reviewing the photos that were
11 taken at the scene, that's what that appeared to be. But I
12 can't say for certainty, but that's what I can say based on
13 my experience that that's what it looked like.

14 GRAND JUROR: Okay. But it wasn't take into -- it
15 wasn't -0

16 THE WITNESS: It's, no, it's collected with the
17 clothing, but it hasn't been separately logged as evidence.

18 GRAND JUROR: I see.

19 THE WITNESS: No.

20 GRAND JUROR: Okay. Thank you.

21 DDA DAVIDSON: Anything else?

22 GRAND JUROR: And you obviously verified all the
23 video timestamps?

24 THE WITNESS: Yes. So they, they're not all
25 completely synced together. The one that was notably off

1 was the Fixoid camera, which was approximately 37 seconds
2 fast. But the other sources of video were, were pretty much
3 related to each other and how they were running and related
4 to the dispatch time.

5 BY DDA DAVIDSON:

6 Q. Is it your experience in a variety of
7 investigations that surveillance systems operated by private
8 citizens, and potentially government entities are often not
9 exactly true to real time?

10 A. It's pretty frequently the case. People miss
11 daylight savings time. They don't adjust them that way. Or
12 there's some glitch in the system and sometimes the
13 date/time stamp can be months, days off. But we just have
14 to compare that with the known facts that we have. In this
15 case, you know, it's dispatch, other video, and we can
16 compare them together to see the, the same events, and we
17 can sync them together that way.

18 GRAND JUROR: And you said it was 37 seconds fast
19 or slow compared to the Target?

20 THE WITNESS: The Fixoid was 37 seconds fast.

21 GRAND JUROR: Compared to the Target?

22 THE WITNESS: Correct.

23 GRAND JUROR: Okay.

24 DDA DAVIDSON: Yeah.

25 GRAND JUROR: Do you have any footage, so the last

1 angle you showed it looks like we can see the electrical
2 box and that. Do you have any of the footage from when the
3 shooting had occurred from that angle?

4 THE WITNESS: Unfortunately, we don't. Because I
5 believe that one was from the Target camera, and so it pans,
6 and so it was, it was moving. You noticed when we first
7 watched it, it was pointed kind of down by the entrance, and
8 then they turned it to follow. So unfortunately, we were
9 kind of at the mercy of how they were moving the camera
10 around to zoom on what they thought was important.

11 I guess they didn't anticipate where the shooting
12 was going to happen, so we -- that's kind of what we have.

13 GRAND JUROR: I think I already know the answer to
14 this, but what happens when you pull the trigger and there's
15 not a round in the chamber?

16 THE WITNESS: The trigger can, can stay pulled
17 back. It kind of depends on different firearms. But that's
18 typically what happens.

19 GRAND JUROR: Was there anything unusual in this
20 investigation or anything in particular that you noted?

21 THE WITNESS: I mean, I think that kind of gets to
22 speculation, but I mean, I think, I think the reaction and
23 the behavior of Mr. Johnson struck me as unusual, in how he
24 reacted to the potential of, you know, being arrested. That
25 seemed fairly unusual in my experience, particularly for

1 somebody who's, well, I won't get into that.

2 GRAND JUROR: We heard from a different witness
3 that there were conflicting reports of Mr. Johnson being
4 shot in the back while he was running. Do you know where
5 those came from or were you able to investigate where those
6 reports were?

7 THE WITNESS: Well, I talked to two witnesses that
8 had a different version of events.

9 DDA DAVIDSON: Who were they?

10 THE WITNESS: That was Eliza Lewis and Malik
11 Jackson, who had a different version of events. But based
12 on the video evidence, I believe they were -- Ms. Lewis and
13 Mr. Jackson were out of the area and their vehicle was out
14 of the area at the time the shooting happened and weren't
15 able to witness the other events.

16 GRAND JUROR: Do you know about -- we've heard a
17 lot about the electrical box.

18 THE WITNESS: Mm-hm.

19 GRAND JUROR: Do you know the measurements for it?
20 Like the height, that type of thing.

21 THE WITNESS: It's from my recollection, it's
22 about three feet high and maybe about two to three feet
23 wide.

24 GRAND JUROR: Okay.

25 THE WITNESS: Yeah.

1 GRAND JUROR: Thank you.

2 GRAND JUROR: Did you interview Eliza Lewis and
3 Malik Jackson?

4 THE WITNESS: I did.

5 GRAND JUROR: Okay.

6 GRAND JUROR: Was there anything significant about
7 the firearm when you sent it for inspection? You ran it
8 through a database or anything like that.

9 THE WITNESS: Are you asking if it was stolen or
10 anything like that, or -- there was nothing unusual about
11 it. We did do a, it's kind of standard in this case, we do
12 an ATF trace, which is Alcohol Tobacco Firearms. They'll
13 tell us who the purchaser of record was. I did do some
14 investigation on that and determined that the firearm was
15 likely stolen at some point before this incident happened.

16 BY DDA DAVIDSON:

17 Q. My recollection it was quite a bit before this
18 incident.

19 A. It was, yeah.

20 Q. Do you have a recollection of how many years,
21 months?

22 A. It was a period of months.

23 Q. All right. Is it your experience, these firearms
24 once stolen kind of move from hand to hand frequently?

25 A. Yeah. They will trade hands pretty quickly

1 either, you know, sold for cash, other illicit property,
2 drugs, other stolen property.

3 Q. Yeah. I'm sorry. We have no reason to believe
4 that Mr. Johnson is the individual responsible for the
5 actual --

6 A. No indication that he was the person that actually
7 stole it. No.

8 GRAND JUROR: Is the idea that it was stolen but
9 it's not being reported stolen? Or -- I know they're
10 frequently not.

11 THE WITNESS: So I did talk to the, the owner who
12 attempted to report it stolen. Yes.

13 GRAND JUROR: Thank you.

14 THE WITNESS: Mm-hm.

15 GRAND JUROR: Was it associated with anything
16 else, the gun?

17 THE WITNESS: No other crimes I no of. No.

18 GRAND JUROR: Do you know if it was the same -- I
19 don't know if I'm allowed to ask this, the same firearm that
20 he shot during the (indiscernible) case?

21 THE WITNESS: It's a different one.

22 GRAND JUROR: Okay.

23 DDA DAVIDSON: All right. Any additional
24 questions?

25 GRAND JUROR: I don't know if you can answer this

1 either, I guess that'd be why I'm asking. If the trigger
2 was pulled back and stuck in that position, is it safe to
3 say that that was the last thing that happened with the gun,
4 was that the trigger was pulled?

5 THE WITNESS: I can't say for sure. I don't know.

6 GRAND JUROR: Is there anything that you can do
7 with the gun when it's in that position?

8 THE WITNESS: So that would be, so we call that a
9 fail to fire.

10 GRAND JUROR: Mm-hm.

11 THE WITNESS: It's not something that in my
12 training with firearms, we actually work on that, is
13 attempting to fire on an empty chamber. We call that a fail
14 to fire. And so there's a drill to get that firearm up and
15 running. And the fix for a semiautomatic pistol like the
16 Glock that I carry, is you make sure your magazine is
17 seated, so you tap that, and then you rack a slide. And
18 that way that will, that will load a round in the chamber,
19 and it will reset, and it will be ready to fire at that
20 point.

21 So that would be the, that would be the fix to
22 something like that happening.

23 BY DDA DAVIDSON:

24 Q. If you had received the appropriate training.

25 A. If you hadn't received the training, you --

1 Q. You have, you obviously, as someone who carries
2 a firearm --

3 A. Mm-hm.

4 Q. Received police training on this particular issue.
5 Correct?

6 A. Mm-hm.

7 Q. Right?

8 A. Correct.

9 Q. So that's how you know that, for example.

10 A. Correct. And there's other malfunctions that, you
11 know, may need to be dealt with but that would be a fairly
12 simple kind of run of the mill one to deal with. But if
13 you're not experienced with firearms and kind of making
14 those things happen, and in a stressful situation it can be
15 difficult to deal with.

16 GRAND JUROR: And would there be any risk to
17 handling a gun that was, that the trigger was stuck in a
18 locked position? Like did it accidentally fire, is there --

19 THE WITNESS: I don't know of any instances where
20 that would happen. No.

21 GRAND JUROR: Okay. Thank you.

22 GRAND JUROR: In your investigation, other than
23 with Ms. Lewis and Mr. Jackson, was there anybody else that
24 came up with a different story about what happened?

25 THE WITNESS: No. No, everybody else that we

1 talked to was fairly consistent in their recollections.

2 GRAND JUROR: We had a witness testify that they
3 had seen media coverage of other people who claimed to have
4 witnessed the event. Were any of them contacted that were
5 seen on the TV?

6 THE WITNESS: Well, people that we, that we were
7 able to identify --

8 GRAND JUROR: Mm-hm.

9 THE WITNESS: -- we did talk to and there were
10 people that came forward and there were also people that we
11 tracked down after we saw a news report.

12 BY DDA DAVIDSON:

13 Q. Ms. Mitchell being one of them?

14 A. Ms. Mitchell would be a key one, yes.

15 Q. Mm-hm.

16 GRAND JUROR: Oh, the, the reports that were done,
17 the interviews with witnesses -- with the officers involved
18 with -- officers who witnessed the event, I assume there's
19 written reports available.

20 THE WITNESS: Well, those -- yeah, there's written
21 reports. There's -- those are also audio recorded, and
22 there's transcriptions of all, all those reports and
23 interviews.

24 BY DDA DAVIDSON:

25 Q. Detective, you've got a gigantic binder for --

1 A. I got a big binder, yeah.

2 Q. What, what is that? What are we looking at?

3 A. So this is, it's a big binder with, with all of
4 the reports that have been written on the case to date.
5 There may be more that get written depending on what other
6 information comes in.

7 Q. You also just flipped over the page to a gigantic
8 bag of --

9 A. Yeah. This is a bag that has a bunch of flash
10 drives in it that has like all the video recordings, the 911
11 recordings, all that stuff is in there. We have a table of
12 contents, and everything is split up. So we have our
13 reports that are written by the officers that responded, the
14 uniformed officers, then we have detective reports that were
15 written.

16 And then it's further split into another section
17 with witness officers' reports that were written documenting
18 those interviews, and then the transcripts of those
19 interviews. And the same with the civilian witnesses that
20 we interviewed.

21 And then there's, you know, reports from our
22 forensic evidence division. Those are the people that, you
23 know, collect the evidence at the scene. They scan the
24 scene with the laser scanner. Property receipts. Basically
25 all the, all the paper and reports that's generated goes in

1 here.

2 GRAND JUROR: And the multiple versions of the
3 interviews with the officers, does, does anybody go through
4 those and look for differences between them? The
5 transcripts, the --

6 THE WITNESS: Well --

7 GRAND JUROR: -- officer written --

8 THE WITNESS: You mean like the discrepancies
9 between different officers?

10 GRAND JUROR: Yeah.

11 THE WITNESS: Yeah. And I mean, we certainly look
12 at that, and we also recognize that people have, just like
13 regular witnesses do, they have their own perspectives from
14 where they were standing and like what their involvement
15 was, and how they perceived what was occurring.

16 I would say that all of the civilian witness and
17 officer witness interviews were pretty darn consistent with,
18 with what we think happened. And it also is consistent with
19 the evidence that we recovered at the scene.

20 GRAND JUROR: And were the different, like were
21 they consistent within the interviews? So like one officer,
22 was that consistent with what, like what they wrote and what
23 they told was consistent with what was reported by the
24 officer doing the, the reporting, the interviewing, I should
25 say.

1 THE WITNESS: You mean does the report
2 accurately reflect the interview?

3 GRAND JUROR: Yes.

4 THE WITNESS: Yes. Yeah, it does. And that's,
5 that's one of the reasons why we do transcripts.

6 GRAND JUROR: Mm-hm.

7 THE WITNESS: You know, our reports when we do
8 these, they're largely summaries.

9 GRAND JUROR: Okay.

10 THE WITNESS: So we'll kind of hit the high points
11 with enough detail so that somebody who reads the report
12 will have a good sense of what that interview was about.
13 But we always say, you know, for all the detail in its
14 entirety and the order in which it happened, you know,
15 please look at the transcript or listen to the interview.

16 Because when, you know, when people talk, it's not
17 automatically chronological. Some people may tell what they
18 think is the whole story, then they'll say oh, I forgot
19 this, and so they'll add that in. But yeah, I didn't notice
20 any, any, anything that jumped out to me that would be
21 inconsistent along the officers or the persons that were
22 doing the interviews.

23 GRAND JUROR: Okay. Thank you.

24 BY DDA DAVIDSON:

25 Q. So for every interview conducted, there's a

1 digital recording of the interview.

2 A. Correct.

3 Q. There's a subsequent transcript made from that
4 digital recording.

5 A. Correct.

6 Q. And then there is also a -- the interviewing
7 detective's summary report of the high points of what was
8 said in the interview.

9 A. Correct.

10 Q. Okay.

11 GRAND JUROR: If there are no discrepancies at all
12 between officers, does that jump out at you and like maybe
13 be the reason why they would be separated so that every
14 single story is not the same?

15 THE WITNESS: Well, the reason we -- yes, and so
16 the reason we separate people is we want their recollection
17 to be their recollection, and to not be tainted by what
18 other people are saying. So that's why we, we do a good a
19 job as we can at splitting them up immediately.

20 And you know, they're also given instructions,
21 even though the officer that is sitting next to that witness
22 officer is told, hey, don't talk about the case. Talk about
23 the football game, whatever, but don't talk about the
24 incident that just happened.

25 Because we do want their recollection to be

1 sincere and their own memory. I, I see your point that
2 if like recollections among different people are so similar
3 that it might cause a question, but there's always, and even
4 in this case, there's always little differences that I think
5 are accounted for by a person's specific like work
6 experience and you know, what they, what they personally
7 witnessed during this incident.

8 So they might have been in a different position,
9 like for Officer say Woods and Wyatt, you know, one of them
10 was driving and one of them was a passenger. Officer Wyatt
11 was like on the phone with the Target loss prevention,
12 getting the verbatim updates from them.

13 And so Officer Woods heard that part of the
14 conversation, but he wasn't part, he wasn't a part of the
15 whole conversation. So everybody gets like their own
16 version of what, of what they experienced. And that's what
17 comes through in the interviews.

18 So I don't know if that answered your question or
19 not.

20 GRAND JUROR: Yeah. Yeah. Thank you.

21 THE WITNESS: Mm-hm.

22 DDA DAVIDSON: Any other questions? Okay. And
23 just so you know, well, I'll say this, is that there are
24 other questions that come up that you think Detective, you
25 know, even if he leaves here, he's available to us. We can

1 bring him back here. He can -- if you think of other
2 things you want to hear about or see, or question him about,
3 we can have Detective Corona back for more questions. And
4 we've got, I think we've got some time this afternoon to do
5 that.

6 GRAND JUROR: I just have one last question.

7 DDA DAVIDSON: Sure.

8 GRAND JUROR: Did, did any of the officers
9 involved in the whole event have any prior interactions with
10 the, with the suspect?

11 THE WITNESS: Not personally, not as far as I
12 know. I think -- I can't remember if it was Officer Wyatt
13 or Officer Woods responded to, I think one of the incidents
14 I think maybe you referred to, where a shot was fired.
15 Can't remember if it was --

16 GRAND JUROR: The round in the floor.

17 THE WITNESS: Yeah. And I think he was familiar
18 with his name but didn't have any personal experience with
19 him.

20 GRAND JUROR: As far as you know, no -- the
21 officers -- were the officers talking at all before they got
22 separated?

23 THE WITNESS: Not as far as I know. No, I think
24 what you heard on the dispatch tape, you know, immediately
25 following the shooting is, is them kind of like arranging

1 resources, figuring out how they're going to respond to
2 it immediately, and then, it's kind of hard to see on the
3 video, but you see the involved officers were kind of moved
4 to that grass embankment behind the police cars.

5 And so they were kind of separated over there
6 while a plan was formulated to go and approach Mr. Johnson,
7 and then they were immediately separated. I think it was
8 Sergeant Kerwin that actually handled a lot of that, kind of
9 coordinating of additional people to come in and be with
10 those involved and witness officers.

11 DDA DAVIDSON: Any other questions? No. Okay.
12 All right. We'll go off the record. We're going to talk
13 with our next witness real briefly.

14 (Off the record.)

15 (On the record.)

16 DDA DAVIDSON: Okay. We're back on the record in
17 Grand Jury Case No. 42. We are ready to take our next
18 witness. Go ahead and raise your right hand and you'll be
19 sworn.

20 JOHN BARLETT
21 was thereupon called as a witness; and, having been first
22 duly sworn, was examined, and testified as follows:

23 DDA DAVIDSON: Go ahead and have a seat.

24 DDA BENSON: Good morning, sir.

25 THE WITNESS: Good morning.

DIRECT EXAMINATION

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BY DDA DAVIDSON:

Q. If you can go ahead and state your, your full name for us and spell it.

A. Yeah. It's John Bartlett, J-O-H-N, B-A-R-T-L-E-T-T.

Q. Okay. And how are you employed?

A. I'm a police officer with the City of Portland.

Q. And how many years of law enforcement do you have?

A. Seven years.

Q. All that in Portland?

A. Yep.

Q. All right. And prior to that, did you go to college?

A. I did. I went to Portland State.

Q. And did you get a degree?

A. In criminology and criminal justice.

Q. All right. And did you attend, I'm sorry, attend the usual academies?

A. I have.

Q. So DPSST.

A. Yes.

Q. Sixteen weeks?

A. Ours had breaks. It was 19 weeks, but whatever the standard was --

1 Q. Mm-hm.

2 A. -- seven years ago.

3 Q. Okay. All right. Portland Advanced Academy?

4 A. Yep.

5 Q. All right. How much was that timewise? Do you
6 recall?

7 A. They've been changing that as well. I think when
8 I went through it was ten weeks.

9 Q. Ten weeks, okay. And can you tell us a little bit
10 about the training you've had since -- or, not training,
11 sorry. The assignments you've had since you've been with
12 the bureau, since you started with the police bureau.

13 A. Yeah. After probation, I was assigned to East
14 Precinct, and I worked in Northeast Portland on the
15 afternoon shift for a few years. I was assigned to the
16 rapid response team in 2020, and 2021, and then returned to
17 patrol after that until 2022, which is when I was selected
18 to be on the Focus Intervention Team, which is where I'm
19 currently assigned.

20 Q. Mm-hm. Okay. And you're, you're an officer with
21 the FIT team, I guess they call it?

22 A. Yes.

23 Q. All right. All right. I think you know why we're
24 here. We're here to discuss what occurred back on the 27th
25 of December of 2023.

1 A. Mm-hm.

2 Q. At Mall 205. And Officer, I'll let you know that
3 the screen behind you has a Google image, which you may
4 recognize as the Mall 205 area. We've been using this for a
5 variety of testimonies. As you're no doubt aware, I can
6 expand it or contract it, zoom in, we can use street view.
7 So if you think at any point of using this map or kind of
8 (indiscernible) any way will assist you in kind of happened
9 that day, feel free to let us know.

10 A. Great.

11 Q. Okay. So what shift were you working that day?

12 A. So FIT operates on an afternoon shift, we start at
13 2:00 and go to midnight.

14 Q. Okay. And so you just, I guess, arrived at work.
15 Where do you actually respond to? Where do you go to start
16 a shift?

17 A. Yeah. It's out of North Precinct.

18 Q. Okay.

19 A. On MLK at Emerson Street.

20 Q. Okay. And anything unusual about what happened
21 earlier -- what time did you get up?

22 A. Oh. Just regular time, I think.

23 Q. Which for you is what?

24 A. Well, I have three kids so it's when my 3-year-old
25 decides that we're getting up out of bed.

1 Q. All right.

2 A. Yeah.

3 Q. So is that early in the morning, or --

4 A. It can be. Yeah, it can be, I, I like to get my
5 kids ready for school, so yeah, usually 6:00, 6:30,
6 something like that.

7 Q. Okay. In the morning.

8 A. Yeah. Yes, yes, yes.

9 Q. And so what did you do before you came to work
10 that day? Was it your usual, did you eat normally, did you,
11 I don't know, do you recall even, I guess?

12 A. Yeah, no. It was a very standard day. We had --
13 I had just been getting to visit with my, my big sister came
14 in from New York City.

15 Q. Mm-hm.

16 A. I don't get to see her a ton, but I love my
17 sister, so I got to see her the whole day before.

18 Q. Mm-hm.

19 A. And then, yeah, it was just kind of back to life
20 as usual.

21 Q. Okay. So just a usual workday.

22 A. Mm-hm.

23 Q. All right. Did you, I guess, take any, I guess,
24 drugs, prescription or otherwise before your shift that day?

25 A. No.

1 Q. All right. And did you drink any alcohol?

2 A. No.

3 Q. All right. So were you basically sober at that
4 point?

5 A. Totally sober.

6 Q. Yes. Okay. Just asking. So you arrived at work
7 at North Precinct.

8 A. Yep.

9 Q. Do you arrive at work usually dressed in your
10 uniform, or do you change at the precinct?

11 A. No. I sometimes will come in in like workout
12 apparel and I'll try and exercise before shift.

13 Q. And is there a workout facility there --

14 A. Yep.

15 Q. -- at the precinct?

16 A. Yep.

17 Q. All right. And did you do that this day?

18 A. I don't remember.

19 Q. Okay.

20 A. Yeah. It would be -- normally, I would. I try
21 and always build it in my schedule, but I don't recall if I
22 did or not.

23 Q. All right.

24 A. Yeah.

25 Q. So do you believe that you changed into your

1 uniform at the precinct?

2 A. Yeah. Just prior to shift, which is very
3 standard. I almost never have my, my uniform with me
4 otherwise.

5 Q. Mm-hm. All right. So you dressed in your
6 uniform, and can you describe your uniform? Is it just a
7 typical Portland Police Bureau uniform?

8 A. Yeah, yeah. It's navy blue. I have a collared
9 shirt and cargo pants, and I have a -- just the standard
10 issue belt that carries a lot of my equipment. And then I
11 wear a, a bulletproof vest on the outside of my shirt that I
12 carry like my radio on and a flashlight.

13 Q. Mm-hm. Okay. And do you carry a typical sidearm
14 as part of your duties?

15 A. Yes. Yeah, yeah, yeah. Yeah, on my belt on my
16 right side, on my right hip, I have -- just my bureau issued
17 Glock 17.

18 Q. Okay. And do you carry any other weapons?
19 Sometimes I know some officers carry what's called a backup
20 weapon. Do you carry one of those?

21 A. I do not.

22 Q. All right. So the only armament you had was your
23 sidearm.

24 A. That's correct.

25 Q. All right. Are you qualified in any other weapon

1 systems for the bureau?

2 A. Yes. I am qualified in the 40 millimeter less
3 lethal, as well as the rifle.

4 Q. The AR-15?

5 A. Yep.

6 Q. So what, I guess you start your shift at roll
7 call. Is that how that works?

8 A. Yeah.

9 Q. Can you explain what that is?

10 A. It is a brief at the beginning of shift, and we
11 talk about projects that we've maybe -- that we are
12 continuing, and projects that we are going to begin, any
13 spots that we need to address during that shift or any like
14 priority projects that have come up that might dictate where
15 and when we operate throughout the day.

16 Q. We heard quite a bit about this, but what is the
17 special mission of FIT team?

18 A. It's to address chronic gun violence in the city.

19 Q. All right. So at your roll call that morning, you
20 were meeting with the rest of the FIT team, sergeants as
21 well?

22 A. Yes, yep.

23 Q. And what was the mission plan for the day?

24 A. We -- I don't remember if we had any special
25 priority projects for that day. So we were just going out

1 and I think we were just -- our plan was to patrol in
2 like known area hotspots.

3 Q. Okay. For gun violence?

4 A. Correct.

5 Q. And obviously, we're going to get what happened at
6 Mall 205.

7 A. Yeah.

8 Q. So prior to learning about the incident, or the
9 situation at Mall 205, where were you in the FIT team, like
10 -- let me ask you this first. Do you work in a partner car
11 or by yourself?

12 A. I work in a partner car. My regular partner on
13 FIT is Amy Lee. She wasn't at work that day or she was,
14 sorry, she was at work that day, but she was working on
15 something specific that was going to keep her at the
16 precinct for a long time. So I jumped into a partner car
17 with another FIT team member, Adi Ramic.

18 Q. All right. And what kind of vehicle was this?

19 A. We drive a just kind of a standard Ford Explorer
20 that is used by the bureau. The FIT team utilizes what
21 you'd call an unmarked car. So it has the, kind of the
22 spotlights on it, and it still has police lights and police
23 sirens. It just doesn't have the police decal on the side
24 or the overhead bar that's mounted on the roof.

25 Q. Okay. But it's got lights and (indiscernible) in

1 another part of the vehicle.

2 A. Yes.

3 Q. All right. And were you driving that day or were
4 you the passenger?

5 A. Passenger.

6 Q. And who was driving?

7 A. Adi Ramic was.

8 Q. All right. Do you remember what part of town you
9 were in and what you were doing when you first started
10 hearing that something was going on at Mall 205?

11 A. Yes. We were doing target enforcement in the
12 Sandy and 82nd Avenue area. It's a high vice corridor that
13 is known for drug trafficking and prostitution.

14 Q. Mm-hm.

15 A. And over the years, we've seen a large
16 intersectionality with that and gun violence and injury
17 shootings. And so we, we do tend to spend time there.

18 Q. Mm-hm. And explain to me kind of when you first
19 became aware that something was going on at Mall 205.

20 A. Yeah. We were driving south on 82nd and we have,
21 I guess we have, we have radio nets that we use to talk to
22 our teammates. So on my pack set radio, I will always keep
23 that turned to the precinct that I'm working in, so in that
24 area, we would have been on the, the North Precinct net.

25 And my car has a radio, and we use that as a, as a

1 talker on channels. So that is set to another radio
2 channel that all the FIT team also is on, so that we can
3 talk to each other.

4 Q. What is that called?

5 A. Oh, the name of the radio channel is x-ray nine.

6 Q. Okay.

7 A. Yeah. And so another partner car, Taylor Woods
8 and Tyler Wyatt who are FIT team members, hype up on X9 and
9 just request that, hey, there's -- Easts Precinct has a
10 patrol call, loss prevention has, has Tyrone Johnson in the
11 Target. And they just requested to our sergeants that we go
12 and assist patrol.

13 Q. Mm-hm.

14 A. And so we immediately jumped on the air and let
15 them know that I heard them, and it's a good idea, and we
16 start driving that way.

17 Q. Okay. So that name, Tyrone Johnson, is that a
18 name you're familiar with? Well, I'm sorry. Is that a name
19 you were familiar with prior to receiving that call out of
20 Mall 205?

21 A. Yes. Yes it is. So Tyrone Johnson was known to
22 me, not met him personally, but he had his photo circulated
23 just internally within the bureau related to other crimes.
24 He was wanted by detectives for, at that time, I believe I
25 knew that he was involved in a robbery in some degree, and

1 another unrelated shooting that shooting detectives
2 wanted to talk to him about.

3 Q. Okay. So I guess the team formulates a plan to, I
4 guess, go and assist East Precinct.

5 A. Yes.

6 Q. In taking him into custody.

7 A. Mm-hm.

8 Q. Down at Mall 205.

9 A. Correct.

10 Q. All right. So just walk us through kind of how
11 things developed.

12 A. Sure. Taylor Woods and Tyler Wyatt, they were
13 doing a great job and so they were coordinating and kind of
14 liaison with the primary officer from East Precinct whose
15 patrol call it was. The bureau has a very standard training
16 that when you're going to approach these kind of tactical
17 calls, or hot calls as they're called, we use the four C's.

18 And the first C is containment. So before any
19 kind of apprehension or arrest is attempted, we will try and
20 create some kind of perimeter so that we can keep the person
21 that we're trying to arrest inside of that perimeter. It
22 gives us a much higher likelihood of success.

23 So we started establishing what you might call
24 like compass points, if you looked at a map and saw a
25 compass. North, south, east, west. Try and put people at

1 each of those points with your subject that you're trying
2 to arrest in the middle of that, so that if there is an
3 attempt to flee, you can adjust that perimeter, or they will
4 perhaps run towards and run into officers that are on this
5 perimeter.

6 And that's what we did. So Adi and I, we took a
7 position off to the west of the Target, while Woods and
8 Wyatt were coordinating with, with east, and then they also
9 got right onto the phone with, with loss prevention and
10 we're getting very clear and very good updates from loss
11 prevention about Tyrone.

12 So while --

13 Q. Let me ask you a question before you --

14 A. Yeah.

15 Q. -- continue.

16 A. Yes. Sure.

17 Q. Do you have a sense of how long it took you to get
18 wherever you were --

19 A. Oh.

20 Q. -- to Mall 205? If you don't, that's fine, but
21 I'm just wondering if you have a recollection.

22 A. Maybe five minutes.

23 Q. So it was pretty close.

24 A. Yeah.

25 Q. Okay. And I think you were about to turn, and it

1 looks like you were about to utilize the map to kind of
2 explain what's going on.

3 A. Yeah.

4 Q. Please continue with your testimony.

5 A. Sure.

6 Q. And stand up, if you'd like.

7 A. Oh, okay.

8 Q. And again, I can adjust the map.

9 A. Can everybody hear me okay if I'm not on the mic?

10 Q. Yes.

11 GRAND JURORS: Yes.

12 THE WITNESS: Okay. Great. So we parked
13 basically right there. So this is the Target, obviously, so
14 we came down 96, and we backed into a parking spot that gave
15 us a clear line of sight down the driveway to the front
16 doors of the Target.

17 BY DDA DAVIDSON:

18 Q. And is it -- my understanding is that the business
19 most adjacent to where you parked, is that an AT&T? Is that
20 correct? Or do you recall? And if you don't recall, that's
21 fine.

22 A. Yeah. It was an AT&T or a T-Mobile.

23 Q. Okay.

24 A. I think it was some kind of phone related store.

25 Q. Got it. All right. So you selected that location

1 on, I guess, what would be the west point of the compass
2 you described.

3 A. Exactly.

4 Q. That gave you a point of view towards the Target.

5 A. Yep.

6 Q. Okay.

7 A. So that we can get eyes on as soon as Tyrone comes
8 out of the front door. And we waited. We just -- I think I
9 got some binoculars out and we were listening to Officer
10 Wyatt, I believe, was the one who was giving radio updates
11 about description and then -- which he was able to give a
12 good description of his clothing. He had a distinctive
13 jacket on, hairstyle, he had headphones on his ears and a,
14 like a surgical or COVID style mask on his face as well.

15 So I knew what Tyrone looked like from photos as
16 well as a current description of his clothing today, and
17 then we also were able to get very accurate updates for when
18 he then decided to depart from the store and leave out the
19 front doors.

20 And I had a really good vision of Mr. Johnson when
21 he did leave. And considered taking over radio updates
22 myself, since I could -- didn't need to coordinate with loss
23 prevention. I had him, you know, in my own sight with my
24 own eyes, but Officer Wyatt was doing such a good job
25 continuing to give accurate updates, that I didn't need to

1 do that.

2 Q. Okay. And so you, you're actually visually -- are
3 you still using the binoculars at this point?

4 A. Yeah.

5 Q. Okay. And which direction is he traveling as he
6 emerged from the Target?

7 A. Yeah. He comes out of the front doors and he's
8 pushing a cart, and he goes into the kind of the street.
9 It's a parking lot but the driveway that crosses east west
10 in front of the Target. And he moves into the street as if
11 he was maybe going to into where the cars are parked, and I
12 watch him stop, and he's, and he's looking off to the north
13 as if he's looking into the distance.

14 And I know that we have police officers staged
15 somewhere to the north. I don't know exactly where they are
16 on the map, but I knew that we had like our north compass
17 point covered and that's where officers had tried to -- or
18 were coordinating like a custody team. That's where the
19 main group of officers that was going to try to make contact
20 to do an arrest were grouping themselves together.

21 Q. Okay. So in your mind as a police officer and
22 specifically this particular operation, what was the goal
23 here? What was the, what was the ideal end goal of what you
24 were doing?

25 A. Yeah. Just to take Tyrone in, into custody.

1 Q. Okay.

2 A. He -- we knew that he, in addition to like the
3 flyers that I talked about before, he had an active warrant
4 that we, that we knew about.

5 Q. Okay. And I'm assuming that the goal would also
6 be to do that without any kind of, you know, use of force or
7 things of that nature. Is that accurate?

8 A. That is accurate.

9 Q. Okay. All right. What was the -- I guess, this
10 is two days after Christmas.

11 A. Yeah.

12 Q. It's the middle of the day, what was the -- I
13 mean, this is obviously not a picture of that day.

14 A. Mm-hm.

15 Q. But like what was the lot like? Was it populated
16 with folks?

17 A. Yeah. Yeah. It wasn't, it wasn't very busy, but
18 I would say that -- you might expect it to be pretty empty -
19 -

20 Q. Mm-hm.

21 A. -- being just after the holidays, and I didn't --
22 it wasn't my perception that it was less busy than normal.

23 Q. Okay. All right. So you're observing Tyrone
24 Johnson heading, I guess, westward towards you.

25 A. Right. So yeah, after I observed him kind of look

1 off to the, to the north, he then decides to then come
2 just basically walking straight westbound in the, in that
3 driveway there. He goes from pushing his shopping cart and
4 then he moves to the front of it and starts pulling it,
5 continuing to the west.

6 And then I see officers, they get on the radio,
7 and they let everybody know that they're going to move in.
8 There's a K-9 officer that's attached to the call as well.
9 I don't know if he had met up with the, or I don't remember
10 if he met up with the custody team or not yet. And then --

11 Q. Do you know who -- which unit was going to attempt
12 the actual custody or first contact? Who was in that unit?

13 A. I believe Tyler Woods and --- or, I'm sorry,
14 Taylor Woods and Tyler Wyatt were part of the custody team
15 as well as there were like regular patrol East Precinct
16 officers that were there as well.

17 Q. Okay.

18 A. Yeah.

19 Q. All right. So what happened next?

20 A. So as Tyrone continues to walk westbound, I see
21 the police cars pull onto the main driveway, and they close
22 distance with him, and then attempted custody, they turn the
23 lights on, and they go to just do a pedestrian stop. We get
24 out, challenge him, tell him you're under arrest and
25 hopefully cooperatively take him into custody.

1 Tyrone, he started running. He abandons his
2 shopping cart, and he begins running to the west and fleeing
3 from officers.

4 Q. Okay. So what was your thought upon seeing that?

5 A. That he was not going to cooperate with us and
6 that he was going to attempt to not get taken into custody.

7 Q. Okay. All right. So what happens next? Do you
8 take action, do you just kind of observe or what?

9 A. Yep. I mean, so we still have a lot of distance.
10 So he's running towards us so he's closing the distance with
11 us. And then he, as he's running, we see him stick his
12 right hand into his jacket pocket. And actually, I don't
13 recall, it's been so long. I don't remember if he stuck it,
14 he stuck his hand into his jacket pocket when he started
15 running, or if he was, perhaps, put his hand into his jacket
16 pocket when he was still pulling his cart.

17 But I remember watching him run with his hand, one
18 hand in his jacket pocket. And that's when we first became
19 worried that he was armed. Adi Ramic also saw this. He
20 was, again, my partner that day, and he put that out on the
21 radio for everybody to hear. Be careful. I can't remember
22 exactly what Adi said but it was something to the effect of
23 be careful, he's reaching into his pocket like he might have
24 a gun. It was something to that effect.

25 Q. I'm assuming that in your career as a law

1 enforcement officer, you have, especially if you're
2 assigned with FIT, taken guns off of individuals before.

3 A. This is correct.

4 Q. And is that a common location where people who are
5 surreptitiously carrying firearms conceal them?

6 A. Yep.

7 Q. Okay. Now, are you familiar with the term
8 indexing a firearm?

9 A. I am.

10 Q. What does that mean to you?

11 A. That is when a person is accessing a firearm or
12 placing, simply placing their hand on a gun without drawing
13 it, without taking it out. And that can be for if they are
14 getting ready to take a gun out, or if they are holding a
15 gun in place for if then need to take it out later. It was
16 my perception that Tyrone was running with his hand on the
17 gun so that it wouldn't fall out of his pocket, but also so
18 that he could maybe pull it out of he chose to.

19 Q. Okay. So by the time you first saw him doing that
20 indexing or carrying the index --

21 A. Yeah.

22 Q. -- in his pocket, you didn't know it was a firearm
23 then.

24 A. No. We couldn't be certain that it was.

25 Q. But it was causing you concern.

1 A. Absolutely.

2 Q. Okay.

3 A. Yeah.

4 Q. Please continue.

5 A. Yeah. So as Mr. Johnson continues running west,
6 he kind of veers off to the southwest and runs from the
7 driveway into the parking lot of this structure here.
8 That's -- it looks like it's got a blip on it from the map
9 that says Fixoid, so it's -- he's running around that
10 building.

11 So instead of just continuing to run down the
12 driveway all the way to 96, he runs -- he cuts through that
13 parking lot and --

14 Q. And actually, if you want to stand up and maybe
15 more specifically index on the screen where you see him
16 running.

17 A. Yeah. So he starts running this way, and then at
18 some point, he starts running to the southwest. And he goes
19 to break through this landscaping, and --

20 Q. And at that point, are you and Officer Ramic still
21 at the location that you described, or have you moved?

22 A. So when we see him cut into this parking lot, we
23 leave our spot and we start trailing, parallelling on 96th
24 Avenue. So he's running south, and then we are also moving
25 to the south.

1 Q. Okay. And again, what's your intent at that
2 point?

3 A. It's, again, we're -- so just kind of how we set
4 that perimeter at the beginning, if we have the ability to
5 continue give updated, like a location of a person that
6 we're trying to take into custody, we will kind of float and
7 adjust that perimeter to keep them in the middle.

8 The best tactic that we have is, is keeping people
9 inside of perimeters if they decide to hide or hunker down
10 somewhere, and then we can really slow things down with the
11 use of a police K-9 and challenge them from a distance with
12 like appropriate cover, and then it's, it's -- that is the
13 best tactic that we have for like cooperative custody for a
14 person that's trying to get away.

15 Q. All right. So you -- it sounds like Officer Ramic
16 has moved in -- or are officers communicating over the radio
17 as all this is happening?

18 A. Yeah.

19 Q. What kind of things are being called out?

20 A. Just his direction of travel. This is all
21 happening over in a matter of just a few seconds. And so --
22 and there's that custody team is still near enough by where
23 I believe they're able to see him as well. And it's when
24 he's running through the landscaping, he tries to jump over
25 a retaining wall and trips, he trips and falls. And he

1 falls --

2 Q. Where approximately did that occur? Do you know?

3 A. It's a little grainy on the map, but I believe
4 it's -- I think this is it here.

5 Q. Okay.

6 A. I don't know if that is the box or if that is the
7 box, but I believe this here is the retaining wall that I'm
8 speaking of.

9 Q. I can drop -- we've been using the --

10 A. Oh, sure. That's terrific.

11 Q. Let me know kind of -- and again, this is -- this
12 photograph was taken not in December, so there's, I'm
13 assuming the foliage and stuff is a little different than
14 what you see at Target.

15 A. Can we have like more --

16 Q. There it is.

17 A. Yea. But kind of the tree is in the way but --

18 Q. We have one shot.

19 A. Yeah.

20 Q. How's that?

21 A. Yep.

22 Q. Okay. Is that -- yeah, if this is helpful we can
23 have this.

24 A. Yeah. I think this is at least I don't know if
25 they changed landscaping at all, but I think this is

1 relatively very close to how the layout currently is.

2 Q. Mm-hm.

3 A. And so he tries to jump over the retaining wall,
4 he trips. He trips and falls. So we are out on the street
5 and --

6 Q. And you're -- are you parked at this point or
7 stopped?

8 A. So when he falls is when we stop. And this is,
9 you could say it's a, it's a, like it's an interruption in
10 his attempt to flee. So this is kind of a natural pause
11 point, or a natural opportunity for if he's going to decide
12 to give up or not. He might not. He might get up and
13 continue running, and we're still in the car because we
14 don't know if he's going to stop running or not.

15 Q. And up to this point, you have not seen a firearm
16 or any other weapon on Mr. Johnson.

17 A. No. No. And it's not until he gets up. So when
18 he falls over the retaining wall, he, he kind of rolls or
19 tumbles to the back side or behind that utility box, that
20 kind of olive colored box. Whatever kind of utility is
21 contained inside, he was behind it, and when he -- the first
22 time I see him, I see him, he's -- as he's getting up, he
23 displays and presents a black pistol in his right hand.

24 Q. Okay. Before you continue, we have reached noon,
25 it's completely up to you to continue for as long as you

1 want, or we can take our noon break.

2 DDA DAVIDSON: Actually, let's go off the record
3 real quick.

4 (Off the record.)

5 (On the record.)

6 DDA DAVIDSON: Okay. We're going to continue with
7 the officer's testimony. Officer, I interrupted.

8 BY DDA DAVIDSON:

9 Q. You just suggested or testified that he went down,
10 Mr. Johnson, and then when he popped back up, you saw him
11 holding a firearm.

12 A. Yep.

13 Q. Okay.

14 A. So he gets up, pistol in his right hand, and then
15 he points it directly out to the west at the officers that
16 have fallen in behind us. So Adi and I -- or Adi is
17 driving, puts the car in park, and the other officers that
18 had been in the Target parking lot are going to be falling
19 in line.

20 You don't try and surround a person in close
21 proximity like that. It applies too much pressure to
22 already a tense situation, but it can also in a, in a
23 potential deadly force incident, you can create what's
24 called a crossfire issue, where people are pointing guns at
25 each other, which is not safe.

1 So I'm sitting in the passenger's seat --

2 Q. Are you observing this, I guess, are you looking
3 past Officer Ramic through the window or --

4 A. Yeah.

5 Q. -- how are you, how are you seeing this?

6 A. Yeah. That's, that's just exactly right.

7 Q. And when he popped up, what was your, what was
8 your reaction to seeing him pop up holding a gun?

9 A. Well, I was still in the car, so I knew that I
10 didn't -- whatever it was, I wasn't going to have enough
11 time to do it, and if he wanted to like shoot me, he could
12 begin firing.

13 Q. Okay.

14 A. And he would be able to do that without, without
15 me probably being able to get my gun first.

16 Q. Okay. So when you saw this -- and can you
17 describe the firearm?

18 A. Yeah. It was, it as a black pistol. It appeared
19 to be about the same size of the pistol that I'm issued, so
20 it's about the same, like kind of a standard. It's not a
21 small or like subcompact. It was big enough that I could
22 like clearly see it and see its shape.

23 Q. Black semiautomatic pistol?

24 A. Yeah.

25 Q. Did it appear to be a real firearm to you?

1 A. Yes.

2 Q. Okay. I'm assuming you've seen, I guess, firearms
3 and --

4 A. Yeah.

5 Q. -- toy firearms that are being -- yes.

6 Represented as being real but --

7 A. Mm-hm.

8 Q. -- did this appear to be an actual firearm to you?

9 A. Yeah. And I've seen real, I've seen replica
10 firearms that even handling them, you couldn't tell that
11 they weren't real, and but there are obviously, there are
12 toy guns that, you know, that have indications on them that
13 they're not real with colors or, you know, orange tips on
14 the end of the barrel.

15 And so when he draws a pistol and begins pointing
16 it at officers, I very much believed that it was a real gun
17 at that time.

18 Q. Okay. So what did you do?

19 A. So I was already beginning the process of getting
20 out of my car, and because he -- I knew that he had the gun
21 out before I had my gun out, I just -- I knew that like
22 every, every like millisecond that it took me to get my gun
23 out was like potentially costing my teammates lives.

24 I was just really worried about that. So I get
25 out of my seat on the passenger's side, and I rush to my

1 hood because we're facing southbound, right, the
2 passenger's side of the car is on the far side of the car
3 from Mr. Johnson, I, I know that I can quickly get to my
4 hood and that provides me like really effective hard cover
5 because there's the engine block there, which is -- it's a
6 lot of metal and a lot of material that's really good at
7 stopping bullets.

8 And so I get to the hood, and I can still see Mr.
9 Johnson, and he's still pointing the gun to the west where I
10 believe the other officers are. This is all happening
11 really quickly, and I don't ever take my eyes off of Mr.
12 Johnson to see where, where those officers are, if they're
13 like hiding behind cover, or what they're doing.

14 I believe I heard, and I want to say it might have
15 been Tyler Wyatt, I could be wrong, because I didn't get to
16 talk to anybody about the tactical portion of this
17 afterwards. I thought I heard him try and yell out some
18 kind of a force warning, or some kind of command. And then
19 --

20 Q. When you say a force warning --

21 A. Yeah.

22 Q. -- for those of us who don't know what that means,
23 necessarily, what is a force warning?

24 A. So think of like a simple command is something
25 like drop the gun. And then you have a force warning, which

1 is like a command and consequence statement that says,
2 you know, do X or force may be used upon you. So drop the
3 gun or force could be used upon you. That's a force warning
4 that conveys like a cause and effect relationship.

5 Q. And that's given to, I guess, when appropriate, to
6 see if you can change the behavior of the individual you're
7 dealing with.

8 A. Yeah. It's so that we can be on the same page,
9 have an expectation of --

10 Q. All right.

11 A. -- what, so that they know what we want.

12 Q. All right. And that's part of your training, if I
13 understand correctly.

14 A. Yes, it is.

15 Q. You give force warnings when it's safe to do so.

16 A. That's correct.

17 Q. All right. So you believe you heard some officer
18 give some kind of verbal force warning.

19 A. Something.

20 Q. It was not you.

21 A. No, it was not me.

22 Q. And do you believe it was Officer Ramic?

23 A. I didn't think it was Adi Ramic. I didn't know
24 who it was and I'm, I'm clamoring to get out of the car and
25 get my holster out and so I don't know exactly what they

1 said, or who said it, but I thought I heard someone
2 yelling. And I didn't believe that it was Tyrone.

3 Q. Okay.

4 A. Because I could see him.

5 Q. But it was loud enough that you heard it.

6 A. Yes, it was.

7 Q. All right. I'm assuming you perceived it was loud
8 enough that Mr. Johnson should have plainly heard it?

9 A. Yes.

10 Q. Okay. And when the force warning was given, did
11 it change Mr. Johnson's behavior at all?

12 A. No.

13 Q. He continued to point the gun?

14 A. Yes.

15 Q. And can you tell us, when you see him there and
16 you got -- you come around to the side of your vehicle and
17 are I guess putting that sight fixture in place, where,
18 where exactly is he standing, or where is his position?

19 A. He's crouched down behind the utility box.

20 Q. Okay.

21 A. As if he's, he's kind of, he's like the same way
22 that I'm using the hood of my car as cover, he's using this
23 box as cover.

24 Q. Is that concerning to you?

25 A. Yeah.

1 Q. Why is that?

2 A. Yeah. because he's creating a more stable
3 platform from which he can like direct fire towards my
4 teammates.

5 Q. Okay. And what is he doing with the gun at that
6 point?

7 A. He's, he's aiming it like directly at where I
8 believe the other cops are.

9 Q. Is it a one hand grip or a two hand grip?

10 A. It is a one handed grip.

11 Q. Okay. And --

12 A. I believe with just his right hand.

13 Q. Okay. And was that your perception of it the
14 entire time that he was pointing with one hand? Or did it
15 change at some point?

16 A. I think it was that the whole time.

17 Q. Okay. And was he using the top of the utility box
18 as a stabilizing platform in the way he was extending his
19 arms? Or do you know?

20 A. I thought -- I think he was at one point. I don't
21 know if he started to stand up or change his, change his
22 stance at all. But at one time, it looked as if he was
23 bracing himself against, against the box.

24 Q. Okay. So what happens next?

25 A. I, I make the decision to shoot. I am already,

1 I'm already pretty afraid that I've, I've already lost
2 the, I don't know how else to say it except for kind of like
3 the contest of time. I'm so far behind that like there's no
4 way, like if he's already got his gun out and has made the
5 decision to fire, there's no way that I could possibly stop
6 him.

7 Q. Let me ask you about that. You talked about, I
8 think I've heard it referred to as the action/reaction
9 principal. Are you familiar with this --

10 A. Yeah.

11 Q. -- at all? Where do you -- have you been trained
12 in this or explain to us what you know about that.

13 A. Yeah. It's, it comes from like some studies from
14 people studying what's called forced science, I believe.
15 I'm not an expert in this, but I have talked to people who
16 do study this from our training division, and the amount of
17 time that it takes for you to say get your gun out of your
18 holster and shoot a gun takes X amount of time.

19 But what takes -- can take even more time is the
20 decision. So the information that you take in front of you,
21 and then the decision to fire because you have to have
22 somebody else in front of you, you see it, take it -- take
23 that information in, process it, and then make a decision on
24 what you're going to do with it.

25 That all takes time. It happens very quickly, but

1 in a situation where, you know, fractions of a second are
2 very, very important, it takes time. It feels, it feels
3 like it takes forever. And so yeah, I'm just really worried
4 that my teammates are going to get shot and that -- and I
5 feel very powerless to stop it, but I'm going as fast as I
6 can.

7 And I get my, my gun up and I began taking a sight
8 picture. I know myself and how I've trained and been
9 trained, and my own, I guess, capabilities. And I, and I
10 estimate the distance to be about 15 yards, roughly. And
11 for me, at a target that is behind this piece of cover,
12 which makes it smaller, I know that I have to like have very
13 precise use of my sights and a very precise trigger pull,
14 which takes more time.

15 And I acquire those things and -- but before I
16 pull the trigger, I just, I just kind of, I don't know, I, I
17 decided that I couldn't -- I just had to -- I had to try to
18 get him to drop the gun one more time. I had to say
19 something before I shot, so I did.

20 Q. What did you say?

21 A. I just, I just yelled, drop the gun.

22 Q. Okay.

23 A. I --

24 Q. And did he --

25 A. I --

1 Q. I'm sorry.

2 A. I just, I -- because I talked before about force
3 warning and why it's important, and I chose not to give a
4 full command and consequence statement because again, I
5 didn't have the time, and even the time that it took for me
6 to blurt out one short sentence is still valuable time that
7 could have, you know, it could have cost, you know, one of
8 my teammates, their lives, potentially.

9 But you know, my teammates are, and the cops in
10 the bureau, they're well trained, and I believe that he
11 hadn't shot yet, and so I thought well, maybe they're just
12 behind cover. Maybe it's just safe enough, I can blurt this
13 out and see if I can get him to drop it. And so I, I just
14 yell, hey, drop the gun.

15 And I believe he hears me because he turns and
16 aims the gun at me. It would have -- it maybe could have
17 changed my decision making if he had, if he had turned to
18 look at me but didn't aim the gun at me. It's not that he
19 just pointed the gun near to me, but -- you know, just in
20 that moment I felt like I could, I could line his sights up.
21 I was --

22 Q. So you're basically staring down the barrel of a
23 gun.

24 A. Yeah.

25 Q. Is that accurate?

1 A. It is.

2 Q. Okay.

3 A. So I -- so that was, that was when I, again, made
4 the decision to fire. I had already created kind of a
5 stable platform for myself and was already aimed well. And
6 so I just closed my left eye, required my front sight, and
7 just pulled -- squeezed, excuse me, squeezed the trigger and
8 just fired one round and believed that it was effective. I
9 -- and I saw Tyrone start to, start to drop after that.

10 Q. So before you -- and Officer, if you need a
11 moment.

12 A. All good. I'm good.

13 Q. Just let us know. At the moment, I understand one
14 of the other things you need to be aware of is your
15 backdrop.

16 A. Correct.

17 Q. Had -- did you assess the backdrop before you
18 pulled -- squeezed the trigger?

19 A. I knew that I had a crowded parking lot behind me,
20 but my perception was that there was enough landscaping and
21 that there was enough of a drop behind, yes, on the, what
22 would be the east side of the box with the landscaping, that
23 -- while I couldn't, I knew I couldn't miss high, but that I
24 did have enough of a dirt berm here that my round would
25 safely terminate into them if I was to miss.

1 But that's why I did make -- I just tried,
2 tried to make as precise of a shot as I, as I could.

3 Q. Are you familiar with the phrase that you're
4 responsible for every round that you fire?

5 A. Yeah.

6 Q. And where are you -- where is that -- where does
7 that training come from? Is that something that the bureau
8 teaches or --

9 A. Yeah.

10 Q. Okay. And you only fired, fired the one round.

11 A. That's correct.

12 Q. Okay. At the time you decided to fire, were there
13 other tools you possessed, less lethal tool that you think
14 that would have been appropriate to use in this scenario, or
15 that would have even been in compliance with bureau policy
16 on this course.

17 A. No and no.

18 Q. Okay. Can you elaborate a little bit on that?

19 A. Yeah. I have a less lethal 40, and if -- even if
20 I had tried to use it, in the time that it would have taken
21 me to unlock it from my vehicle, the way that our car is set
22 up is that it doesn't have a gun rack in the front, and so I
23 keep it in a lockbox in the back. And so I would have had
24 to get out and run to the trunk, open the trunk, where I
25 would have had zero cover and been in like clear line of

1 sight of Mr. Johnson, unlock my box, get my 40 out, load
2 it.

3 I mean, it would have -- I would have been like a
4 sitting duck. That was completely out of the question.
5 Same thing like that's why I also didn't try and access my
6 rifle, that I also store in the back. Because it was --
7 like those are tools that I try and utilize when we have the
8 time and opportunity for preplanning.

9 Q. All right.

10 A. Which we did not have in this situation.

11 Q. Taser?

12 A. Taser would not have worked based on range and
13 his, his cover. It also has a large like statistics of like
14 the failure rate, how often it just doesn't work. And with
15 him being an immediate threat of death or serious physical
16 injury, if I had tried to use a taser and it failed, then I
17 -- it's even more time lost against someone who can, at that
18 distance, fire and shoot and kill my teammates.

19 Q. What about pepper spray?

20 A. That distance, I mean, I don't remember if there
21 was any wind or anything like that, but to get pepper spray
22 out and try and spray it 15 yards at a person that has a
23 gun, like that doesn't stop them from being able to pull a
24 trigger and spray rounds. So that was out of the question
25 for me.

1 Q. Okay. So a scenario like this, as far as how
2 you are trained by the Portland Police Bureau and the police
3 bureau policies related to force, given what you were
4 confronted with someone with a firearm being pointed at you
5 and the fairly short distance would -- what is the
6 appropriate level of force as far as you're trained?

7 A. Yeah. This is a pretty clear use of, of deadly
8 force.

9 Q. Okay.

10 A. For me to use my gun and shoot it.

11 Q. Okay. And at the time you made that decision, the
12 decision to fire that one round --

13 A. Mm-hm.

14 Q. Did you believe that Mr. Johnson posed imminent
15 threat of serious physical injury or death to you or other
16 officers?

17 A. Yes. Yes, I did.

18 Q. All right. So you fired the one round.

19 A. Yep.

20 Q. Why did you stop firing?

21 A. Well, I had already made the decision to shoot one
22 round, just because I know my own capabilities and based on
23 my angle, I didn't, I didn't want to shoot faster because
24 I'm not a good enough shot to be that precise and very fast.
25 So I had already made the decision that I was going to shoot

1 one round, and then reassess, and then make a decision to
2 shoot again if needed.

3 But it was my perception that I was successful in
4 shooting Mr. Johnson. And well, he still had the gun in his
5 hand, he started to crouch and move. So I didn't know what
6 his condition was, but I knew that I was changing the
7 behavior.

8 Q. Okay. So is that how you're trained to, I guess,
9 continue to fire until -- what is the standard as far as how
10 you're aware of -- as far as the number of rounds and the
11 continued use of deadly force. When do you, as far as the
12 bureau training --

13 A. Yeah.

14 Q. -- decide to stop firing?

15 A. Well, it's all, it's all dependent on the threat
16 presented to you. So it's not that I shot and then wanted
17 to give him a chance to, to like reconsider his actions or
18 something like that, but just that in the time that I shot
19 and then his behavior changed, I, I heard other officers
20 firing as well, and this all happened in such a short period
21 of time that by the time he was down on the ground, even
22 though he still had the gun, I didn't believe that he was
23 still a threat to me. And so I, I knew I didn't need to
24 fire again.

25 Q Okay. So you fired a shot, it achieved your goal

1 in changing his behavior and he was no longer pointing
2 the firearm at you or your coworkers.

3 A. Right. It was -- I, I aimed at Mr. Johnson's
4 head, and you know, I didn't know what that might look like
5 if I was going to be successful there. But I did, after my
6 shot broke, I saw his hand slowly start to move down and he
7 starts kind of to slowly to hunch. And that's when, that's
8 when I believe I heard other officers firing as well.

9 So even though he still had the gun, I'm sorry,
10 even though he wasn't on the ground, and he still had the
11 gun in his hand, and if he, yeah, I, I -- honestly, I think
12 I could have shot again because I don't -- I mean, I'm not a
13 doctor and I didn't go up and ever assess Mr. Johnson and
14 see like exactly what the effectiveness of my round was, or
15 even really -- if it, you know, if it was my shot that was
16 effective in changing his behavior, or if he was ducking or
17 something like that.

18 And so when talking about training and if it's
19 important for officers and why they use deadly force, it's
20 because we shoot because there's a deadly threat. I use
21 deadly force if there's an immediate threat of death or
22 physical injury. And if you have someone who's been aiming
23 a gun at you and they still have a gun in their hand at that
24 close of a distance, they're still a threat to you.

25 Q. All right. So the use of anything other than

1 deadly force would have been contrary to bureau policy as
2 far as your training is concerned.

3 A. Yes.

4 Q. Okay. So you mentioned other officers firing.
5 When did you become aware that other officers were firing?
6 Do you know who was firing at the time?

7 A. I didn't know who was firing at the time, because
8 I was at the hood of my car, and so I knew that everyone
9 else was off to my left, which would have been like to my
10 north on 96 there. I didn't know who fired until, until
11 after the event was done.

12 And but I did hear other, other shots fired, just
13 like immediately after my shot broke.

14 Q. So it's your belief that you shot first.

15 A. It is.

16 Q. Okay. And you -- that would imply that you
17 weren't firing, I guess, and I have to ask this question,
18 you weren't firing simply because your other officers were
19 firing first.

20 A. Correct.

21 Q. It'd be an independent shot.

22 A. Right.

23 Q. Or, sorry, independent -- your decision to fire
24 was yours and independent, it doesn't -- didn't relate to
25 what you may have heard other officers doing.

1 A. Correct.

2 Q. Okay. How many shots do you think you heard from
3 other officers? Do you have a sense of that?

4 A. It was -- it happened really quickly. I think it
5 was, I mean, five or six, but I think there was shooting on
6 top of each other, so like other -- more than one officer
7 shooting at the same time, so it kind of blurs them, kind of
8 becomes maybe impossible to count the number of rounds.

9 Q. Mm-hm. And do you know who it was or where they
10 were from?

11 A. It was --

12 Q. At the time.

13 A. After the --

14 Q. Yes, at the time, did you know?

15 A. No, I did not.

16 Q. And did you know at all, were you aware at all
17 what your partner was doing? Officer Ramic during this --
18 what you just described.

19 A. Yeah. So --

20 Q. And again, I'm asking did you know at the time.

21 A. Yes. I did. So but just simply that I knew that
22 he exited the driver's side and ran to the back of the car.
23 So where I got out of the passenger's side and ran to the
24 front of the car, like kind of being able to have cover that
25 whole time, Adi ran it would have been to the north, to the

1 back of the car.

2 And Adi's well trained. Adi knows that he needs
3 to get himself to cover, and I trusted him to do that. But
4 also, that was in the direction where I saw Mr. Johnson
5 aiming the gun.

6 Q. Okay. So after you make the decision to stop
7 firing yourself, and you hear the others firing and cease
8 firing.

9 A. Yeah.

10 Q. Like from the first shot and the last shot, do you
11 have a sense of, I know time can be weird in these
12 scenarios, but --

13 A. Yeah.

14 Q. But do you have a sense of how long that was from
15 first shot to last shot?

16 A. It all felt like it was happening at the same
17 time. I knew that I shot first, but I didn't, I mean, I
18 don't know, I mean, I think it could have been under a
19 second, maybe a second.

20 Q. Okay. And describe to us what happens immediately
21 after that, like when the shooting stops --

22 A. Yeah.

23 Q. -- what happens?

24 A. Yeah. So I see Mr. Johnson go down. Once he hits
25 the ground, I believe that he has been shot. I don't know

1 if he's alive or not, and so we kind of immediately begin
2 transitioning into like a custody plan for like rendering
3 emergency aid.

4 Q. Okay. And where's the gun? At this point, when
5 you're --

6 A. Yeah.

7 Q. -- trying to put this plan together, where's the
8 firearm in relation to Mr. Johnson?

9 A. Yeah. It's still, if it's not still in his right
10 hand, it's, it's kind of immediately next to his, his hand.

11 Q. Is that a concern, I guess, when you're trying to
12 --

13 A. Totally. Yeah. So per bureau policy, involved
14 members, unless there's a need for involved members to stay
15 involved in the tactical, we're not supposed to stay
16 involved in the tactical. And I know this, and I know that
17 I have a lot of teammates and cops there with me that can --
18 that are very capable.

19 And so at this point, believing and seeing how
20 much his threat has lessened, and seeing other cops arriving
21 kind of in that immediate aftermath, I decided that I would
22 organize the other involved officers and get us removed from
23 the event.

24 Q. Okay.

25 A. Which is what I did.

1 Q. So how did you determine who else was involved?

2 A. We just asked. I, I can't remember how asked, but
3 he was like hey, who's involved. Someone asked that. I
4 can't remember who. And I saw that Adi was involved and
5 then Brian Wheeler was involved. And I said hey guys, you
6 guys okay. We're okay. Okay. Let's go -- let's just --
7 it's time for us to be done with this. We don't get to be
8 here anymore. It's time to go, you know, separate
9 ourselves.

10 Q. Mm-hm.

11 A. And yeah, and the other FIT members and other
12 patrol officers that were there, I saw them organizing a
13 custody plan, and I believe they got a shield and a -- made
14 a, like kind of a tactical approach to get to Mr. Johnson,
15 pull him away from the gun.

16 But it was -- I was kind of -- I knew that I could
17 trust them to continue on, that I wasn't needed. So I
18 started to check out. I didn't need to be a part of the
19 tactical after that.

20 Q. At some point, did a supervisor come or did
21 someone come, and I guess separate you from the other
22 officers? Sequester you?

23 A. Yeah.

24 Q. Talk about that.

25 A. Yeah. It's just because this is a use of deadly

1 force, there has to be a force investigation, just like
2 with any, any force that I use, no matter how small, there's
3 some level of investigation that's done to make sure it's
4 appropriate. And to, I guess, to keep the -- maintain the
5 integrity of that investigation.

6 Involved members are separated from other members
7 for some reason, I don't know. That's just what I'm told
8 that we're supposed to do.

9 Q. Is that --

10 A. So we did. Yeah.

11 Q. Do you recall who came to you? Was it a sergeant
12 or some --

13 A. Oh. Well, we already knew that we were supposed
14 to leave the tactical event and then separate ourselves. I
15 separated myself before a sergeant told me to. I just, I
16 guess before I separated myself, I needed to know that
17 everybody was okay and that we didn't have anybody -- of my
18 teammates had gotten hurt. So I just checked everybody.

19 And then once I knew that the other involved
20 members were, were all right, then I, I walked down past my
21 car to -- there was -- it might have been a supervisor's car
22 that was on 96th here, that was just like to the south of
23 where -- where Adi had originally parked our car, and I just
24 went and hung out there by myself.

25 Q. Okay. Eventually you were, I guess, were

1 contacted by a supervisor or --

2 A. Yes.

3 Q. -- and there was a, I guess another officer
4 assigned to stay with you, I guess.

5 A. Yeah.

6 Q. To ensure that you were, I guess okay --

7 A. Right.

8 Q. -- but also to ensure that you weren't
9 communicating with other involved officers. Correct?

10 A. Mm-hm.

11 Q. All right. And then at some point later,
12 obviously, detective division basically arrived en masse it
13 --

14 A. Right.

15 Q. -- sounds like.

16 A. Right.

17 Q. You participated in what is I think referred to as
18 a weapons countdown.

19 A. Mm-hm.

20 Q. All right. And can you describe that process or
21 can you --

22 A. They just, they take photos of you in your uniform
23 as you're presented that day, and then they basically do an
24 inventory of your firearm, like the tool that I used, which
25 was my pistol. And then they count all of the rounds in

1 your gun and in your magazines.

2 Q. Okay. And you participated in that.

3 A. Yep.

4 Q. All right. And again, it's your belief you fired
5 one round.

6 A. That's correct.

7 DDA DAVIDSON: Okay. All right. Colin.

8 DDA BENSON: Yeah.

9 BY DDA BENSON:

10 Q. I just want to clarify something.

11 A. Yeah.

12 Q. When -- thank you for answering our questions.
13 It's very frame by frame, split second series. One of the,
14 one of the risks that we take when we ask questions like
15 that is we -- a listener might sort of lose sense of the
16 time in which this even took place. So someone who's
17 listening to your testimony may sort of misunderstand that
18 this took place over say like a very long period of time.

19 A. Right.

20 Q. So you, you came around, you turned onto 96, and
21 you were at that point, it was your testimony that you were
22 already aware he had a pistol in his hand. Is that right?

23 A. It was when he -- when we turned onto 96 is when
24 he cut south and ran through the bushes.

25 Q. Okay.

1 A. And then when he tried to jump the retaining
2 wall and fell --

3 Q. And where are you right then at that moment?

4 A. We are --

5 Q. In this position?

6 A. Yes. Yeah, yeah. We are -- we're trying to stay
7 parallel with him. We wouldn't go past and try and cut him
8 off, like just to basically maintain like our, or westerly
9 perimeter position.

10 Q. Sure.

11 A. We can stay to the west of him. As he goes south,
12 we go south as well.

13 Q. Okay.

14 A. And we maintain that, so --

15 Q. When he recovers from the fall --

16 A. Yeah.

17 Q. -- that's the first time you notice the pistol in
18 his hand.

19 A. That's correct.

20 Q. Okay. And then you described it with exquisite
21 detail, so the decision making and evaluation, and so forth,
22 but let me ask you this bluntly.

23 A. Yeah.

24 Q. From the moment you saw that pistol in his hand,
25 to the moment that you pulled the trigger --

1 A. Yeah.

2 Q. How much time did that take?

3 A. Maybe, I mean, a couple of seconds.

4 Q. Okay.

5 A. Maybe as many as like four seconds.

6 Q. Okay.

7 A. Perhaps.

8 Q. The other thing that (indiscernible) is that
9 sometimes when in an event like this there are things that
10 are happening simultaneously. I mean, you touched on that
11 when you talked about the shots fired. You thought that
12 there were five shots --

13 A. Yeah.

14 Q. You also testified about how somebody yelled a
15 force command.

16 A. Right.

17 Q. You said. And you were -- and you also testified
18 that as that was happening, you made these decisions. Give
19 us a sense of like is -- was it really linear, step by step
20 like that? Or were things happening kind of simultaneously?

21 A. I mean, just everything that I said occurred in a
22 matter of like under five seconds. That's how, that's how
23 much these things are happening all at the same time.

24 Q. Okay. I think that's it. Thank you.

25 A. Okay.

1 DDA DAVIDSON: Questions from the Grand Jury.

2 GRAND JUROR: Yeah. You said that you had heard
3 over the radio that Mr. Johnson might have a gun, or did
4 Officer Ramic had done that over the radio, which, which
5 radio line was that?

6 THE WITNESS: Sure. I believe it was the precinct
7 radio. So the one on my pack set that would transmit to all
8 officers involved.

9 GRAND JUROR: Okay.

10 GRAND JUROR: Just to kind of clarify his
11 question, do you recall approximately how much time there
12 was between when the whichever officer gave the force --

13 THE WITNESS: Mm-hm.

14 GRAND JUROR: -- warning, and when you called out
15 your, you know, before, before you took a shot at --

16 THE WITNESS: Yeah.

17 GRAND JUROR: -- do you know how much time?

18 THE WITNESS: Yeah. It would have been one or two
19 seconds. I wanted to make sure -- so if I had heard a lot
20 of yelling or if had heard another officer yelling commands,
21 I would not have tried to yell over that person. That would
22 be against training. And it creates confusion if we have
23 too many people yelling at the same time, or sometimes even
24 just two people yelling at the same time, then the person
25 that you're yelling to can't hear you and they, they can't

1 comply with a command that they can't understand.

2 So it would be improper for me to try and yell
3 over another officer because after, after I believe I heard
4 a force warning, and then not hearing other officers
5 yelling, I already knew when I decided that I was going to
6 try and just yell one last command, I knew that I had like
7 the air free to do that.

8 GRAND JUROR: So just a couple seconds, you said,
9 between --

10 THE WITNESS: Yeah. Perhaps.

11 GRAND JUROR: Okay.

12 GRAND JUROR: And do you recall anything being
13 said before you separated?

14 THE WITNESS: Oh, between me and the other
15 officers?

16 GRAND JUROR: Yeah.

17 THE WITNESS: No. Just, just hey, are you guys
18 okay. Is anybody hurt. That kind of stuff.

19 DDA DAVIDSON: Anybody else have questions for
20 Officer Bartlett? All right. Okay. All right. I think
21 we're done then for this morning. We can go ahead and go
22 off the record.

23 (Off the record.)

24 (On the record.)

25 DDA DAVIDSON: We are back on the record in Grand

1 Jury Case No. 42. I'm sorry. DA Case No. 2469270-1-2-3.
2 Again, we are convening after the lunch break with our next
3 witness. If you would go ahead and raise your right hand,
4 you'll be sworn in.

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

8 DDA BENSON: Okay.

9 BY DDA BENSON:

10 Q. If you could state your name and spell your last
11 name for the record, sir.

12 A. Yes. My name is Adi Ramic, and my last name is R-
13 A-M-I-C.

14 Q. Mr. Ramic, what do you do for a living, sir?

15 A. I am a Portland police officer.

16 Q. How long have you been with Portland?

17 A. For 14 years.

18 Q. And were you in law enforcement before that?

19 A. No, sir.

20 Q. What kind of training have you received to become
21 a police officer with the City of Portland?

22 A. So I went to the basic academy in Salem, and then
23 also the Advanced Academy here in Portland.

24 Q. Okay.

25 A. Sorry.

1 Q. And what rank do you hold with the Portland
2 Police?

3 A. I'm just an officer. Police officer.

4 Q. Okay.

5 A. Yeah.

6 Q. So any, any sort of specialized training that you
7 received for that capacity?

8 A. Yes. Like I said, for the Advanced Academy here
9 in Portland, we put on our own academy, just because
10 Portland is a very unique place and there's a lot if city
11 rules that we have that other cities don't. So we have a
12 lot of training just because of the bigger crowds and I
13 don't know about like specialized, if like a lot of cops do
14 the same training, but it's just more, more training than
15 other places.

16 Q. We've heard testimony about people being trained
17 for certified use, things like that.

18 A. Okay.

19 Q. AR-15 rifles or the 40 caliber --

20 A. Yeah.

21 Q. -- not caliber, 40 millimeter --

22 A. Mm-hm.

23 Q. -- less lethal and like that.

24 A. Yeah.

25 Q. Explain that to us.

1 A. Yeah. So the couple things like ECIT, the
2 Enhanced Crisis Intervention Team, I was one of the original
3 people that went to that training. So I do go to a lot of
4 calls that involve people that are in crisis.

5 Q. Well, let me -- so that term you used --

6 A. Yeah.

7 Q. What kind of, what kind of training did you
8 receive? You said people in crisis. What does that mean?

9 A. Correct. People like that have mental issues or
10 people that have -- are high on drugs, so we -- people,
11 people got chosen and -- to go to this extra training to be
12 able to deal with those people more properly and just, you
13 know, just give them more time. It was a very worthwhile
14 training. I wish like all of us could go to it.
15 Unfortunately, like because of money and all this other
16 stuff, not everybody can go to the trainings.

17 But mostly it just teaches you how to deal with
18 people with -- that are going through stressful times in
19 their life, whether it's mental or alcohol, drug related.

20 Q. So you've, you've talked about this training
21 you've received --

22 A. Mm-hm.

23 Q. -- apparently you're one of the early adopters of
24 this training program.

25 A. Correct.

1 Q. And you said -- so what is it -- what about
2 this training do you find so productive?

3 A. Well, I mean, to be honest, you know, like people
4 go become doctors and get their doctorate and dealing with
5 people with mental issues and stuff like that. So a lot of
6 times we on the street, like police officers have to, you
7 know, do the first part of that job, which is really hard to
8 do because I'm not, I'm definitely not a doctor or a
9 specialist in dealing with people with mental issues.

10 It's very difficult, but the training just kind of
11 teaches you just little things that maybe you just don't
12 think about because, you know, like I don't have some of
13 those mental issues, so to me, I never had to think about
14 the fact that, you know, they might be hearing multiple
15 voices or, you know, they're not actually ignoring me,
16 they're just going through stuff in their head that, you
17 know, I don't myself know what they're going through.

18 But it's just yeah, it was just eye opening to me
19 at least just because it's, yeah, I mean, it's a sickness
20 for a reason. It's, it's hard.

21 Q. I guess what I'm going at, I don't mean to be
22 mysterious is that it seems like the priority when you
23 encounter somebody who's going through a mental health
24 crisis in this industry is, is what? To arrest them? To
25 make them stop doing something? What is the goal?

1 A. I mean, honestly for me, like arresting people
2 is probably one of the least favorite things that I get to
3 do as a police officer. We not -- I mean, I would say
4 rarely ever do we get called as a police officer for a good
5 reason. Not often do people call 911 and say like hey, my
6 daughter's having a birthday party, come hang out with us.

7 So unfortunately, it's usually negative situations
8 that we are involved in. So when it comes to like what I
9 try to do like personally is just try to fix the problem as
10 much as you can at that point. Sometimes unfortunately,
11 it's a very short term fix, like you know, you wish you
12 could give people more time and all this other stuff.

13 But that person's not the only person dealing with
14 these kind of, you know, terrible things, so I think the
15 main goal is to keep people safe as much as you can, both
16 the, you know, the victims that call the police and both the
17 person that's, you know, causing some of these things. So
18 sometimes you do have to arrest them. Luckily now, you
19 know, we have the Unity Hospital, which is, you know, we can
20 all AMR and we can get people transported to the hospital
21 because that's much more of a fitting spot for a lot of
22 people that are dealing with mental health issues.

23 Q. So this priority, keeping people safe, is this
24 something you kind of carry with you as you work in the
25 Portland Police on a daily basis?

1 A. Yes, sir.

2 Q. Okay. So what I'm going to do, we might get back
3 to some of your education in a little while.

4 A. Okay.

5 Q. But what I'm going to do is I'm going to bring you
6 back to December 27th, 2023.

7 A. Okay.

8 Q. What, what did you do that day? Were you working
9 that day?

10 A. Yes, I was.

11 Q. For the Portland Police.

12 A. Correct.

13 Q. And what time did you start work for the Portland
14 Police?

15 A. I believe that day we started like we usually do
16 at 2 p.m.

17 Q. Okay. So when did you get up that morning?

18 A. Let's see, my daughter goes to school, bus gets
19 there 7:15, so like 6:45 maybe.

20 Q. Okay. 6:45 a.m.

21 A. Yep.

22 Q. Before you got to work, sounds like you took your
23 daughter to the bus or --

24 A. The bus, yeah.

25 Q. -- to school?

1 A. Just the bus.

2 Q. Okay. And anything unusual about your morning,
3 like before you end up starting work?

4 A. No. Actually, I'm from Europe and I had some
5 family visiting from Europe so after, after that, like we
6 just hung out. I just hung out with my family before I went
7 to, what's it called, went to work.

8 Q. Went to work.

9 A. Yeah.

10 Q. All right.

11 A. Yep.

12 Q. All right. So alcohol, narcotics, any sort of --
13 anything that you used between when you got up in the
14 morning and when you went to work that day that might have
15 impaired your judgment somewhat?

16 A. Absolutely not.

17 Q. Okay. So you said you started -- where are you
18 from?

19 A. Bosnia.

20 Q. Bosnia.

21 A. Yeah.

22 Q. Do you follow professional race cycling?

23 A. Cycling?

24 Q. Yeah.

25 A. Not that much.

1 Q. Okay. All right. So December 27th, 2023, you
2 started work. Where did you start? Where do you show up
3 when you report for work?

4 A. Yeah. I'm part of our Focus Intervention Team and
5 our office is in North Precinct.

6 Q. Okay. Where's North Precinct? I keep hearing
7 that term.

8 A. Yeah. It's on the, it's on MLK and Killingsworth
9 on the corner of Martin Luther King and Killingsworth.

10 Q. Sure. All right. So you started there and what
11 did you do?

12 A. So we have a wellness hour where the first hour of
13 the shift, we usually work out or, you know, it's designed
14 for wellness. You know, some people read, some people
15 listen, listen to stuff. But most people just work out and
16 just, you know, I believe that's what we did that day.

17 Q. Okay. And then so what, like what does it look
18 like? At some point, it's like okay, everybody get in their
19 police cars and go, or how do you transition from your
20 wellness hour to what you do as a cop?

21 A. Yeah. So yeah, exactly just like that. We get
22 there, we have roll call, that's where our sergeant's kind
23 of talk to us about, you know, people that are wanted or
24 people that are involved in shootings. And after that, they
25 say okay, let's go to a certain area.

1 Basically, the biggest focus of the Focus
2 Intervention Team was to try to like bring down some of
3 these shootings, because there's been so many shootings in
4 the City of Portland lately.

5 So we use analysts and other kind of information
6 to tell us like hey, 82nd and Sandy lately has seen a huge
7 uptake in like shootings. Can you guys go in that area, you
8 know, and drive around, do traffic stops, you know, engage
9 with the community, whatever, just be a presence in some of
10 these areas to try to deter some of these people that want
11 to come, you know, potentially engage in gun activity.

12 Q. Okay. So that's kind of a standard day.

13 A. Correct.

14 Q. Okay. So then what did you do on this day?

15 A. So on this day, yeah, that's kind of how it
16 started off. We actually started off at 82nd and Sandy just
17 because previously I think there was like three or four
18 shootings in like a very short span of time. So our
19 sergeant said like hey, let's start out in that, roughly
20 that area and just go do traffic stops or, you know, just be
21 a presence in that area.

22 Q. Okay. So how long do you think before you were
23 called to that?

24 A. So that day, I think we only probably did like a
25 couple traffic stops and then like soon after we started, we

1 got some information about Mr. Johnson being at the Mall
2 205 Target, and then we kind of shifted towards that area.

3 Q. Okay. So were you with someone else?

4 A. Yes. I was partnered up with Officer Bartlett.

5 Q. Okay. And who was driving?

6 A. I was driving.

7 Q. And what kind of vehicle are you in?

8 A. We were in an unmarked police vehicle. So you
9 know, most people know it's a police car. You can see the
10 cage, you know, and some of these things. The only
11 difference from like the normal police car you might see on
12 the street, it doesn't have the big reflecting Portland
13 Police, but it's got the lights and the sirens, and like you
14 know, the, the -- what's it called. Man. Blanking on the
15 lights. The lights on the side, the headlights.

16 Q. Like the little spotlights.

17 A. Spotlights. ESL, sorry.

18 Q. ESL. All right.

19 A. Yeah.

20 Q. So, so it sounds like then you were headed to Mall
21 205. Is that right?

22 A. Correct. Yeah. So when they brought up Mr.
23 Johnson, they said East Precinct got a police call about Mr.
24 Johnson being inside of Mall 205. Most of us were already
25 aware of Mr. Johnson just for -- because he was previously

1 involved in gun related activities. So part of our job
2 is to assist patrols. So we all started driving in that
3 area to assist them anyway we can.

4 Q. And who's telling you this?

5 A. So Officer Woods and Officer Wyatt, they were the
6 ones that initially, you know, heard on East Precinct net,
7 they said like hey, they're dealing with Mr. Johnson and
8 asked our sergeant if we can go help out with it.

9 Q. Okay.

10 A. Yeah.

11 Q. And so it sounds like that's what you did.

12 A. Correct.

13 Q. So just for your own purposes, behind you, you
14 have a Google Maps display.

15 A. Yeah.

16 Q. This is imagery from 2024, and it is an overhead
17 of Mall 205 area. So does this look familiar to you?

18 A. Yes, sir.

19 Q. Okay. So I wonder if you can describe for the
20 Grand Jury kind of how it is that you approached this area.

21 A. Yeah. So when this call came out, I used to work,
22 when I worked at East Precinct, I used to work specifically
23 in this area, so I was very familiar with Target.
24 Unfortunately, this Target is always in the top three places
25 for shoplifting in the entire state of Oregon.

1 So we used to get a lot of calls there, a lot.
2 So what I decided was to park over here, which I sometimes
3 do.

4 Q. So you're pointing at an area to the west of the
5 Target store.

6 A. Correct.

7 Q. On the other side of 96th.

8 A. That is correct.

9 Q. Is that right?

10 A. That is correct.

11 Q. Do you know -- I'm going to point to something on
12 this thing. So just south of the On Point Community Credit
13 Union, there looks to be sort of a -- the end of the
14 building. Do you know what is in that office?

15 A. It keeps changing.

16 Q. Okay.

17 A. I don't, I don't know what's in there right now.

18 Q. Okay.

19 A. I feel like in my career it's been like ten
20 different things, so --

21 Q. Sure.

22 A. -- I'm not really, I couldn't tell you 100 percent
23 what it is.

24 Q. Okay. But at the very least, what you've
25 testified to is that you brought your vehicle to the south

1 of the building by the On Point Community Credit Union.

2 A. Yes, sir. My vehicle was literally like in one of
3 these parking spots because there's obviously trees.

4 Q. Yeah.

5 A. So there's, there's only like a few spots that you
6 can get a really good look. This is the main entrance for
7 Target, so there's very few spots. And luckily that was
8 opened, so I just backed in our police car, and we said that
9 we're going to get eyes on the front of the Target so we can
10 inform other officers when Mr. Johnson starts coming out.

11 Q. So your goal then, and you kind of answered my
12 next question, your goal then was to provide effectively
13 like -- to observe?

14 A. Yes.

15 Q. And report information.

16 A. For sure, yeah. At that point, at that point we
17 showed up kind of quickly and due to the fact that we have
18 unmarked police cars, usually we try to take spots to like
19 watch things just so we don't give away that the police is
20 there kind of thing.

21 So at this point, I think some officers were
22 already in the area marked -- with marked police cars, but
23 we volunteered to take this spot just so we can get eyes on
24 the front entrance of Target.

25 Q. Now, that raises a question, though. Why is it

1 that you didn't want people to know that you were in that
2 police car?

3 A. So at -- I mean, the main goal is to try to take
4 Mr. Johnson into custody as safely as possible. Because we
5 knew at that point that he had multiple warrants for his
6 arrest. So we knew we were going to try to take him into
7 custody.

8 We, a lot of times that people that do shoplifting
9 and people that are wanted, they'll come out of places,
10 they'll see that there's a, hey, there's a police car there.
11 They're, you know, a lot of them are smart, they've been
12 through this a lot, and they're going to run back in.

13 So our goal was, you know, we, we don't want him
14 running back inside of a place that's crowded with a lot of
15 people.

16 Q. Okay. That's what I was going to ask you. Like
17 what's the problem with him running back into Target?

18 A. It's just a danger, like danger to other people.

19 Q. Okay.

20 A. So you know, when he's out in the parking lot,
21 even though, you know, there's some people, of course,
22 walking around. It's a whole different avenue, and like
23 you're also giving people space. You know, like so he's
24 going to have space to run and give up and all these things.

25 Sometimes when people feel trapped, especially in

1 homes, apartments, like you know, like sometimes they
2 tend to be a little bit more aggressive because, you know,
3 it's like trapping, you know, people in a small space, like
4 I don't know if it's a psychological thing, just from my
5 training and experience so far.

6 Like when people feel trapped, sometimes they do
7 things that they might not necessarily normally do or want
8 to do. It's just like, you know, it might be just like an
9 instinctual thing.

10 Q. Okay. What I'm hearing you say, and please
11 correct me if I'm wrong, I'm not meaning to suggest an
12 answer here. But it sounds like the priority, at least for
13 you and your partner in your vehicle, was to -- is it fair
14 to say it was to make things easier for Mr. Johnson? Is
15 that right?

16 A. Yeah. I mean, like I said, in these kind of
17 scenarios, especially inside of crowded places, we do try to
18 take people into custody in areas that are not that crowded,
19 to keep everybody safe, including Mr. Johnson.

20 Q. Okay.

21 A. Because crowded areas, like they can cause a lot
22 of different problems like -- and like I said, yeah, I mean,
23 our goal at that point was to observe him come out. We knew
24 there was a lot of police officers who were already coming
25 into the area. We called for different resources, like K-9

1 officers and all the resources we could call for.

2 So we knew that when he came out, that there would
3 be enough resources to take him into custody safely without
4 having to go inside of like Target and like, you know,
5 putting other people into danger.

6 Q. Is that priority, is that informed by the
7 specialized training you received?

8 A. It is. I mean, I would say that a lot of the
9 things that we do with like the Focus Intervention Team, we
10 were kind of blessed to the fact we're, we're not tied to
11 the radio. So you know, patrol officers that are working
12 the streets, if a call came out here, you know, somebody
13 fighting or something like that, they have to go to that
14 call.

15 Where for us, like we kind of get to pick and
16 choose because we're not the primaries, we're just the
17 helpers. So we were just there to help out with calls that
18 are like more dangerous, or people that are more dangerous,
19 or people that are involved in the activity that we're
20 trying to deter. So --

21 Q. Okay.

22 A. Yeah. So we, I think we use a lot more time and a
23 lot more planning than the average police officer because we
24 have a little bit more time and a little bit more resources
25 to actually be able to do these things. Where patrol

1 officers, there only might be two of them, and they have
2 to go deal with that situation.

3 For us, you know, we have a team of, you know, you
4 know, four to six cars with two officers each, so we can
5 have -- we have a little more -- a lot more resources and a
6 lot more planning.

7 Q. Okay. And I guess what I was getting at is like
8 it sounds like you have training that other officers don't
9 have in interacting with people who might be in a mental
10 health crisis or might be -- have some behavioral problems.
11 And it sounds like, from your description here, that you
12 were conscious of what Mr. Johnson might be going through.
13 Is that fair to say?

14 A. I mean, again, like knowing some of the things
15 that we knew about him, it was definitely like for myself,
16 personally of course, I believed that there was a very small
17 likelihood that he wouldn't run, or he wouldn't try to run.
18 You know, especially when people have like warrants out for
19 long periods of time or the warrants are bad enough where,
20 you know, they think they're going to -- they might be going
21 to prison for a long time.

22 Usually people at least attempt to run because you
23 know, it's just they get away. Like a lot of times, they do
24 get away. So it's like it's a chance that we're taking and
25 knowing like some of the warrants that he had, and I

1 believed there was a very high likelihood that he's going
2 to try to run.

3 Q. Okay.

4 A. And that was one of the reasons why I decided to
5 be on this area too because again, from having worked this
6 area so many times, a lot of people try to run exactly right
7 here where he ended up running, because they try to get
8 across the freeway because we, like if we're chasing people,
9 we're not going to, you know, I'm not going to play frogger
10 across the freeway to try to catch somebody.

11 So you know, some people take these risks to do
12 that sometimes because they know that we're going to stop
13 and not go across freeways most of the time.

14 Q. Okay. Is that something you would have wanted to
15 prevent having somebody run across 96 or the highway?

16 A. Yeah. I mean both, I mean, I feel like there's
17 not many areas in Portland where people aren't driving kind
18 of crazy right now. So 96 is a busy road. As you can tell,
19 you know, there's only a couple of roads that go north and
20 south once you get off 205. So a lot of people use these
21 roads to get -- to kind of cut through to Division and
22 Powell.

23 So our, our plan was definitely try to keep him
24 away from the streets because, you know, if you guys know
25 this area, people are definitely driving pretty fast.

1 Q. Yeah. Okay. So getting back to where we left
2 off, I apologize for the --

3 A. Yeah.

4 Q. -- the detour, but you're -- the two of you are
5 parked in that area south of the On Point Community Credit
6 Union, and what do you see? What happens?

7 A. Yeah. So Officer Woods and Officer Wyatt, they
8 actually called loss prevention inside of Target, so they
9 were talking to them on the phone and giving us like live
10 updates of what they were hearing from loss prevention.

11 So you know, they did an amazing job like you
12 know, some of these loss prevention people, like they do a
13 really good job describing what people are wearing, what
14 they look like and all that kind of stuff.

15 So we had like a -- you know, I had this really
16 great image of what Mr. Johnson was wearing that day, what
17 he was doing, and all that kind of stuff because we were
18 actually getting live updates of where he was, you know,
19 what he was doing inside the store.

20 Q. Okay.

21 A. So --

22 Q. So what happened?

23 A. So literally seconds after we heard on the radio
24 like hey, from Officer Woods and Officer Wyatt, loss
25 prevention said he's walking out of the door right now, out

1 of the main entrance. Like I'm seeing it happen because
2 like I said, I'm, I'm right there and I'm watching the guy
3 in the camo coming out, and I'm like -- and there was nobody
4 else coming out at that time.

5 Pushing the shopping cart, just like they
6 described it. So I just saw him walking out --

7 Q. Could you see, I'll see how to ask this, like how
8 well could you see him? Could you see where, I don't know,
9 could you see him?

10 A. Yeah.

11 Q. And you could see his cart?

12 A. Yeah, yeah. I could see both.

13 Q. Could you see what was in the cart?

14 A. No, no. I mean, I did have Lasik eye surgery, so
15 my vision's pretty good, but no, I couldn't --

16 Q. Okay.

17 A. -- I couldn't -- I could see the cart. I could
18 see him. But definitely not in the cart. No.

19 Q. Could you see where his hands were?

20 A. Yeah. I mean, when he first came out, he was
21 pushing the shopping cart.

22 Q. Okay.

23 A. Yeah.

24 Q. And describe his progress.

25 A. Yeah. Again, I feel bag, I keep repeating myself,

1 but just having dealt with a lot of shoplifting kind of
2 situations, his behavior was very like common for a lot of
3 shoplifters. You could just see, you know, as soon as he
4 came out, you could just see his head kind of snapping back-
5 and-forth. He's just like looking all over the place, like
6 I'm sure thinking about like, you know, is loss prevention
7 coming. Is police coming.

8 I don't know what's going through his head, but
9 that's just what I'm assuming. So I could just see him
10 pushing the cart, and I could just, you know, I could just
11 tell like his head just snapping a couple times. It's like,
12 you know, looking, looking in the parking lot and stuff like
13 that.

14 Q. Okay. So what happened next?

15 A. I -- like just moments later, I saw a police car
16 that was coming from, I guess, just east of Target. They
17 were -- so when he came out, when he came out right here,
18 the police car was coming from over here. So I actually saw
19 him pushing the shopping cart. It looks like he was about
20 to go this way, which his north.

21 But then I saw him snap his head back, see the
22 police car as it was coming, and then he kind of did a
23 little detour and then he started pushing the cart this way,
24 westbound, kind of towards us.

25 Q. Okay. Then what happened?

1 A. Then I could see him again snapping his head
2 back. At that point, I believe the police officers turn on
3 their lights because I saw police lights. And then at some
4 point like he either pushed the shopping cart and just began
5 running, or like I don't know if he -- I don't know, like
6 the -- I just remember like the shopping cart just went
7 flying.

8 And he started running in this direction. And --

9 Q. Well --

10 A. -- he went in westbound, kind of towards us.

11 Q. All right. So he abandons the shopping cart.

12 A. Correct.

13 Q. After this police car turns his lights on.

14 A. Correct.

15 Q. And are you and your partner still in the parking
16 spot?

17 A. Yeah. So at this point, when he started walking
18 kind of towards us, at least in that general direction --

19 Q. Yeah.

20 A. -- started like driving up right here, just so
21 we're like -- because you know, there's a lot of cars coming
22 and going in this parking lot. So I wanted to make sure
23 that I was in this position in case he went this way or that
24 way, that we can go try to find a perimeter spot to try to,
25 again, deter him from staying away from the Max tracks, and

1 staying away from the freeway.

2 Q. Okay.

3 A. So because our job was, you know, we were west of
4 -- there was a car that's south of, so our job is to kind of
5 like keep him, try to keep him contained away from the Max
6 tracks and the freeways.

7 Q. Okay. All right. So you started driving.

8 A. Correct.

9 Q. And what happened? Well, when you started
10 driving, let's say at the point in which you got to 96 --

11 A. Correct.

12 Q. -- where was he?

13 A. I mean, just you know, best guess, like somewhere
14 around here. Like you know, kind of, kind of making his way
15 this way, I would say.

16 Q. You're gesturing to the area that's between the
17 Target building and the Fixoid Verizon.

18 A. Yeah.

19 Q. Right.

20 A. Probably roughly somewhere there. Like he
21 definitely was coming towards us.

22 Q. What's -- T-Mobile, the T-Mobile. Okay. Okay.
23 And then what happened?

24 A. Then at some point, I could, I could tell that he
25 was going to try to run this way because, you know, he could

1 have, he could have gone down, down this little hill, or
2 he could have gone that way. But he decided, he kind of
3 went through this parking lot, she he kind of cut the
4 corner, and just started running this way.

5 So I decided to come out here because --

6 Q. To 96 South. Okay.

7 A. Yeah. Sorry. 96 South, and my plan was, you
8 know, obviously, to stay right here for him to hopefully see
9 all of these police lights and hear all these sirens, and
10 you know, a lot of times people like do give up because they
11 feel overwhelmed with so many police cars and sirens.

12 So I was just hoping that once he sees like a
13 police car coming from here, us right here, and then all
14 these other cops coming this way, you know, he would just
15 try to like give up somewhere right there.

16 Q. Okay. So what happened?

17 A. He was in full sprint, like I was actually very
18 impressed, like he was, he was definitely running very fast.
19 There's a very like steep drop off like right here.

20 Q. Yeah. So in between the, the --

21 A. T-Mobile.

22 Q. -- T-Mobile and 96th. Right?

23 A. Yeah. Like I mean, obviously, it's not a great
24 image because it's from above.

25 Q. Well, we can show it from the street level.

1 A. Okay.

2 Q. Let me just --

3 A. Yeah, yeah. That would help. Technology.

4 Q. Yeah. I've heard of it. Does that look familiar
5 to you?

6 A. Yeah, there we go. Can we go a little south?

7 Q. I'm limited.

8 A. Limited. Okay. All right. In my head, that berm
9 is higher. I mean, it's decently high but it just, it kind
10 of like -- there's a, there's a little bit of a drop off,
11 like you know, if you, like I said, I worked there so much
12 that like right here, like from standing up here to standing
13 on the sidewalk is like quite a bit of a, you know,
14 elevation change.

15 Q. Actually, does it look steeper from this angle
16 than it did just a moment ago?

17 A. Right now it looks, yeah, right now it looks more
18 fitting than how I remember it.

19 Q. Would you describe that as more accurate trail of
20 the slope of that berm?

21 A. Yes. Yes.

22 Q. All right. And I didn't mean to interrupt.

23 A. No.

24 Q. Pick up where you -- I can't remember where you
25 left off.

1 A. Yeah. Of course. Again, so he's coming in
2 that direction, I'm watching him, you know, sprint, I get on
3 96, and I'm slowly driving southbound just, you know, I
4 didn't want to commit too far up because I knew there was a
5 cop up there already, because I didn't want him to run like
6 behind us and try to run, like I said, on the freeway, stuff
7 like that.

8 So I'm just kind of like slowly driving up, and
9 then I kind of now I'm like almost parallel to him and he's
10 trying to make his way down right here by that electrical
11 box.

12 Q. Mm-hm.

13 A. Or some kind of box. And I watched him like fall
14 down, like really hard.

15 Q. So you were actually on 96 pointed south when you
16 see Mr. Johnson fall.

17 A. Correct.

18 Q. Okay. Then what happened?

19 A. Yeah. Like I mean, he, he fell really, really
20 hard. And I was like oh, you know, great, you know, he's
21 down on the ground, like we're going to come out, we're
22 going to give him commands, he's going to like, you know,
23 see and hear all these police officers, like he's going to
24 give up.

25 Q. Okay. Before you get to that, I want to just ask

1 you something. You were in the driver's seat.

2 A. Correct.

3 Q. So what is between you and Mr. Johnson at the
4 point that he fell to the ground?

5 A. Nothing. Right now, right now I'm like parked,
6 you know, maybe like in the middle, like right here in this
7 like, you know, it's not even a turning lane, just whatever
8 you want to call it.

9 Q. Yeah.

10 A. So my car is just parked right there.

11 Q. How far are you from Mr. Johnson at that, at that
12 point?

13 A. Yeah.

14 Q. I'm speaking in present tense, but --

15 A. I would say like you know, like 20 yards, ish.

16 Q. Twenty yards?

17 A. Yeah. Something like that.

18 Q. All right.

19 A. And you said --

20 Q. So that's 90 feet.

21 A. Yeah.

22 Q. That's about right?

23 A. Yeah.

24 Q. Okay. All right.

25 A. Maybe a little, maybe a little less, like you

1 know, like obviously looking at it from here, like it's
2 probably a little bit less, but --

3 Q. Yeah. I, I didn't mean to put words in your
4 mouth.

5 A. No, you didn't. I --

6 Q. If you look at this, if you look at this, this
7 electrical box.

8 A. Yeah.

9 Q. You know, you have like a sidewalk.

10 A. Yeah.

11 Q. Immediately, and it doesn't seem very --

12 A. For sure.

13 Q. -- I --

14 A. I'm more comfortable with the metric system.

15 Q. Oh, okay.

16 A. But no, I mean, like yeah, like I said, like ten,
17 15 yards, like we're -- my car is in that general like where
18 your pointer is right now, and you know, I'm the driver, so
19 I'm on the left side, so I'm like literally right there.

20 Q. So maybe my question -- you're -- you are, you
21 said you're where the pointer is.

22 A. Yes.

23 Q. What was between you and Mr. Johnson at this point
24 is one through lane.

25 A. Correct.

1 Q. A cycling lane.

2 A. Correct.

3 Q. A median where's there's some trees growing, a
4 sidewalk, and right to the left of that is the box.

5 A. Correct.

6 Q. Okay. Maybe that's a better way to describe this.
7 So then what happened?

8 A. So I apologize, just back up a little bit. When I
9 saw him walking from Target, when he turned towards me, he
10 made a movement inside of his jacket where for me, like you
11 know, the fact that, you know, I carry a gun on myself as
12 well, I believe that he had a gun on him just by his hand
13 movement, the way he put his hand inside his pocket.

14 You know, sometimes I'll do that myself too, you
15 just kind of like, I don't know, it's a psychological thing,
16 I believe, or so actually when that happened, I got on the
17 radio and I told the entire precinct, I was telling them
18 like hey, like that's what he just did. I believe he has a
19 firearm on him.

20 Q. So you announced it over the radio.

21 A. I did. I announced that over the radio before he
22 started like, you know, --

23 Q. Okay.

24 A. -- in his full sprint, must the way he put his arm
25 in, it wasn't like, you know, like I'm trying to keep my

1 arms or hands dry or anything like that. Like he put his
2 hands inside his pocket like he was like, I feel like he was
3 feeling for a gun, or he wanted to make sure that it's there
4 because a lot of people that run with guns on them, like you
5 know, a lot of times it falls out. So a lot of them like
6 will hold the gun or like touch it before they start running
7 just so it doesn't -- they don't drop it.

8 Q. Okay. So just -- I don't mean to split hairs or
9 be too --

10 A. No.

11 Q. -- (indiscernible) about this, but the point in
12 which you radio dispatch saying that you thought he had a
13 firearm on him, and the point at which you were in that
14 median lane, you know, the distance --

15 A. Yeah.

16 Q. -- between that and that junction box where Mr.
17 Johnson is, how much time elapsed?

18 A. Seconds.

19 Q. Okay. That was two seconds right there, my, my
20 quiet.

21 A. Yeah, I --

22 Q. Try to give you, try to give the jury the
23 impression.

24 A. For sure. Yeah.

25 Q. Okay. So let's, let's -- where we left off --

1 A. Yep.

2 Q. -- you were in the vehicle he was on the ground.

3 A. Yes.

4 Q. What happened next?

5 A. So as soon as I got out of the car, I, I drew my
6 firearm because my, my plan was to challenge him
7 immediately, tell him hey, stay on the ground, you're under
8 arrest, you know. So I drew my gun as soon as I got out of
9 the car. When he fell, again, I was really surprised that
10 he got up so quickly because the fall seemed kind of harsh.

11 I, when I, when I got out of the car, before I
12 even got a chance to like challenge him, like I remember
13 just yelling at him, stay down, like the gun -- his gun was
14 already drawn and like pointing right at me.

15 Q. Okay. So I want to be really clear about this.
16 Where were you when you first noticed that he had a firearm?

17 A. So --

18 Q. Like position relative to --

19 A. For sure, yeah. So I got out of my car. I was on
20 the driver's side.

21 Q. Okay.

22 A. My plan was to go behind my car, so I had some
23 kind of hard cover between myself and Mr. Johnson, again, to
24 like use my space for both myself and for him. To call out
25 and give him commands.

1 So as I was moving towards the back of my car,
2 I see the firearm like pointing right at me. Mr. Johnson
3 got the gun out. I don't know where like exactly he got it
4 from. He got it out and he was pointing it right at me. So
5 --

6 Q. Just to be clear, and I hate do to this --

7 A. Yeah.

8 Q. -- but like what is between your body and the
9 firearm?

10 A. So at that point, there's nothing between us.

11 Q. Okay.

12 A. Again, I didn't have enough time to get behind the
13 car, to get behind any kind of cover. So I was just kind of
14 out there. You know, there wasn't any cars or people, or
15 anything like that. So it was just him and me, and the gun
16 pointing at me.

17 Q. Okay. Where's your gun at this point?

18 A. I had my gun like, you know, I just had it drawn,
19 and I was, you know, I believe I was carrying it kind of
20 like this, just --

21 Q. Close to your --

22 A. Yeah. Because I was like trying to walk, quickly
23 walk slash run towards the back of my car.

24 Q. Okay.

25 A. So I just kind of kept it like this at that point.

1 Q. All right. Then what happened after that?

2 A. So I'm, at that point, like he obviously startled
3 me quite a bit, having like this firearm like pointed right
4 at me. I thought he was going to shoot me, like at any
5 point in my, in my head, I was like okay, there's a gun,
6 it's pointing at me. He's about to shoot me.

7 I believe at that point like was able to just kind
8 of quickly take a couple more steps, and --

9 Q. And how were you positioned?

10 A. Yeah.

11 Q. Well let me ask this. Do you have a vest on?

12 A. Yes.

13 Q. A bullet resistant vest.

14 A. Yes.

15 Q. But that covers your torso. Right?

16 A. Correct.

17 Q. So how are you positioned relative to Mr. Johnson
18 and the firearm? Can you tell me?

19 A. I mean, we're, we're standing basically like you
20 and I are like this, you know, kind of face to face.

21 Q. Okay.

22 A. You know, obviously, a bigger distance right here.

23 Q. Okay. Were you -- I guess --

24 A. Yeah.

25 Q. -- were you turned to the side and exposing your

1 side? Or were you exposing your back?

2 A. No. I mean, I don't, I don't recall exactly at
3 that point. Like kind of I was just -- my biggest thing was
4 just to try to move toward something safe. But then like
5 when I saw the gun like pointing right at me, then like, you
6 know, I, I just engaged immediately because I thought any,
7 any second like this gun's going to shoot me.

8 Q. Okay. So what happened?

9 A. This sounds weird but in my head I just like, I
10 thought that he already had shot, just like just this image
11 of this gun like kind of like it's so weird like you know,
12 having somebody in real life pointing a gun at you with
13 like, like this -- I don't know if there's a good intention,
14 but with this negative intention, like I just felt that he,
15 he wanted to shoot me at that point.

16 Q. Okay.

17 A. So I immediately, you know, I, I drew at him, and
18 I fired trying to stop him from killing me.

19 Q. At that moment, did you, did you believe you were
20 in imminent threat of death or serious physical injury?

21 A. Yes.

22 Q. Okay. All right. And you can continue.

23 A. Yeah, I did. He -- the gun just stayed up there
24 and I felt like I, I tried to move a little bit and he just
25 kept following me. So I don't know, in my head, I'm just

1 like there's a lot going on, obviously, but I'm just
2 thinking, I'm like oh, there's other cops here, like why is
3 he, why is he so zoned into me kind of thing.

4 I believe I fired two or three rounds, and --

5 Q. `And where were you when you fired your gun?

6 A. So at that point, like I moved maybe just like
7 three or four feet, maybe a little bit more, like north of
8 my -- where my back of my car is. And there was another
9 police car there, so I just kind of -- I just took a couple
10 of steps away from my car like while I was making the
11 movement.

12 So I was just in between like these two police
13 cars, my car and then somebody else's police car. Just
14 again, out in the open, unfortunately, because I didn't have
15 enough time to get cover.

16 Q. So you, you were -- it sounds like you were
17 exposed. You had no cover.

18 A. Yep. I was exposed and I, for some reason, like
19 my knee was scuffed afterwards, and I actually don't even
20 recall if I was on my knee like shooting or like standing
21 up. But like I just remember afterwards like, like my knee
22 was all scuffed up, and I'm like man, how, how did this
23 happen. Like I just told you my brain, I have no idea why
24 my knee was scuffed up.

25 I didn't fall.

1 Q. Okay.

2 A. But yeah, I don't know.

3 Q. Okay. So what happened then?

4 A. After I fired a couple of rounds, like I said, I
5 believe it was like two or three, I heard a couple more
6 shots from like both directions, like from south of me and
7 north of me. At that point, like I actually -- I didn't
8 know like who was firing then, like I didn't know if it was
9 coming from his gun. I didn't know if it was coming from
10 like the other officers. Like I just heard more shots.

11 And Mr. Johnson like visibly just dropped to the
12 ground. And I immediately stopped shooting because it was
13 very, like at that point I just believed like he was no
14 longer a threat. But I did, like you know, I was still
15 close enough where I could see the gun. It looked like it
16 was still in his hand. But you know, the reason, obviously,
17 I stopped shooting is because he didn't make any -- he
18 didn't try to get up and he didn't point the gun at me
19 again.

20 So I just saw, as soon as I saw him going down,
21 like immediately stopped and then I heard a bunch of
22 officers just yelling commands at him, telling him hey, you
23 know, push the gun away from you. We're trying to get you
24 help. Like all those kind of stuff.

25 But like I never actually saw him react to any of

1 those comments. It just seemed like he was down.

2 Q. Did you hear any commands prior to him going down?

3 A. Yeah. I mean, I think that I, like I remember
4 when I got out of the car, I like immediately like said like
5 hey, stay down. And I did hear other commands. I don't
6 recall like what they were, like what the other officers
7 said, but there was definitely like commands being given to
8 him, but I don't like --

9 Q. Okay.

10 A. -- recall exactly what specifics. All I know is
11 like you know, when I got out, I remember just yelling like
12 stay down. You know, but like, you know, there's obviously
13 like, there's also a lot of police sirens going on and stuff
14 like that.

15 Q. Okay.

16 A. So --

17 Q. What happened then?

18 A. He like at that point, like when he was down, I
19 felt comfortable enough, like I had enough time to go behind
20 the police car, so I had like an actual like you know,
21 something blocking my body from him.

22 Again, we just -- officers were giving him
23 commands to push the gun away from him, trying to get him
24 help. I heard officers call for AMR, medical to come stage
25 and then at that point, I mean, there was just so many

1 police officers. It's a common practice, people that
2 were involved in the shooting, that actually shot, to take
3 us away from the scene just because, you know, we've just
4 been through this emotional roller coaster, so it's better
5 to take us away and let other officer's deal with the after
6 effect.

7 So at that point, like somebody came up to me. I
8 don't even recall who it was. And they asked like who was
9 involved and they said whoever was involved in the shooting
10 to start walking to cars away from the scene. And while I
11 was walking away, like you know, I could see the other
12 officers were kind of making a plan to go up to Mr. Johnson
13 and you know, both like render him aid and like take him
14 into custody kind of at the same time.

15 So but I wasn't involved with that at all.

16 Q. Okay. So what, what happened then?

17 A. I sat in the car for a long time. Like probably
18 like four or five hours, just sitting there. Just thinking,
19 yeah.

20 Q. Okay.

21 A. Because you know, like yeah, it's just, you know,
22 as a kid I was, I was -- I went through a war but it's
23 different. Like I was a kid, you know. It was kind of a
24 weird, excuse me, a lot of emotions.

25 Q. Sure.

1 A. Like you know, no doubt. I guess in this line
2 of work, you kind of sometimes expect or there's an
3 expectation that you might have to shoot somebody. It's
4 nothing I ever looked forward to.

5 Q. Sure.

6 A. But yeah, it was just a lot. So --

7 Q. Okay. So four hours you're in the car. What
8 happened after that?

9 A. At least. Just sat there, just thinking, and then
10 at some point, you know, like lawyers were called in and
11 detectives were called in. And you know, we have to sign
12 like some paperwork that we won't talk about certain things
13 and do all these kind of stuff. And then they send you
14 home.

15 Q. What about your firearm? Did they process your
16 firearm?

17 A. Oh, yes, sir. Oh, I apologize. Yeah. So what
18 they do is they take us into a room. They take photos of
19 us, what we were wearing that day. They take our guns that
20 were involved in the shootings, and like stuff we have to
21 sign, some paperwork that we won't talk to anybody about
22 what happened.

23 Q. Did they process your firearm in any way? Were
24 they --

25 A. Yeah, I mean, like you know, they take it, they

1 count how many rounds were in the magazine. They
2 photograph it. I don't know what else they do afterwards.
3 That's just what they do in front of, in front of us.

4 Q. Earlier, I mean, you were a little bit
5 (indiscernible) about how many times you fired your weapon.

6 A. Yeah.

7 Q. Do you know how many times you fired your weapon?

8 A. Honestly, I think, I mean, I believe it was two,
9 but like honestly, at some -- I would be guessing right now.

10 Q. Okay.

11 A. Like I never actually talked to like the
12 detectives after the fact and like asked them like any
13 details about like hey, how many rounds did I actually fire.

14 Q. So that's interesting. So you did not talk to the
15 detectives about their findings.

16 A. Correct.

17 Q. Did you talk to anybody, any of your colleagues
18 after the shooting took place?

19 A. No, no. I mean, like you know, as soon as we like
20 signed the order that we won't talk about this kind of
21 stuff, it's, you know, we all take it very serious and don't
22 talk about it.

23 Q. All right. So you have not, you did not speak to
24 the other involved officers.

25 A. About the shootings, correct. No. Absolutely

1 not.

2 Q. Did you talk to any witness officers?

3 A. No.

4 Q. It sounds like you talked to some detectives.

5 A. No.

6 Q. No. Okay.

7 A. No. Like they, like I said, like at that point,
8 we didn't like we don't get -- we didn't get interviewed at
9 that point.

10 Q. And did anyone tell you about their findings about
11 this? Did any detective tell you about the situation at
12 all?

13 A. No. No.

14 Q. Okay. So I mean, is it fair to say that the only
15 information that you have coming into today is your
16 recollection.

17 A. Yes. And I saw a video of him just running past
18 like the, I think it was the Fixoid video, the like, you
19 know, Fox or I don't remember what, KGW or somebody put a
20 video on, on the news of him just running by.

21 Q. Okay.

22 A. Yeah.

23 DDA BENSON: That's it. I think I'm done.

24 BY DDA DAVIDSON:

25 Q. Officer, I assuming you're equipped with some

1 nonlethal options when you're on patrol.

2 A. Yes.

3 Q. Tell us what nonlethal options you have?

4 A. Taser and pepper spray.

5 Q. Okay. Did you feel, as far your bureau training
6 and bureau directives in which you were confronted with in
7 this instance that any of your nonlethal options would have
8 been an appropriate response to having a gun pointed at you?

9 A. No. The -- what he was doing like is considered
10 like a deadly force type of scenario and there was no other
11 option, unfortunately, besides using my handgun.

12 Q. Okay. You fired some rounds, you think two,
13 you're not 100 percent sure about that.

14 A. Yeah.

15 Q. When you made the decision to stop shooting, why
16 did you make that decision?

17 A. I no longer felt threatened that this guy is going
18 to shoot me. Like he -- it was so obvious that he went
19 down, like I said, he did -- he was still holding the
20 handgun but it, it didn't make any movements towards me, or
21 I just wasn't threatened anymore.

22 Q. Okay. It sounds like your perception was that you
23 -- you're aware, obviously, now you were aware at some point
24 that other officers were using their firearms.

25 A. Correct.

1 Q. Right?

2 A. Yes.

3 Q. But it was your perception that you shot first?

4 A. It was.

5 Q. Okay.

6 A. Yeah. And again, like everything just, you know,
7 crazy to be able to talk about things in this much detail of
8 something that happened in like a split second. Like in my
9 head, like this scenario lasted for like hours, but in
10 reality, it was just seconds.

11 But for some reason, I believe that, you know, I
12 fired first, but you know, I don't know, that's probably the
13 reality, I guess, but --

14 Q. Okay. But you didn't fire your weapon just
15 because you heard other officers firing.

16 A. No.

17 Q. Okay.

18 A. No.

19 Q. Okay. In fact, your testimony is you didn't hear
20 other officer's fire first.

21 A. Correct.

22 Q. You made your decision individually.

23 A. Yes.

24 Q. All right.

25 A. Hundred percent.

1 Q. Can you describe the gun? I mean, when you saw
2 it, you said he popped up and he had a gun.

3 A. Yep.

4 Q. Can you describe for us what you, what you saw
5 exactly?

6 A. Yah.

7 Q. With the firearm.

8 A. Yeah.

9 Q. So obviously, there are various firearms.

10 A. For sure.

11 Q. Sure.

12 A. It just looked like the most average looking
13 handgun. I'm not a big gun guy myself, but you know, it
14 just, I believe it was black and it looked like the same
15 size as the Glock that we were carrying. It wasn't like,
16 you know, an AR or a shotgun, nothing like that.

17 It was just -- it was a handgun.

18 Q. And did, did it appear to be an actual functioning
19 firearm to you?

20 A. Yeah.

21 Q. Okay.

22 A. I mean from you know, when it's looking at you,
23 like I mean, it just looks like every other gun that I've
24 ever seen.

25 Q. Okay. You talked about this a little bit, but I

1 wanted to just kind of put a finer point to it. You
2 yourself did not give a force warning.

3 A. No.

4 Q. Okay. As far as your training, like are you -- is
5 it your understanding, are you required to give a force
6 warning in every scenario prior to using deadly force?

7 A. Only when there's time to do it. If there's like,
8 if there was time safely to be able to do it, I definitely
9 would have done it. But I just didn't feel like I had the
10 time to be able to safely do that before like he was going
11 to shoot me, so --

12 Q. Okay. And then you mentioned you heard other
13 officers giving commands.

14 A. Correct.

15 Q. Do you specifically recall whether or not you
16 heard any other officer giving a force warning?

17 A. No. I don't recall that.

18 Q. Okay. So are you definitively saying it didn't
19 happen or you just don't know or can't recall?

20 A. I just don't recall. Like, like I said, I mean,
21 in that moment, like there's just -- I feel like there's
22 just so much going on and I hear, you know, I heard voices,
23 definitely I heard, which I know police officers to be just
24 because like the type of, you know, like what they were
25 saying or how they were saying it.

1 But I couldn't tell you like what exactly was
2 said.

3 DDA DAVIDSON: Mm-hm. Okay. All right. That's
4 all I have. Grand jurors?

5 GRAND JUROR: Yeah. When Johnson had his gun
6 pointed at you, it might have been when you were getting out
7 of the car, did you ever take your eyes off of him when you
8 were heading to the back?

9 THE WITNESS: No. So when I got out of the car,
10 like I said, he was like just kind of working his way up
11 from, you know, taking that fall. And you know, was I was
12 moving, like I kept him like right in front of me, like as I
13 was moving. I never, like I never lost sight of him at any
14 point from moving.

15 GRAND JUROR: Thank you.

16 DDA DAVIDSON: You had a question?

17 GRAND JUROR: You were saying how you, you don't
18 want to crowd anyone, or you want to leave them enough space
19 to not feel trapped.

20 THE WITNESS: Yeah.

21 GRAND JUROR: Were you, were you feeling like he
22 had enough space in this situation?

23 THE WITNESS: Yeah. I mean like this was like a
24 huge space, huge parking lot, there was all these areas
25 where he could have just went down anywhere and just like

1 gave up, because like we had enough space like between
2 us. I just, unfortunately, you know, I don't know why he
3 chose to do that, but yeah, I mean, like I said, I feel like
4 we did a really good job in like this stressful and like
5 really difficult situation.

6 And unfortunately, no matter what you do
7 sometimes, like we're not, we're not in the driver's seat,
8 like we most of the time have to react to people's actions
9 and yeah.

10 GRAND JUROR: You said that you thought that he
11 had shot first. Could you, could you hear him shoot, or did
12 you hear --

13 THE WITNESS: No. Yeah, I don't know why in my
14 head like it just, I don't know if it's from my training, I
15 don't know if it's my experience, I don't know what it is,
16 but like when that gun was like looking at me, I just, you
17 know, my head was just like oh, this guy's going to try to
18 kill you, like why else would somebody point a gun at you.

19 So in my head, like I just -- I still am actually
20 dealing with it, just kind of thinking about it like it was
21 like this weird emotion to like feeling like you got shot
22 but you didn't. Like it's super weird but I just still kind
23 of think about that sometimes. Yeah.

24 BY DDA DAVIDSON:

25 Q. This is Paul. Just to be clear, in the moment you

1 made the decision, you didn't think that he had shot you.

2 A. No.

3 DDA DAVIDSON: Okay. Is that what you were
4 asking? I guess I'm a little bit confused.

5 GRAND JUROR: Yeah. Just you said that you had,
6 you felt like he had already shot, or he had --

7 THE WITNESS: Yeah. Like he didn't like, he
8 obviously didn't shoot. It's just my, in my head, like you
9 know, like the, the -- oh, the motions that he was making, I
10 just like I felt like he was like he was going to shoot me
11 like at any second. And I felt like I got shot but I
12 didn't.

13 GRAND JUROR: You felt -- you projected what it
14 might feel like if you got shot.

15 THE WITNESS: Yeah. I mean, in a way, like I
16 said, I, I just don't know. Like in my brain like this,
17 this handgun was like shooting at me like pointing at me and
18 doing all the stuff that a gun's supposed to do. But it
19 just like, you know, I was, I was okay at that moment.

20 BY DDA DAVIDSON:

21 Q. And just so -- I think this is an important point,
22 so I want to --

23 A. Yeah.

24 Q. -- follow up about this. You didn't fire your
25 weapon because you perceived that he had shot you or shot at

1 you.

2 A. No. I fired my weapon because I felt that he was
3 going to shoot me at any moment. Yeah.

4 Q. All right. Thanks for that follow up question
5 because I think we need to make that clear on the record.

6 A. Yep.

7 GRAND JUROR: Yeah. It must have (indiscernible).
8 I thought you said that too. So --

9 DDA DAVIDSON: Okay.

10 GRAND JUROR: At any point, did you see Mr.
11 Johnson point at anyone else?

12 THE WITNESS: So at one point, like again, like
13 everything just kind of happened quickly, like I kind of
14 like, like vaguely remember him like pointing -- trying to
15 like point at somebody or doing -- because I, I heard -- I
16 kind of like knew where the other officers were located.
17 But it wasn't, like it's nothing that I can like I have like
18 a super clear image of. But I do remember him like kind of
19 tracking somebody or doing something with, you know, with
20 his hand and the gun. But --

21 GRAND JUROR: Thank you.

22 THE WITNESS: Yeah.

23 GRAND JUROR: I was wondering when he fell if you
24 saw his hands like come out of his pocket as he fell. I
25 mean, sometimes people try to catch themselves --

1 THE WITNESS: Yeah.

2 GRAND JUROR: -- sometimes they don't.

3 THE WITNESS: I don't, like I don't recall a lot
4 like, like I said, like I just remember like I had like this
5 vivid image of him like just falling because it was like he
6 was running super fast, you know.

7 GRAND JUROR: Yeah.

8 THE WITNESS: And he must have tripped on like the
9 sidewalk or something like that. So I don't like remember
10 like how he landed or anything like that. Just because like
11 there was a little, excuse me, a little electrical box and
12 he kind of like fell behind it. So I'm not sure like, you
13 know, how everything happened afterwards.

14 GRAND JUROR: Thank you.

15 GRAND JUROR: The shots that you fired at Mr.
16 Johnson, do you feel like you shot him directly or did they
17 go past him?

18 THE WITNESS: I don't know. I think, I hope, you
19 know, I just, I just don't know. Like what it -- I mean, I
20 think I shot him, but like I don't think there's like a way
21 to like kind of find out like which bullet actually hit him
22 and which didn't kind of thing. Like I said, my main goal
23 was just to stop him from doing what he was doing.

24 GRAND JUROR: Thank you.

25 BY DDA DAVIDSON:

1 Q. Officer, I'll ask you a question also. As far
2 as your backdrop --

3 A. Yeah.

4 Q. -- Target, was that one of your considerations
5 before you fired, or can you tell us about that?

6 A. Yeah. The, the berm area, like I felt that, you
7 know, it's -- it was a good backdrop. I couldn't, you know,
8 can see like people behind him and there was like a -- the
9 building behind, it's all in brick. So I felt, I felt very
10 comfortable with my backdrop due to like the location that
11 he was standing in.

12 Q. Okay. And as far as your recollection is
13 concerned, how did the utility box play into this if it did
14 at all?

15 A. I don't, honestly, like I don't know if it did or
16 didn't. Like I guess like after like when he fell down like
17 yeah, yeah, I don't, I don't think it kind of did. I didn't
18 like think about the utility box too much, I don't think.

19 Q. So did you -- it was your recollection that he
20 took cover behind it or not so much?

21 A. Cover behind it? I, I don't know if that's just
22 like where he got up after he fell down. Like I don't know,
23 obviously, I don't know like what his thought process was
24 with that utility box, but I think it was just, just a
25 coincidence that he happened to fall near it. Like I don't

1 know, I wouldn't, you know, it would be weird if he like
2 actually like planned that whole thing out.

3 Q. Oh, no. I'm not suggesting that. Just I'm -- I
4 just didn't know, like for example, if we're looking at this
5 image here, like where was he in relation -- to your
6 recollection.

7 A. So to my recollection it was like literally like
8 maybe a step behind it or maybe a little bit to the side of
9 it.

10 Q. Okay.

11 A. So just like right there.

12 Q. So very close to it then.

13 A. Yeah. Very close to it but the box isn't like
14 huge where like an adult could probably get behind it.

15 Q. Okay. All right. And your view of this is more
16 like this, it's more -- almost from the -- since you're on
17 the driver's side facing north, your view is kind of like
18 this view. It's more from the north looking to the south.
19 Is this parallel to your view, kind of this --

20 A. No. My, my view at that point is very like you
21 know, he's maybe like just a little bit to the side.

22 Q. Okay.

23 A. Like this would be very -- yeah.

24 Q. You were more due east -- or due west of the box.

25 A. Due west, yes.

1 Q. Well, like imagine this is the median.

2 A. Yeah.

3 Q. If you're -- it sounds like your car is not from
4 this point of view, was it further forward?

5 A. Further up.

6 Q. Okay.

7 A. Yeah.

8 Q. Further up.

9 A. I would say just a little bit further up and then
10 like but I'm behind my car, so I'm -- I felt that I was
11 pretty parallel to him.

12 Q. Okay.

13 A. But maybe not like exactly, but like very
14 parallel. Yeah.

15 Q. Great. And to your recollection, was he in like a
16 one -- was holding the gun with one hand or two hands? Do
17 you recall?

18 A. I thought he was holding it with one hand because
19 I remember at some point like for some reason like him, it
20 looked like he was like, you know, racking a slide or doing
21 like something with his other hand.

22 Q. Mm-hm.

23 A. So that's why I think in my head that he had it
24 with one hand.

25 DDA DAVIDSON: Okay. All right. Additional

1 questions from the Grand Jury?

2 GRAND JUROR: Do you know if he was crouched or
3 standing, or sitting?

4 THE WITNESS: I believe he was standing. Yeah.
5 My, my mental image, like I feel like he was standing.

6 GRAND JUROR: And do you remember if you were
7 aiming for the center of mass or --

8 THE WITNESS: That was my plan. You know, that's
9 -- that was my plan was, you know, center mass. Yeah.

10 DDA DAVIDSON: Anybody else? No. Okay. Great.
11 I think -- anything else, Colin?

12 DDA BENSON: I'm done.

13 DDA DAVIDSON: Okay

14 DDA BENSON: Thank you.

15 DDA DAVIDSON: Great. All right. We can go off
16 the record. Officer, you are all done.

17 THE WITNESS: Cool.

18 (Off the record.)

19 (On the record.)

20 DDA DAVIDSON: I can't tell from the detectives,
21 but it looks like we're back on the record. Oh, there we
22 go. We are back on the record in Grand Jury A Case No. 42,
23 DA Case No. 2469270-1, 2, and 3. We've actually recalled
24 Detective Joe Corona to discuss some additional stuff that
25 we weren't able to get to this morning.

1 Detective Corona, you're aware you're still
2 under oath.

3 THE WITNESS: I am.

4 DDA DAVIDSON: Okay.

5 DIRECT EXAMINATION (Continued)

6 BY DDA DAVIDSON:

7 Q. Detective Corona, I want to talk a little bit
8 about the crime scene. I think someone during the course of
9 their testimony, mentioned something called Lyca.

10 A. Mm-hm.

11 Q. Can you tell us what Lyca is and how it's relevant
12 to these kinds of investigations?

13 A. Yeah. So Lyca is, it's basically the brand name
14 for a -- it's a scanning system that we use. So like a
15 laser scanning system. And our criminalists actually take
16 this equipment and they set it up at various spots in the
17 crime scene, designed to capture all the images.

18 And what it does, they do the scan, it actually
19 creates this digital image of the entire crime scene, and it
20 actually creates a pretty, pretty good image. It's not as
21 good as like a photograph. But it's a pretty good image and
22 it tells us where all the evidence was. Where say a police
23 vehicles were, buildings, other items of evidence.

24 Q. Okay. So and also before we continue, I think you
25 needed to correct the record from my question earlier.

1 A. I did. I realized when I testified earlier
2 about the autopsy of Tyrone Johnson, it wasn't Dr.
3 Viramontes. It was Dr. Sean Hurst who conducted that exam.
4 But I wanted to make sure that was correct on the record.

5 Q. I never had to sign this before. There we go.
6 Open this.

7 A. Open, open it with --

8 Q. It's a PDF. So we switched from Adobe to this
9 Foxit product.

10 DDA BENSON: I think if you open --

11 DDA DAVIDSON: Here we go. Computer is not liking
12 me today. Come on. Okay.

13 THE WITNESS: There we go.

14 DDA DAVIDSON: All right.

15 BY DDA DAVIDSON:

16 Q. We're going to skip to -- well, so just what are
17 we looking at here, Detective?

18 A. So this is a document that was created by
19 criminalist Jeff Sheerer (phonetic). He's the one that
20 actually did the Lyca scans out at the scene. And so we
21 have here is a legend of the, the items that were marked as
22 evidence and so they're one through 16. One through nine
23 are the, the spent nine millimeter casings that were
24 recovered, and then the other items are going to be related
25 to Mr. Johnson.

1 Q. Okay. So let's actually just slide down here
2 to -- not these images, but this image and I hope I can get
3 it to rotate. Well, actually, we can kind of do it this
4 way. Which --

5 GRAND JUROR: You might be able to --

6 DDA DAVIDSON: Yes.

7 GRAND JUROR: -- how to --

8 DDA DAVIDSON: I'll rotate view. There we go.
9 Okay. That makes it -- does everyone recognize what we're
10 looking at and kind of how --

11 BY DDA DAVIDSON:

12 Q. Maybe you can just say for the record and explain
13 kind of our orientation here.

14 A. Sure. So the street right here is Southeast 96th
15 Avenue. So our utility box is right here. This corner
16 right here is going to be the corner where the T-Mobile
17 store is. So the Mall 205 parking lot is that way. The
18 Target's over in this area.

19 This is where Mr. Johnson fell. These are police
20 cars. This would be the silver SUV where Officer Ramic and
21 Officer Bartlett, that would be Officer Costanzo's car.
22 This is, if I recall, is going to be, I guess, Officer Woods
23 and Officer Wyatt's car that came in later.

24 And then this would be Officer Wheeler's patrol
25 car right there.

1 Q. And so this is -- when the detectives arrive to
2 process the scene, this is how it presented. This wasn't --
3 right. This is what you were presented with when you
4 arrived on scene and, and the forensic evidence is starting
5 to get processed.

6 A. Yeah. When I arrived, so the criminalists had
7 already kind of started to try and locate the evidence and
8 get it marked. And we had two detectives that actually
9 stayed with the criminalists. That supervised that process.
10 So when I walked through the scene, once they had everything
11 marked, this is, this is basically what I saw.

12 Q. Okay. So can you describe to us as far as what
13 we're looking at and what exhibit numbers are what?

14 A. Sure. So you have the legend on the right, which
15 is the same legend that we saw at the beginning.

16 Q. Mm-hm.

17 A. One through five here, those are marking five
18 spent shell casings, and again, this is Officer Wheeler's
19 vehicle right there.

20 Q. So do you associate those five -- those shell
21 casings with Officer Wheeler?

22 A. I did, yes.

23 Q. Okay.

24 A. And that's supported by the, the lab result as
25 well. So these three casings right here were associated

1 with Officer Ramic, and again, those are spent nine
2 millimeter casings. And again, consistent with the lab
3 report.

4 And then this final marking over here, number
5 nine, is another nine millimeter casing and it's consistent
6 with -- or matches up with Officer Bartlett's service
7 weapon.

8 Q. Okay. So six, seven, and eight are associated
9 with Officer Ramic.

10 A. Yes.

11 Q. Okay. And so if -- let's see. When an officer --
12 when a semiautomatic weapon fires, the pistols you carry, to
13 which side of the weapon are the shell casings ejected?

14 A. So they eject to the right and to the rear.

15 Q. Right and to the rear. Okay. Got it. Now, as
16 far as your understanding of where the officers were
17 positioned at the time they fired, to the best of your
18 knowledge, did -- do the shell casing positions make sense
19 to you, or --

20 A. They do. Based on my viewing of the video, and
21 looking at the reports and transcripts of the other
22 interviews with the witness officers, so in the video we saw
23 Officer Wheeler exit his car and fire rounds, which would be
24 consistent with where these casings are.

25 These casings right here would be consistent with

1 Officer Ramic exiting the driver's side and running back
2 this way, which we saw on video. And although we couldn't
3 see it on video, because Officer Ramic was the driver and he
4 was partnered with Officer Bartlett, I believe he was the
5 passenger in this car, and took a position of cover on the
6 other side of this car, which would be consistent with him
7 firing from around that position.

8 Q. Okay. So when you reviewed the video, are you
9 able to see Officer Ramic and where he is when he's firing?

10 A. I cannot see where he is when he fires. But I do
11 see the driver exit this car and run back in this direction.

12 Q. Okay.

13 A. And then based on the interviews with the witness
14 officers about -- they describe Officer Ramic's movements.

15 Q. Okay. Got it. Okay. And then the, the rest of
16 the items, and there's a silhouette, a gray silhouette, I
17 guess, superimposed over the image. That is, I guess, where
18 Mr. Johnson was after the incident ended.

19 A. Correct. Yeah, that would be where he was moved
20 to by the officers when they moved in to, to pull him away
21 and onto the sidewalk.

22 DDA DAVIDSON: Okay. Does anybody have any
23 questions about any of this? Okay. All right.

24 BY DDA DAVIDSON:

25 Q. Anything else that you think would be instructive

1 from this document?

2 A. I don't think so. I think the only thing to note
3 is so this is that utility box, and then 15 is the pistol
4 that was recovered.

5 Q. And is that, is that in this --

6 A. Yes.

7 Q. So this is --

8 A. The pistol right there.

9 Q. That's what'll -- they photographed it.

10 A. Yes.

11 Q. Obviously, you know, copious amounts of blood,
12 probably from Mr. Johnson's injuries, I would imagine.

13 A. Yes.

14 Q. Okay. And then just --

15 A. Oh, yes. Some other miscellaneous items.

16 Q. Okay.

17 A. Yeah.

18 Q. All right. So there was also some obviously a lot
19 of photographs taken of the scene, and so I thought we'd go
20 over some of these, maybe just to kind of explain this
21 orally.

22 A. Okay.

23 Q. And just advance warning, obviously, some of these
24 photographs might be somewhat, you know, disturbing. So if
25 it is -- I just want to give a warning, I guess, about that.

1 Okay. What are we looking at here?

2 A. So this is a view from 96th Avenue looking south.
3 So these are the five casings, obviously, marked one through
4 five. That's Officer Wheeler's car immediately to the
5 right. And then we have Officer Costanzo's car, Woods and
6 Wyatt, that's their black SUV, and then Ramic and Bartlett,
7 that's their silver SUV there.

8 Q. This one right here?

9 A. Yes.

10 Q. Mm-hm.

11 A. And then over here on the left is Mr. Johnson, and
12 that's that utility box right there.

13 Q. Okay.

14 A. So this is a close up of the, the pistol as it was
15 found, as it was recovered. And that's on the kind of a
16 platform next to that utility box.

17 This is the magazine that was inside that pistol.
18 It's a criminalist that removed that and they documented
19 that with photos.

20 Q. Okay. And Officer Panter, who examined the
21 firearm, indicated, and you're aware of this because you
22 read his reports, that the firearm was not in the best of
23 condition. So just kind of looking at the, the wall of this
24 magazine, I mean, what, what are your -- you know, do you
25 have any reflection on that at all? Does it seem like it's

1 been well kept or --

2 A. You know, it's, it's pretty, pretty well beat up.
3 You know, it's hard to tell from the picture if the magazine
4 is particularly dirty. It looks like there's, got some
5 griminess around the, the plate here on the bottom.

6 But it's a, it's clearly a well worn magazine.

7 Q. Okay. This is another image.

8 A. Yeah. Just a different angle. Shows the, the top
9 round in the stack that's inside the magazine. That's a, a
10 nine millimeter round.

11 Q. Okay.

12 A. So this is the, the top of that pistol. You can
13 see it's, I mean, it's not in the best condition.

14 Q. I'm looking at this right here. There appears to
15 be a fair amount of rust.

16 A. Yeah. It looks like that rear sight is rusted and
17 even right in here, this looks like there's at least some
18 debris or some rust in there as well.

19 This is just a close up of criminalists pulling
20 the slide back and also capturing an image of the, the
21 serial number on the side.

22 Q. Can you tell me what photograph we're looking at
23 here?

24 A. So this is a photograph that was taken by, I
25 believe, Officer Ramic. So this is immediately after the

1 shooting. And this is something that officers were kind
2 of taught to do to capture the scene immediately following
3 an event like this before evidence gets moved and things get
4 moved around. And it captures kind of what the officer was
5 looking at at the time the event happened.

6 So what this shows is --

7 Q. Was this taken with his phone then?

8 A. Yeah. Taken with his cellphone which speaks to
9 the quality of the image. So this is Mr. Johnson. He's
10 partially behind that utility box. So it looks like he fell
11 to the right on top of that kind of metal platform that's
12 next to the utility box.

13 Q. Here's more photographs in the stack. Okay.

14 A. Yeah. So this is, it's the, I believe the same
15 photo but maybe zoomed in. And that -- this right here
16 would be where the pistol as recovered.

17 Q. I don't know if we can get a zoom. Do we have
18 another photograph in this stack? I can't recall.

19 A. I think there might be one more.

20 Q. Okay. So right here, the gun is apparently sort
21 of under his hand.

22 A. Yes.

23 Q. Okay. Yeah, I guess it's a little more zoomed.
24 And again, the gun right there.

25 A. Correct.

1 Q. And now here's the last photograph, and this is
2 I guess when they're pulling him away from the -- from where
3 he had fallen.

4 A. Yeah. This was taken by acting Sergeant Petty, so
5 as the officers approached and were moving Mr. Johnson down
6 to the sidewalk and away from that pistol. She took these
7 photos.

8 Q. And again, of the firearm.

9 A. Yeah. Just another image. This was taken by a
10 criminalist at the scene, but this is obviously how we, how
11 we found it. You know, he had -- Mr. Johnson had been
12 pulled away from that position, but that's, that's as it
13 was.

14 DDA DAVIDSON: Okay. Those are all the
15 photographs. Okay. I just wanted to get those in front of
16 you. We didn't have time to do that this morning. Any
17 questions about any of that? Anything else for Detective
18 Corona?

19 No. Okay. All right. I guess we'll move onto
20 our next and final witness then.

21 THE WITNESS: Thank you again.

22 GRAND JUROR: Will that binder be available to
23 review?

24 DDA DAVIDSON: No.

25 GRAND JUROR: No?

1 DDA DAVIDSON: There -- so hold on. Can we go
2 off the record? Hold on a second.

3 (Off the record.)

4 (On the record.)

5 DDA DAVIDSON: Here we are back on the record in
6 Grand Jury 42. Sorry about that. Go ahead and stand up
7 there and raise your right hand.

8 BRIAN WHEELER
9 was thereupon called as a witness; and, having been first
10 duly sworn, was examined, and testified as follows:

11 DIRECT EXAMINATION

12 BY DDA BENSON:

13 Q. Have a seat, sir. And tell us your name and spell
14 the last name.

15 A. It's Brian Wheeler, B-R-I -- or sorry, last name,
16 W-H-E-E-L-E-R.

17 Q. Where are you employed?

18 A. I work for Portland Police Bureau as a patrol
19 officer.

20 Q. Okay. What we're going to put behind you,
21 Officer, is a, is a well, that. We're going to -- this is a
22 Google Maps image from the air created in 2024. Anyway, if
23 you at any time need to refer to this, and I may refer to
24 it, it's available. And also as you saw earlier, we can do
25 something called street view and --

1 A. Mm-hm.

2 Q. -- you can see pretty much from, from 96th --

3 A. Sure.

4 Q. -- Avenue. So I forgot where I left off. But you
5 are an officer of the Portland Police. Is that what you
6 said?

7 A. Yes. Correct.

8 Q. Let's talk about your training and your
9 (indiscernible). How long have you been a police officer?

10 A. About six and a half years.

11 Q. Okay. And where -- what kind of training do you
12 have for that purpose?

13 A. When I was hired, we went to the basic police
14 academy in Salem, where all police officers in the state of
15 Oregon are trained. That's about four months. After that,
16 I began patrol training with the training officer in
17 Portland.

18 In the middle of that patrol training, you have
19 Advanced Academy training, which is just Portland specific.
20 It's a ten week training course at our training division
21 here in the city.

22 Q. Any specialized training you might have? Are you
23 certified to use things like rifles or less than lethal --

24 A. Yeah. I'm 40 maximum less lethal trained.
25 Enhanced crisis intervention training.

1 Q. Tell us about that.

2 A. That's advanced training to learn how to interact
3 with people that are in crisis, such as involving mental
4 illness or drugs, or really just anybody in crisis and
5 heightened state. Learn how to communicate with them
6 effectively, de-escalation tactics, stuff like that.

7 Q. So I was going to ask you what the purpose of that
8 would be. You said de-escalation, would that be one of the,
9 one of the purposes?

10 A. Yes.

11 Q. Anything else? What's the, what's the goal of
12 using that training?

13 A. You try to prevent a use of force, you know, but
14 deescalating and speaking to people in a way that is going
15 to be the most effective for them at that time.

16 Q. Okay. Okay. So that -- okay. So I'm just going
17 to jump to the chase here. In December 27th, 2023, were
18 you, were you working?

19 A. Yes.

20 Q. In your capacity as a police officer?

21 A. Yes.

22 Q. Okay. So what I want to -- when did you get on
23 duty that day? Do you recall?

24 A. So that day, I was on an overtime day. It was not
25 my regular workday. I began at 1400, we had roll call, 2

1 p.m. After roll call we have wellness, or an hour given
2 to us to work out or do anything wellness related. So I did
3 that, and I was dressed and in my patrol car, logged on, by
4 about 3:20 in the afternoon.

5 Q. Okay. 1520 hours, I guess.

6 A. Mm-hm.

7 Q. And so where, where did you go? Well, let me ask
8 you this. Were you with a partner or were you on your own?

9 A. I was on my own that day.

10 Q. Okay. And were you -- well, describe the patrol
11 car you were in.

12 A. It was a marked Portland police officer, Portland
13 FIU marked with our white and blue, our emblems, lights,
14 siren, all that.

15 Q. And we've heard some testimony that some of the
16 officers were in cars that did not have the decals or the
17 light bars. Did yours have decals and light bars?

18 A. It did, yes.

19 Q. And why were you in a vehicle that was different
20 than some of the other members of the FIT team?

21 A. So the FIT team drives UC or unmarked vehicles,
22 like you said, without police emblems. I don't work on the
23 FIT team, I works as a patrol officer and we drive, we drive
24 marked vehicles, so people know that it's --

25 Q. Okay.

1 A. -- you know, can see that it's the police.

2 Q. So where were you -- where did you go?

3 A. So I was in my car at about 1520, like I said,
4 logged on, setting on my computer, same way I do every day.
5 After sitting in my car for just maybe less than five
6 minutes, I received a, a dispatch call as the primary
7 officer from dispatch for this incident.

8 Q. For the Mall 205. Okay. So I'm going to stop you
9 here for a second. I'm going to go back a little bit. You
10 said you got started at 1400 hours that day, about 2 p.m.

11 A. Yes.

12 Q. When did you get out of bed that morning?

13 A. Probably about 10 a.m.

14 Q. Okay. What did you do between 10 a.m. and going
15 to work that day?

16 A. Got up, made breakfast, spent a little time around
17 my house. Probably went into the precinct about 1300 or 1
18 p.m. to begin my workout, maybe an hour before roll call,
19 and then I was in the precinct from --

20 Q. Did you consume any alcohol or anything that would
21 impair your judgment prior to coming into work that day?

22 A. No.

23 Q. Okay. Any, anything else going on in your life
24 before work that day that might have impaired your judgment?

25 A. No.

1 Q. Okay. So you got there, it sounds like you got
2 there kind of early then.

3 A. Yeah. To work out.

4 Q. Is that a typical practice of yours?

5 A. Yeah.

6 Q. You hit the gym or --

7 A. Mm-hm.

8 Q. -- some type of --

9 A. Yep.

10 Q. So sorry for that, to diverge like that.

11 Diversion. Let's go back to where you said it wasn't long,
12 if I recall correctly, it wasn't long that you got in your
13 police car to go on patrol, and you got a call to Mall 205.
14 Describe that call. Who did it come from and what did it
15 say?

16 A. So it came from dispatch. Our dispatcher for East
17 Precinct that day. I don't remember the exact notes but
18 essentially it was Target loss prevention or security were
19 watching a subject in the store, who they know by name, and
20 they knew that he had several felony warrants, and was
21 wanted by Portland Police for some other crimes.

22 They have called in 911 to let us know that he was
23 in there and that we should come and address him, and the
24 name of the subject was in the call, his birthday. Dispatch
25 kind of runs him and then puts in all the information they

1 have about him that we can then pull up on our computer
2 and research prior to going and prior to interacting with
3 these people, so letting me know typically who it is that
4 we're, we're going to go and interact with.

5 Q. Okay. So where were you when you got that call?
6 Where in the city were you?

7 A. I was at the precinct still.

8 Q. Oh, you were at the precinct.

9 A. I hadn't even left the parking spot that I started
10 in.

11 Q. How far away is that Mall 205?

12 A. It's pretty close. It's maybe a two minute drive.
13 It's just -- Mall 205 is just west of East Precinct,
14 probably about ten blocks.

15 Q. Okay. Anything of note in the trip from precinct,
16 your precinct to the Mall 205?

17 A. No. I mean nothing, nothing of note happened. I
18 you know, turned my lights on a couple times to get through
19 some red lights to get there faster. I didn't go lights and
20 sirens, but that time from the precinct to Mall 205, there
21 was some communication between me and other officers that
22 were going to come and help me out and stuff, just trying to
23 make a plan.

24 Q. Okay. So this maybe a good time to use this map,
25 and please do if it helps. How did you approach the Mall

1 205 area?

2 A. So Washington Street on the north part of this
3 map, it only goes eastbound, so I was coming from the east
4 going west, so I believe it's Stark. Yeah, there you go.
5 Stark goes west, so here's our precinct right here. Came
6 out of the precinct and then north on 106th. Cross this
7 intersection, turn west on Stark.

8 I drove Start to 99th. I went south on 99th,
9 crossed Washington. Here's the Target, obviously. I turned
10 into this kind of probably the most northern entrance of the
11 parking lot. And then I went into the parking lot and
12 parked right here in between these kind of trees and right
13 here between this travel lane and the parking lot itself.

14 And I parked there. I reckoned I'd have somewhat
15 of a view from Target.

16 Q. Okay. So for the record then, you parked there as
17 -- if you start at the Target store, there is a parking lot
18 to the -- its immediate north, and you parked in the most
19 northernly spot of that parking lot.

20 A. Yeah. To my recollection, it was on the north
21 side of these trees as well, but I can't say 100 percent
22 whether I was on the south side of the trees or the north
23 side. But I believe I was on the north side.

24 Q. Okay.

25 A. Because it had a little bit more cover.

1 Q. We've heard a lot of testimony about cars that
2 display the placards of Portland Police and cars that don't,
3 and so forth. Yours -- your car was a classic police car
4 with the placards on the sides.

5 A. Yes.

6 Q. Walk us through your decision making about why you
7 parked there.

8 A. I didn't want to be seen by Mr. Johnson in this
9 case, if he were to come out, I didn't want to spook him.

10 Q. How come?

11 A. I didn't want him to run. I knew his history. We
12 didn't go into that much yet. But I knew that he had been
13 wanted for several months in the city for lots of violent
14 crimes, felony crimes, and I had looked into his history. I
15 had never interacted with him personally, but I looked into
16 his history as there was numerous dragnet fliers put out to
17 patrol to try to find him.

18 So I had done some research on his history, and I
19 knew that he was heavily involved in crimes throughout his
20 life.

21 Q. Well, you -- is it fair to say that you parked --
22 you're in a marked patrol car, you parked there because you
23 didn't want to be seen.

24 A. Yeah. I didn't want to be seen by him because I
25 thought he was going to run.

1 Q. You thought he was going to run.

2 A. Yes.

3 Q. Okay. So how long -- when you got there, well,
4 we'll talk about how long you were there, but were you aware
5 of any other police in the area?

6 A. Yeah. I didn't see any other police, but I knew
7 that these Focus Intervention Team officers who were
8 assisting me were there because we were communicating over
9 the radio.

10 Q. Okay.

11 A. I knew that one of them was to the west and then
12 one of them being a partner car was to the west, and one of
13 them, another partner car was to the east.

14 Q. Okay.

15 A. But I was the only police car in that spot where I
16 was.

17 Q. And you said you parked there because you didn't
18 want to be seen, but could you see the Target store?

19 A. I could see the store, I could not see the front
20 doors very clearly. There was a lot of cars parked in
21 between me and the front doors and trees, and other things
22 in the way.

23 Q. Okay. So then you couldn't see the front door
24 then, was that an effective place for you to be at that
25 time, do you think?

1 A. It was effective as in I was in the area, and I
2 could respond to any area of that parking lot very quickly.
3 But as far as being a member that would have eyes on, on Mr.
4 Johnson as he came out of the store, it was not effective.
5 But there were other officers that I knew had eyes on the
6 front, and they could be the ones to say hey, he's coming
7 out or --

8 Q. Okay. How did you know that?

9 A. Communicating with them over the radio.

10 Q. Okay. So how long were you there?

11 A. I don't know exactly. It was not very long. I
12 was probably parked there for maybe four to five minutes
13 prior to Mr. Johnson coming out. From the time I received
14 the radio call to the time that he came out of the store was
15 maybe less, less than ten minutes. Eight to ten minutes, I
16 would estimate.

17 Q. Okay. So what made you move from that location?

18 A. So I stayed there until he actually came out of
19 the store. Officer Woods, the Focus Intervention Team
20 officer was on the phone with loss prevention, and he was
21 getting live updates as to Mr. Johnson's location. So when
22 he came out of the store, I couldn't see him right away, but
23 he began walking to the west and --

24 Q. So you couldn't see him. How do you know he's
25 walking to the west?

1 A. I believe that's just what they said on the
2 radio.

3 Q. Okay. Okay.

4 A. Yeah. And that was his -- I watched the video in
5 my internal affairs interview, where he had walked to the
6 west and stuff, so post-incident knowledge, I knew he was
7 walking to the west, at least. But these other officers got
8 eyes on him. Eventually, he moved into a spot where I could
9 see him. He had kind of a bright green jacket on, and I
10 confirmed this with the officers that had a closer view on
11 him, if this was him.

12 They said yes, it was. So --

13 Q. So what did you do?

14 A. So we made a plan prior to that we would do like a
15 high risk pedestrian stop on him when he came out.

16 Q. What is that?

17 A. So high risk pedestrian stop would be like, like
18 for example, a high risk vehicle stop, you do
19 (indiscernible) away where you have cover. You kind of box
20 somebody in to remove certain escape routes. You mitigate
21 crossfire, stuff like that. It's a tactical apprehension of
22 somebody.

23 Q. Okay.

24 A. So somebody on foot as a pedestrian, so a high
25 risk pedestrian take down is just a tactical apprehension of

1 that person as safely as we can.

2 Q. Okay. I forgot where we left off. I think you
3 were, you were just leaving the position where you had
4 parked your car.

5 A. I hadn't, I hadn't left that position yet.

6 Q. Okay.

7 A. Where we are in this conversation.

8 Q. Okay.

9 A. But, but yeah, I was just about to.

10 Q. Okay. And what made you leave that position?

11 A. So we -- I confirmed with everybody, said hey, are
12 we ready to go in and arrest him, and everybody's like yep.
13 And then Officer Woods and Wyatt moved in from the east.
14 They were somewhat over in here. They moved their vehicle
15 to this lane of traffic just north of the Target. And I
16 could see them moving, and I could see Mr. Johnson walking
17 now, so that's when I began to drive and kind of sullied my
18 way --

19 Q. South.

20 A. Yes. South to his direction. I knew Woods and
21 Wyatt were going to approach him from the, from the east to
22 the west here, and I was going to cut off kind of more down
23 here, so we can have like an L shape on him. And before I
24 could even get to him, I saw him run from Officer Woods and
25 Wyatt who got there just before I did.

1 Q. Okay. So you saw Officer Woods and Wyatt
2 approach.

3 A. Yeah.

4 Q. Describe that for us.

5 A. I just saw the very end of their approach. They
6 drove up behind him, I believe they put their lights on.
7 Even though it's an unmarked vehicle, they still have
8 lights, just not on top of the vehicle. And as soon as that
9 happened, he took -- he pushed his shopping cart and then
10 took off sprinting to the west.

11 Q. Okay. I wonder if you can sort of describe on
12 that map where he ran.

13 A. Yeah. So I think this is the entrance to Target.
14 When he first came out, he walked, I'm not sure -- I'm sure
15 he doesn't actually walk over there but he does kind of like
16 a strange, just like walking around in this lane of travel.
17 He gets to about here, and at this point I think is when
18 Officer Woods and Wyatt contact him or challenge him.

19 He runs this direction, into this parking lot
20 here. He runs through this parking lot on the north side to
21 right in here, in this shrubbery.

22 Q. Okay.

23 A. It's like a mulch patch with some bushes, trees,
24 and it goes downhill, and as he gets to here, he kind of
25 trips, falls over. And then we can --

1 Q. Okay. Yeah, that's a good place to stop. So I
2 just want to, just for clarity then, at the point that he
3 began to run, and it sounds like you were heading south
4 through that parking lot. Do you remember where your patrol
5 car was when he started to run?

6 A. Probably about here.

7 Q. Oh.

8 A. And as soon as he started to run, I turned my
9 lights and my sirens on, and then I drove through here and
10 just kind of paralleled him in this lane of travel.

11 Q. Okay.

12 A. As he ran to the west, I paralleled him.

13 Q. And where was the other police car, the unmarked
14 when you were doing that?

15 A. I don't know where -- what Officer Woods and Wyatt
16 did, I didn't, I didn't pay much -- I'm assuming they got
17 back in the car and then somehow got over here, but --

18 Q. Yeah.

19 A. There were other police cars that were coming to
20 assist. I don't know, honestly, I can't say where they were
21 exactly, but they were in this area.

22 Q. Okay.

23 A. Yeah.

24 Q. And so you -- describe then your path of travel
25 with your, with your police car. Like what exit did you

1 come out of? Was it the one more westerly in the --

2 A. No.

3 Q. -- parking lot or is it the one right in front of
4 Target?

5 A. It was one of these two, I believe.

6 Q. Okay.

7 A. Potentially this third one, I can't say --

8 Q. Okay.

9 A. -- for sure, but one of these three, because I
10 came from here, kind of sullied my way as there were cars
11 parked through these -- through here, and then exited one of
12 these three stalls to get into this lane of travel, and then
13 go west.

14 Q. Okay. And so where did you drive then?

15 A. So I drove from whichever one I exited to the
16 west.

17 Q. Yeah.

18 A. Down onto 96th Avenue and I turned south, and
19 that's pretty much right where he -- when he fell, I
20 actually cut myself off of the radio transmission saying he
21 just fell, and the incident occurred after that. But I
22 ended up parking my vehicle and stopping immediately, kind
23 of right here facing south.

24 Q. Okay. So you're, you're effectively at the
25 junction of 96th and this probably unnamed road that

1 parallels Target and this other stuff.

2 A. Yeah.

3 Q. Okay. And then you, you are -- so you're right
4 about there, and then when you get there what -- where is
5 Mr. Johnson?

6 A. So he's in this kind of shrubbery berm area where
7 he had fallen.

8 Q. Mm-hm.

9 A. As he had fallen, one of these stood up -- or he
10 didn't even stand up, when he popped up from the ground, he
11 was in front of like a electrical box. It's like a white,
12 probably waist high --

13 Q. Okay.

14 A. -- electrical box. A couple feet tall, a couple
15 feet wide. And he immediately had a handgun in his right
16 hand, braced on that box. So --

17 Q. The handgun was on the box -- braced on the box or
18 he was braced on the box?

19 A. His arm was braced on the box with the handgun.

20 Q. Like sort of a platform --

21 A. Yeah.

22 Q. -- would you say?

23 A. So at that point, I immediately, I saw this, I
24 immediately just threw my car in park and reacted to what I
25 saw.

1 Q. Well, what -- how far away were you from him at
2 that point?

3 A. You can't see the electrical box here, it's
4 covered by these trees and bushes or whatever.

5 Q. Would it help if we had the street view?

6 A. Yeah. That would be helpful.

7 Q. Okay.

8 A. Yeah, that's helpful.

9 Q. So that is the intersection.

10 A. Okay.

11 Q. The Mall 205 side. Okay.

12 A. So you can see the light of the electrical box
13 that he was behind.

14 Q. Yeah.

15 A. I'm assuming it was an electrical box, I don't
16 really know what it was, but so he was right there. And
17 then if you back up, if you're able to do that, yeah, if you
18 turn it around right there, I was probably standing about
19 five yards further to the north in this view right here.

20 So I'm assuming, I'm estimating maybe 25-ish yards
21 from him.

22 Q. Okay.

23 A. I would say to put it in a ballpark, 20 to 30
24 yards from him.

25 Q. So but it's your testimony is when he picks

1 himself up from falling, he has a pistol.

2 A. Yeah.

3 Q. Do you remember any -- and you said it was, it was
4 effectively table topped on top of that box.

5 A. Correct, yes.

6 Q. What you're calling an electrical box.

7 A. Yes.

8 Q. Okay. Where was it pointed to?

9 A. So he from my memory, he's kind of initially like,
10 like when he pops up, I mean he immediately has that gun.
11 Like it's -- there's no break from the time that he gets off
12 the ground to there, that gun's out.

13 He kind of tracks from my recollection, like he's
14 tracking somebody with this gun. I'm kind of far to the
15 north, as you can see, but I think even at one point he
16 moves that gun so far that it points at me.

17 But I know there's a police car like right about
18 here in front of him. And it seems like most of his
19 tracking is of somebody there, whether that's -- I mean,
20 this happened so fast I don't know whether it's an officer
21 or a citizen or what. But he's tracking somebody and moving
22 that around.

23 Q. Okay. So what happened?

24 A. So I jump out of my car as quickly as I can. I
25 throw it in park. I mean, it feels like it took 30 minutes,

1 it probably took three seconds, but jumped out of my car
2 and could immediately see that it was an immediate threat of
3 death or serious physical injury to everybody around --

4 Q. You said immediate, would you, would you, would
5 you call that an imminent threat of death or serious
6 physical injury?

7 A. Yeah. Imminent threat.

8 Q. Okay.

9 A. Yeah.

10 Q. So what happened?

11 A. I mean, I view immediate as like it's going to
12 happen like right now.

13 Q. Yeah.

14 A. Like it could happen in the future.

15 Q. Yeah.

16 A. So I would say either of those work, but -- so I
17 jump out of my car. There's a red vehicle that was
18 traveling north in this lane of travel that's kind of --
19 it's probably right here where this mark is, facing north,
20 that gets stopped kind of in this incident that's unfolding,
21 it can't pass this. There's police cars in the road and
22 everything.

23 I jump out of my car. This car is in between me
24 and him, obstructing my line of fire. And I consciously
25 realize that I can't shoot over this person's vehicle

1 because they're in the way.

2 So I kind of sidestep or run to the left where I
3 can get a view of him that's clear and it's unobstructed --

4 Q. So you mean closer to the sidewalk?

5 A. Yes.

6 Q. Or do you mean closer north?

7 A. Sorry. It's to the east.

8 Q. Oh, sorry.

9 A. So yeah.

10 Q. Yeah.

11 A. It's closer to the sidewalk because I was in the
12 road with my vehicle, and I had to run to the east closer to
13 the sidewalk.

14 Q. Okay. But you're still in the road, aren't you?
15 Or no?

16 A. You know, I don't remember whether I was on the
17 sidewalk or in the road, or kind of (indiscernible) when I
18 shot.

19 Q. Okay.

20 A. I don't remember exactly but it's somewhere in
21 here.

22 Q. Okay.

23 A. The video probably will show clear where I was.
24 As I'm making that movement, I can hear gunshots going off.
25 I don't know whether they're from him, I don't know whether

1 they're from the police. I'm fully assuming at that time
2 that they're from him because I know he's got a gun. It's
3 clear as day, you can see it. I know he's pointing at the
4 police, pointed it at me at one point, I believe.

5 So I thought that, you know, there's a gunfight
6 going on. I knew that I had to take action immediately to
7 prevent him from killing somebody. I'll say he had the drop
8 on us way before we ever had the drop on him. That's a very
9 uncomfortable feeling that he had time and opportunity to,
10 to shoot and kill one of us and I felt very behind the,
11 behind the curve as far as timing.

12 But like I said, I had this vehicle in my way, so
13 I had to move to the left, or to the west -- sorry, east,
14 get to a position where I could see clearly him, and I have
15 no person in my way that was going to be in my line of fire.
16 So I moved away from cover, I had no cover whatsoever and
17 saw him where I could get a shot at him, and that's when I
18 fired.

19 Q. Okay. What -- I assume you were looking at him at
20 the time.

21 A. Yes.

22 Q. When you -- so I wonder if you can describe what
23 you saw at the point in which you decided to fire your gun.

24 A. So like I said, there was already some gunshots
25 that had gone off. I don't know where they, where those

1 shots came from, whether they were him or other officers,
2 but I lost view of him just briefly as I made that movement,
3 whether I was, I don't know, looking at the ground to watch
4 my footing, or if that car was in my way, I don't remember,
5 but probably a second.

6 When I popped out, it looked like he was kind of moving
7 to the right. Kind of looked like he's like trying to take
8 cover closer to the box or -- I mean, that's what I assumed
9 he was doing, trying to take cover. He's kind of like
10 moving to the right. Maybe falling over. Still has the gun
11 in his arm outstretched, and I fired kind of right as this
12 movement began to the right.

13 And I stopped firing when he kind of lays on the
14 ground on his right side. Still had the gun in his hand to
15 my recollection. Still pointing it to the west, which would
16 be directly at other officers there.

17 Q. How many times did you fire your gun?

18 A. I believe it's five.

19 Q. And why did you stop?

20 A. So I stopped, so I felt that that threat had been
21 mitigated enough where I had the opportunity to move from
22 the position that I was in, which was no cover whatsoever.
23 He could have turned and shot me with nothing in my way
24 because I had to move there. I felt like that threat, the
25 threat being Mr. Johnson had been mitigated enough where I

1 had a short amount of time where I could move myself to a
2 better position of cover, safer for me. And then readdress
3 him as a threat.

4 I wouldn't say that I didn't still perceive him as
5 a threat. I mean, he still had that gun in his hand, still
6 outstretched. I had no idea whether or not he had been
7 actually shot at this point. So I stopped firing when I
8 felt that that threat had been mitigated just enough where I
9 had the opportunity to move to a better location to
10 readdress that threat.

11 Q. Okay. And so, so what -- just to be clear, so
12 where did you end up moving?

13 A. So I ran behind another police car that was, I
14 believe it was in this kind of center lane, not directly in
15 front of me, but a little bit further to the west. I think
16 that was Officer Constanzo's car. I ran to the passenger
17 side of that car to take cover there.

18 I don't know my path to get there. I don't
19 remember it. But I sprinted over there, got behind that
20 vehicle. I was there for probably less than ten seconds
21 when there was another -- there was FIT vehicle, an unmarked
22 vehicle that was parked kind of right in here that the other
23 officers that had shown up were behind.

24 And they kind of yelled at me like hey, move back
25 to your cover. I didn't even see that they were there

1 before moving behind the first car. So I think got up
2 again, ran behind their car, and I crouched, kneeled behind
3 the hood and the engine block with my gun still pointed at
4 Mr. Johnson.

5 Q. Okay. What happened then?

6 A. So I was there probably less than a minute. Other
7 officers are showing up. The car we were behind was a good
8 spot to address him, it was good cover, there was a good
9 view, there was a good backstop from that angle. So a lot
10 of officers were taking cover on that car, kind of coming up
11 with a plan. I don't know how many were there exactly.

12 At some point, somebody says -- starts asking like
13 hey, who fired. It's general practice in these police
14 shootings like if you're involved in the incident, once it
15 slows down, remove those people from the incident, the
16 people who fired their weapons. So somebody asked, said
17 hey, who fired, and I said hey, I shot.

18 So they're like okay. Why don't you step back,
19 and we will, you know, handle the rest of this. Looked
20 around, I could see there was numerous officers there. I
21 felt like they had the resources that they needed to address
22 the rest of the situation.

23 So I then stepped back, holstered my pistol,
24 stepped back out of the way. Still behind that vehicle as a
25 spot of cover and I let them resolve the rest of the

1 incident.

2 Q. Okay. Now, I'm trying to get a fix though, like
3 at the point at which you realize he had a firearm --

4 A. Mm-hm.

5 Q. -- and he was pointing it, to the point at which
6 now you re-holster your pistol and backing up, is there any
7 way that you have a sense of how much time had gone by?

8 A. I couldn't put an accurate time estimate on that.
9 But I will say, I mean, it happened very, very quickly.

10 Q. Okay. I mean, that's fair.

11 A. Yeah. I can't put an accurate time estimate on it
12 from the time that I see him with that gun to the time of
13 getting me -- me getting out of my vehicle, moving, firing,
14 moving again. I have no idea.

15 Q. Okay. If you want, you can have a seat. I don't
16 want you to stand up all day. So some other questions I
17 have now are about your options.

18 A. Mm-hm.

19 Q. Did you feel that what you testified to a very
20 short period of time, did you feel that you might have had
21 alternatives to using your pistol?

22 A. No. Absolutely not. Not in this situation. It
23 resolved so -- or it happened so rapidly that I had no
24 opportunity to even give a force warning, to say anything.
25 Like I said, I felt like it was immediate like, like I

1 assumed he had already fired and in my mind, even after
2 this incident resolved, I was convinced that an officer had
3 got shot because I didn't see how it's possible that he
4 couldn't shoot an officer from the amount of time he had to
5 the amount of time that it took us to react.

6 So I had no, no time and opportunity to address
7 him verbally, address him with like a 40 millimeter less
8 lethal launcher. Absolutely no time to get that out of my -
9 - the rack of my vehicle.

10 Q. How is it secured in your vehicle?

11 A. So in between the driver and the passenger's seat,
12 there is kind of a locking mechanism where you, where you
13 stick the 40 millimeter or a shotgun or a rifle, there's a
14 button on the light switch where you can hit. It unlocks
15 that and you pull it out of there.

16 Q. About how long would that take you to do?

17 A. If you're fast, maybe five seconds. If you're
18 slow, maybe ten to 12.

19 Q. Okay. How does that compare with the amount of
20 time between when you first saw him with the firearm and
21 when you re-holstered your pistol?

22 A. I mean, a better question would be how -- what's
23 the amount of time between me seeing him and then firing,
24 because --

25 Q. Oh, okay.

1 A. -- the holstering the pistol, I mean, there's a
2 lot that happens between me firing and me holstering my
3 pistol.

4 Q. I get it. Okay. What about things like pepper
5 spray?

6 A. The distance would not have allowed it, plus I'm
7 not going to address somebody with a firearm with pepper
8 spray. No.

9 Q. Okay. Taser.

10 A. Distance again. I had too great of a distance and
11 there's half the time or more, taser is ineffective, and
12 again, I'm not going to point a taser at somebody who's
13 pointing a gun at me.

14 Q. What about evasion? It sounds, it sounds like,
15 like, like getting away from the situation. What were your
16 options for that?

17 A. I don't see that as a feasible option. I mean,
18 there's -- at this point, I don't know how many police
19 officers are there, but this guy has a gun. He's pointing
20 it at police officers. He's possibly even shooting at
21 police officers. I still don't know whether or not he had
22 the opportunity to fire.

23 Running away and evading him isn't an option. You
24 have to address that threat. I don't, I don't even know if
25 he's shooting at a citizen. I don't know who he's shooting

1 at.

2 Q. So I should have asked a better question. Did you
3 have the possibility of taking cover?

4 A. Yeah, I mean, I could have taken cover somewhere.
5 I had to get out of my vehicle. I knew that. That was kind
6 of -- you don't want to be stuck in a vehicle when
7 somebody's shooting at you. But I could have ran behind my
8 vehicle. I could have -- I'm sure there's other places I
9 could have moved for cover, but I didn't know if anybody
10 else had the opportunity to fire at him, and I was convinced
11 that he's shooting at somebody else.

12 Q. Yeah. So, so you said -- you testified earlier
13 that we walked about imminent and immediate.

14 A. Yeah.

15 Q. I guess really what my question comes down to is
16 did you feel that you or a third person was in imminent
17 threat of death or serious physical injury?

18 A. Absolutely.

19 Q. Okay. All right. So then let's go back to when
20 you re-holstered your pistol. It sounds like the protocol
21 is for you to kind of -- where did you go?

22 A. So I stepped back onto that western curb line.

23 Q. Mm-hm.

24 A. Still behind that Focus Intervention Team unmarked
25 vehicle, using it as cover. I don't remember or not whether

1 I had a view of him from that spot, but I just kind of
2 stepped back there. There was the two other officers that
3 had fired, Officer Ramic and Bartlett were there was well.

4 And I just kind of took that time to just kind of
5 breathe and relax. Like I said, I was, I was 100 percent,
6 100 percent convinced that an officer had been shot. I just
7 felt like there was no way that they couldn't be with the
8 amount of time that he had to, to act.

9 Q. Who did you talk to after -- at that point?

10 A. I don't think I talked to anybody right there.
11 Just kind of looked around and just like I was, I was in a
12 heightened state, you know, after being involved in this
13 incident, it's very, very stressful, so I was just kind of
14 breathing, just trying to relax a little bit. Kind of take
15 note of the situation. But --

16 Q. Did you talk to any of the involved officers?

17 A. I don't think so.

18 Q. Did you talk to any of the witness officers?

19 A. No. Maybe just asking like the involved, I think
20 maybe like said hey, you all right, like but other than
21 that, no.

22 Q. Did you talk to anybody who was on the scene here
23 about what took place?

24 A. No.

25 Q. And why is that?

1 A. Why like until now I haven't spoken of it?

2 Q. Yeah.

3 A. We're issued like a communication restriction
4 order saying, you know, we don't want you to talk about this
5 case with anybody that's involved or anybody other than like
6 a select few, I think like clergy and, and your wife, maybe.
7 Just for the integrity of the investigation.

8 Q. Okay. That's what I was getting to.

9 A. Yeah.

10 Q. It sounds like you maintained that.

11 A. Yeah.

12 Q. Is that right?

13 A. (No audible response.)

14 Q. Okay. So what, what happened then?

15 A. I can't say specifically what the other officers
16 did from that point to get him into custody and to confirm
17 that he was, in fact, deceased. I, I kind of had snippets
18 of it where I, where I watched and where I didn't watch.
19 Again, I was just trying to chill out, trying to relax. I
20 knew that they were handling it.

21 So I don't know how they resolved the rest of
22 that. At one point, I moved from behind that FIT vehicle I
23 was behind to behind a Canaan officer's Tahoe who had showed
24 up just shortly after the shooting. It was kind of further
25 away, it was further to the north, bigger car to get behind.

1 Just moved there, moved out of the way, let them work and
2 do their thing.

3 I stood there until the incident was resolved and
4 he was confirmed to be deceased. At that point, I was moved
5 to a, a police vehicle and sat with an officer as they do
6 after shootings, where you just kind of sit on scene away
7 from the incident, where you wait to be -- to do everything
8 else that's required of you after, after a shooting.

9 Q. Okay. Oh, yeah. You know, what about did you,
10 did you meet with a detective or anybody after this?

11 A. I met with my --

12 DDA DAVIDSON: Maybe I can ask this question.

13 DDA BENSON: Sure.

14 BY DDA DAVIDSON:

15 Q. You ended up going through the weapons contact
16 process. Is that right?

17 A. Yes.

18 Q. Maybe you can explain what that was like.

19 A. Yeah. So we move into the mobile precinct, mobile
20 precinct is like a big RV that's outfitted to be a police
21 precinct. We bring it out to homicide scenes and officer
22 involved shootings. Big incidents.

23 Detectives are set up in there. I believe I was
24 the last officer to go in there, and they take full body
25 photographs of you, all the way around. They take your

1 firearm. They ask you how many rounds you carry in your
2 firearm. How many rounds you carry on you.

3 They take out all the other rounds to count them,
4 to see how many times you fired. And then you give your
5 firearm to the detectives at that point.

6 Q. Okay. And that all happened to you.

7 A. Yes.

8 Q. Did they tell you how many rounds were missing
9 from the magazine?

10 A. You watch what happens.

11 Q. Oh.

12 A. So I was able to count myself.

13 Q. Oh.

14 A. Yeah.

15 DDA DAVIDSON: All right. I don't have any more
16 questions.

17 DDA BENSON: Not really much from here.

18 BY DDA BENSON:

19 Q. Officer, can you describe the gun you saw Mr.
20 Johnson pointing at the other officers?

21 A. Yeah. It looked like a black semiautomatic
22 handgun.

23 Q. Okay.

24 A. As far as make, caliber, model, all that, I don't
25 know. But yeah, it appeared to be a black semiautomatic

1 handgun.

2 Q. Okay. Got it. And just to kind of sum up, was it
3 your belief that you saw Mr. Johnson pointing that gun in
4 the direction of the other officers, and (indiscernible)
5 shoot them.

6 A. Yes. Absolutely.

7 DDA BENSON: Those are all the questions I have.
8 Grand Jurors. No. Okay. All right. We'll go off the
9 record. And Officer, you are, you are --

10 (Whereupon, the proceedings ended at 3:50 p.m. on
11 May 1, 2024.)

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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 256 pages constitute a full, true and accurate transcript of the proceedings as noted herein.

May 28, 2024



Date

Sandra Hirsch
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.