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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARGARET ALBA, individually)
and as guardian ad litem for)
minor children A.S., L.S. and)
S.S.; and DAISY SANCHEZ,)
individually and successor in)
interest to LEONARD ANGELO)
SANCHEZ and GLORIA ANN ALMAZON,)
)
Plaintiffs,)
)
vs.)
)
CITY OF BARSTOW, et al.,)
)
Defendants.)
)

Case No. 5:18-cv-
02087-JGB-(SHK)

Videotaped Deposition of ANDREW BUESA
January 20, 2020

Dara C. Shuler, CSR No. 11249
460396



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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARGARET ALBA, individually)
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minor children A.S., L.S. and)
S.S.; and DAISY SANCHEZ,)
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SANCHEZ and GLORIA ANN ALMAZON,)
Plaintiffs,)
vs.)
CITY OF BARSTOW, et al.,)
Defendants.)

Case No. 5:18-cv-
02087-JGB-(SHK)

Videotaped Deposition of ANDREW BUESA, taken
on behalf of Plaintiffs, at 2900 Adams Street,
Suite C130, Riverside, California, commencing at
11:01 a.m., on Monday, January 20, 2020, before
Dara C. Shuler, Certified Shorthand Reporter
No. 11249.

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BRAD BISSEGGER, Videographer
WILLIAM FREDDIE SPILLER II

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EXHIBITS

(None)

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RIVERSIDE, CALIFORNIA, MONDAY, JANUARY 20, 2020

11:01 a.m.

00:00:00 THE VIDEOGRAPHER: Good morning. My name is
00:00:09 Brad Bissegger. I'm a videographer associated with
00:00:12 Barkley Court Reporters. Today's date is January 20th,
00:00:15 2020, and the time is 11:01 a.m. This deposition is
00:00:19 taking place at 2900 Adams Street, Suite C130,
00:00:25 Riverside, California, in the matter of Margaret Alba,
00:00:29 et al. versus City of Barstow, et al. The case number
00:00:34 is 518-cv-02087-JGB(SHK). Today's witness is Andrew
00:00:51 Buesa, being taken on behalf of the plaintiff.

00:00:53 Will counsel for the parties please identify
00:00:55 themselves for the record.

00:00:57 MR. STEERING: Jerry Steering for the
00:00:58 plaintiffs.

00:00:59 MR. FERGUSON: Pete Ferguson for the City of
00:01:01 Barstow defendants.

00:01:03 MS. CRANE: Laura Crane for the County of
00:01:05 San Bernardino and the individual defendants.

00:01:08 THE VIDEOGRAPHER: Thank you. The court
00:01:08 reporter may now swear in the witness.

ANDREW BUESA
was sworn, examined and testified as follows:

00:01:12 1 THE REPORTER: Do you solemnly state that the
00:01:13 2 testimony you shall give in this matter shall be the
00:01:14 3 truth, the whole truth and nothing but the truth?

00:01:16 4 THE WITNESS: I do.

5

6

EXAMINATION

7

BY MR. STEERING:

00:01:31 8 Q State your full legal name, please, sir.

00:01:34 9 A Andrew, A-n-d-r-e-w, Buesa, B-u-e-s-a.

00:01:41 10 Q What's your date of birth?

00:01:47 11 A 9-1-67.

00:01:48 12 Q And are you presently employed as a Barstow
00:01:51 13 Police Department police officer?

00:01:54 14 A Yes. I'm a corporal at this time.

00:01:56 15 Q Corporal.

00:01:56 16 A Yes.

00:01:56 17 Q When did you obtain the rank of corporal, sir?

00:02:01 18 A July of 2018.

00:02:03 19 Q Okay. Do you know anybody named Misty Bustos?

00:02:17 20 A Excuse me?

00:02:20 21 Q Do you know a lady named Misty Bustos?

00:02:22 22 A I've heard of her.

00:02:24 23 Q Have you ever dealt with her before?

00:02:28 24 A Briefly.

00:02:28 25 Q Have you ever arrested her before?

00:02:32 1 A No, I don't believe so.

00:02:35 2 Q Have you ever had any personal interactions
00:02:37 3 with her before?

00:02:40 4 A Vaguely remember, yes.

00:02:42 5 Q What type of interactions have you had with
00:02:44 6 Misty Bustos?

00:02:46 7 A If it's the same lady you're referring to, it
00:02:49 8 was somebody that came into the lobby and alleged some
00:02:54 9 kind of crime. And I don't remember the outcome or
00:02:57 10 what I did.

00:02:59 11 Q Do you remember anything else about her?

00:03:01 12 A No.

00:03:14 13 Q Okay. And have you worked for any law
00:03:15 14 enforcement agencies other than the Barstow Police
00:03:18 15 Department?

00:03:19 16 A Yes.

00:03:19 17 Q And what law enforcement agencies have you
00:03:22 18 worked at other than the Barstow Police Department?

00:03:25 19 A Los Angeles Police Department.

00:03:27 20 Q Okay. And you worked for LAPD for 15 years?

00:03:29 21 A Yes.

00:03:35 22 Q And then you were terminated from LAPD for
00:03:43 23 allegedly -- was it falsifying a police report?

00:03:46 24 A No.

00:03:46 25 Q What was -- what did they accuse you of?

00:03:49 1 A The final findings were that I should have
00:03:52 2 been in a position to see a use of force; therefore I
00:03:56 3 should have saw it or I should have reported it, which
00:03:59 4 I wasn't.

00:04:00 5 Q It's my mistake. They said that you failed to
00:04:03 6 report a use of force; is that right?

00:04:05 7 A That didn't occur, yes.

00:04:06 8 Q Did you have a board of rights hearing?

00:04:13 9 A Yes.

00:04:13 10 Q You can't win one of those. You know, you
00:04:15 11 can't win them. No matter what, guilty or innocent,
00:04:20 12 you can't win them. That, I can sympathize with you,
00:04:25 13 sir. Okay.

00:04:31 14 And have you worked for any law enforcement
00:04:34 15 agency, other than the Los Angeles Police Department
00:04:37 16 and the Barstow Police Department?

00:04:41 17 A No.

00:04:42 18 Q Where did you get your police academy
00:04:44 19 training, sir?

00:04:45 20 A Los Angeles Police Department.

00:04:46 21 Q And do you remember when that was?

00:04:48 22 A February of 1990.

00:04:55 23 Q And then what's the last year you worked for
00:04:59 24 LAPD, Officer Buesa?

00:05:01 25 A I believe it was 2004. 2004, approximately.

00:05:08 1 Q Okay. Did you work patrol for LAPD?

00:05:10 2 A I worked various assignments.

00:05:14 3 Q Was patrol among those assignments?

00:05:18 4 A Yes.

00:05:18 5 Q How much patrol time do you estimate you had
00:05:22 6 as an LAPD officer?

00:05:24 7 A Approximately five, six years.

00:05:27 8 Q Okay. What are some of the other assignments?
00:05:29 9 I'm not asking, you know, detail, "I went down here,"
00:05:32 10 "I went to this station."

00:05:33 11 But just generally what other types of
00:05:34 12 assignments did you have at LAPD?

00:05:36 13 A Special enforcement group, special problems
00:05:39 14 unit, I worked as an undercover narcotics officer,
00:05:45 15 bicycle unit. I worked Metropolitan Division, which is
00:05:49 16 a task force for the whole city, and various things in
00:06:00 17 between.

00:06:02 18 Q Do you believe you were unfairly terminated
00:06:04 19 from the Los Angeles Police Department?

00:06:06 20 A Absolutely.

00:06:17 21 Q For back -- for lack of a better term -- I was
00:06:20 22 going to say back of a letter term.

00:06:23 23 For lack of a better term, do you think that
00:06:27 24 was the product of office politics at LAPD?

00:06:35 25 A Absolutely.

00:06:35 1 Q I'm not necessarily disagreeing with you, by
00:06:36 2 the way. This isn't like let's dump on Officer Buesa
00:06:41 3 session. It's not what's going on here.

00:06:44 4 A Got you.

00:06:48 5 Q At least not yet. Mr. Ferguson will let you
00:06:49 6 know when that happens.

00:06:55 7 Okay. Do you always have such mean lawyers or
00:06:59 8 just this occasion?

00:07:02 9 A He's very pleasant.

00:07:02 10 MR. STEERING: I withdraw the question.

00:07:12 11 Q Okay. What documents and recordings, if any,
00:07:16 12 have you reviewed in preparation for your testimony
00:07:20 13 today?

00:07:20 14 A I have reviewed my interview with
00:07:23 15 San Bernardino County Sheriff's Department and my body
00:07:27 16 cam.

00:07:28 17 Q Was that the -- also an interview with a
00:07:31 18 Detective Warrick?

00:07:32 19 A Yes.

00:07:33 20 Q That's the same thing?

00:07:34 21 A Yes.

00:07:42 22 Q Have you looked at any other documents or
00:07:46 23 recordings, other than what you just mentioned --

00:07:51 24 A No.

00:07:51 25 Q -- to prepare for your testimony?

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A No.

Q Okay. Do you remember a call for service to go to the Sands Motel in the early evening hours of February 25th, 2018?

A Yes.

Q Or I guess early morning, whenever it was.

MR. FERGUSON: Afternoon, late afternoon.

MR. STEERING: Was it late afternoon? I don't remember. Okay.

Q And do you remember the nature of the call for service that you received, sir?

A It was a domestic at the Sands Motel and that the male subject was holding a knife to his neck.

Q Did you also get that the male with the knife was threatening to harm himself; was that relayed in some fashion?

A I don't recall that specifically.

Q Did any of the dispatches that you received on the radio -- let me back up.

In your patrol vehicle, were you riding alone that evening?

A Yes.

Q Did you have a mobile data computer in the patrol vehicle?

A I'm not sure.

00:09:15 1 Q Did you have some kind of laptop device inside
00:09:18 2 the patrol vehicle?

00:09:21 3 A I'm not sure.

00:09:23 4 Q Okay. When I say mobile data computer, you
00:09:25 5 know what I mean?

00:09:28 6 A Yes.

00:09:29 7 Q Okay. Are you familiar with sometimes when
00:09:34 8 you get a dispatch on the radio, that there will be a
00:09:36 9 dispatcher kind of typing out the gist of what's being
00:09:41 10 said on the radio and then you being able to read that
00:09:44 11 on the screen of a mobile data computer?

00:09:48 12 A Yes.

00:09:49 13 Q You just don't remember whether you had one in
00:09:52 14 that patrol car the evening of the shooting of Leonard
00:09:55 15 Sanchez; is that fair?

00:10:00 16 A Correct.

00:10:01 17 Q Okay. And you did have a body-worn camera on
00:10:09 18 you, right?

00:10:09 19 A Yes.

00:10:10 20 Q Now, you've looked at your body-worn camera
00:10:15 21 recording, right?

00:10:16 22 A Yes.

00:10:17 23 Q For a significant part of that recording,
00:10:19 24 would you say that the lens of the body-worn camera was
00:10:24 25 obscured by your jacket?

00:10:26 1 A At one point, yes.

00:10:30 2 Q Because we see, it looks like, kind of like
00:10:31 3 dark gray static. I'm assuming that it's your jacket
00:10:40 4 that was covering the lens.

00:10:41 5 Is that a correct assumption by me?

00:10:44 6 A Yes.

00:10:45 7 Q Where were you wearing the camera? Were you
00:10:46 8 like wearing it on your shoulder or on your chest?

00:10:49 9 Where were you wearing the body-worn camera
00:10:51 10 that evening?

00:10:51 11 A It was my right-side collar.

00:10:54 12 Q How does that -- does that clip onto your
00:10:56 13 uniform somehow?

00:10:58 14 A There's a device that goes inside your collar;
00:11:00 15 it's magnetic. And then the camera will attach through
00:11:06 16 the cotton, or the wool, and stay.

00:11:11 17 Q Okay. And you had a jacket on that night,
00:11:13 18 right?

00:11:13 19 A Yes.

00:11:14 20 Q I guess because it's February and it's dark,
00:11:16 21 so it makes sense that it might be cold, right?

00:11:19 22 A Yes.

00:11:20 23 Q Was it cold that night?

00:11:22 24 A Yes, it was.

00:11:25 25 Q And you get a call for service, and did you

00:11:27 1 know whether you were the lead officer on the call or
00:11:31 2 someone else was, sir?

00:11:33 3 A Officer Spiller was primary, and I was the
00:11:35 4 backup officer.

00:11:36 5 Q How is that assigned? Did the dispatcher say
00:11:39 6 you're primary and you're secondary or something like
00:11:41 7 that?

00:11:42 8 A There's a matrix that they follow, and they go
00:11:44 9 in order based on the seniority of the officer.

00:11:50 10 Q So would the most senior officer be the lead
00:11:53 11 officer, or is that not the way it worked?

00:11:57 12 A Not necessarily. Depends on what time of the
00:11:59 13 night it is and where the rotation is. There's
00:12:03 14 various ...

00:12:03 15 Q Does it depend on the nature of the call also?

00:12:07 16 A No.

00:12:07 17 Q Is it kind of like a batting-order thing?

00:12:10 18 A Correct.

00:12:15 19 Q Okay. And had you known Officer Spiller prior
00:12:25 20 to the evening of February 25th, 2018, sir?

00:12:27 21 A Yes.

00:12:27 22 Q Did you ever socialize with him?

00:12:31 23 A We worked together approximately eleven years.

00:12:35 24 Q Okay. Have you ever been to his house?

00:12:38 25 A No.

00:12:38 1 Q Has he ever been to your house?

00:12:41 2 A No.

00:12:41 3 Q Have you ever been to a social function with
00:12:43 4 him; let's say maybe the police department has like a
00:12:46 5 banquet or something, something like that?

00:12:52 6 A I remember one or two that we've been together
00:13:13 7 on.

00:13:14 8 Q Okay. Do you know the Walmart shooting that
00:13:17 9 everybody is all hot to trot about; do you know that
00:13:20 10 case?

00:13:21 11 A I'm aware of it.

00:13:22 12 Q Were you at the scene of that case?

00:13:25 13 A Yes, I was.

00:13:26 14 Q Did you shoot anybody in that case?

00:13:29 15 A I did not fire.

00:13:31 16 Q Did you see anyone else shoot someone?

00:13:36 17 A I knew other officers did, but physically, no.

00:13:40 18 Q But you didn't see them, but you just learned
00:13:42 19 that they shot someone?

00:13:47 20 A Yes.

00:13:48 21 Q Okay. Were you interviewed about the shooting
00:13:50 22 in that case?

00:13:53 23 A Yes.

00:13:54 24 Q Do you remember -- and I'm not asking
00:13:56 25 necessarily a person in particular, but like the

00:13:59 1 sheriff's department or your own agency or the DA's
00:14:02 2 office.

00:14:02 3 Do you know who interviewed you about that
00:14:04 4 shooting?

00:14:05 5 A No.

00:14:16 6 Q Okay. Anyway, you get to the scene at the
00:14:20 7 Sands Hotel, February 25th, 2018, and what happened
00:14:30 8 when your patrol vehicle arrived at the scene?

00:14:36 9 A I exited my vehicle and started to approach
00:14:40 10 the department -- or the motel room in question.

00:14:45 11 Q Over the radio you were given the number for
00:14:47 12 the motel room?

00:14:50 13 A I believe, yes, we were.

00:14:54 14 Q Okay. And when you got to the Sands Motel,
00:14:59 15 was Margaret Alba and her son outside of the room.

00:15:04 16 A Yes.

00:15:04 17 Q And was the door to the room open?

00:15:11 18 A Yes.

00:15:12 19 Q And do you remember -- relative to your car
00:15:20 20 arriving at the parking lot at the Sands Motel, when
00:15:27 21 did you activate your body-worn camera?

00:15:34 22 A I couldn't tell you exactly.

00:15:41 23 Q You know -- did you have an Axon body-worn
00:15:44 24 camera?

00:15:44 25 A Yes.

00:15:45 1 Q Can you adjust the delay time when -- such
00:15:52 2 that when you activate the body-worn camera, it will
00:15:56 3 save so many seconds of video prior to the activation
00:16:01 4 of the camera, and then once that period expires, then
00:16:05 5 you get video and audio?

00:16:08 6 A Yes.

00:16:08 7 Q Okay. It looked like on your video it started
00:16:11 8 about 17 seconds after the beginning of the video; the
00:16:13 9 sound kicks in.

00:16:15 10 And I'm just wondering, like did you set the
00:16:19 11 delay on your body-worn camera, the delay for when the
00:16:24 12 sound is going to kick in after you press the button to
00:16:27 13 turn it on?

00:16:28 14 MR. FERGUSON: Lacks foundation, calls for
00:16:29 15 speculation as framed, vague.

16 BY MR. STEERING:

00:16:31 17 Q Do Barstow officers adjust those, or is that
00:16:34 18 the department?

00:16:35 19 MR. FERGUSON: Same objection; lacks
00:16:36 20 foundation, calls for speculation, vague.

21 BY MR. STEERING:

00:16:39 22 Q He's not telling you not to answer. He's just
00:16:41 23 making objections.

00:16:43 24 A You can't manipulate that.

00:16:44 25 Q So it's set by the department or somebody

00:16:47 1 else, but not the officer?

00:16:48 2 A Correct.

00:17:00 3 Q Okay. Did you notice the -- what's the normal
00:17:03 4 delay period before the sound kicks on with the
00:17:05 5 body-worn cameras that Barstow PD uses; is it 30
00:17:09 6 seconds?

00:17:10 7 A Correct.

00:17:18 8 Q So your vehicle arrives at the Sands Motel,
00:17:21 9 and then you get out of your vehicle, and then what
00:17:24 10 happens next?

00:17:27 11 A Me and officer Spiller approach the motel
00:17:33 12 room. I can see Mr. Sanchez and Ms. Alba face to face,
00:17:39 13 and she was yelling at him. And I saw the little boy
00:17:44 14 hit Mr. Sanchez and said, "Why do you always hit me?"
00:17:46 15 or "Why do you hit me?" And then he walked into the
00:17:55 16 motel room.

00:17:58 17 Q Is the voice of Leonard Sanchez, Jr., the
00:18:01 18 young boy, is that him saying "Why did you hit me?" or
00:18:05 19 something about "hitting me," is that captured on your
00:18:11 20 body-worn camera recording?

00:18:13 21 A After reviewing it, no, I did not hear that.

00:18:20 22 Q Do you think that maybe the boy said it but it
00:18:22 23 wasn't captured by your body-worn camera because it
00:18:26 24 wasn't said that loud?

00:18:29 25 A All I know is I heard it, and I didn't hear it

00:18:31 1 on the body cam.

00:18:34 2 Q Could it have been -- remember, I was
00:18:36 3 mentioning it looked like a 17-second delay that the
00:18:40 4 sound goes out, instead of a 30-second delay on your
00:18:44 5 video.

00:18:45 6 Did you notice that?

00:18:49 7 A No.

00:18:50 8 Q When the boy said, you know, "Why do you hit
00:18:52 9 me?" or something about hitting him, was it said
00:18:55 10 quietly or loudly or somewhere in between by that boy?

00:18:59 11 A He screamed it.

00:19:03 12 Q Were you out of your vehicle when that was
00:19:06 13 said?

00:19:06 14 A Yes.

00:19:08 15 Q Do you know if Officer Spiller was out of his
00:19:11 16 vehicle when that was said?

00:19:15 17 A I don't know for sure.

00:19:18 18 Q Okay. Officer Spiller said that you and him
00:19:20 19 had worked together, I guess patrolling Barstow for
00:19:24 20 quite some time?

00:19:25 21 A Yes.

00:19:27 22 Q Okay. You get in your car. You see Margaret
00:19:39 23 Alba standing in front of the motel room door with
00:19:45 24 Leonard Sanchez and the boy and then the boy says
00:19:50 25 something to his dad and slaps him and goes inside the

00:19:53 1 room; is that fair?

00:19:56 2 A Yes.

00:19:57 3 Q And so what happened next?

00:19:59 4 A Officer Spiller asked Mr. Sanchez -- is that
00:20:06 5 right -- Mr. Sanchez to step over so he could talk to
00:20:09 6 him.

00:20:09 7 Q Do you remember the words he used?

00:20:11 8 A Not specifically, but I remember him saying to
00:20:13 9 step over here so we could talk to him.

00:20:18 10 Q Okay. And did Leonard Sanchez, Sr. say
00:20:20 11 anything in response to that statement by Officer
00:20:26 12 Spiller?

00:20:26 13 A I don't recall him saying anything in response
00:20:31 14 to that.

00:20:31 15 Q Is there something that you noticed Leonard
00:20:34 16 Sanchez, Sr. do in response to that statement by
00:20:38 17 Officer Spiller?

00:20:39 18 A Yes.

00:20:40 19 Q What did he do?

00:20:41 20 A With his right hand, he reached into his
00:20:43 21 pocket and produced two large butcher knives,
00:20:47 22 transitioning one of the butcher knives to his left
00:20:49 23 hand, and now he had one in each hand.

00:20:53 24 Q Was that said after Margaret Alba made a
00:20:59 25 statement referencing Leonard Sanchez acting crazy?

00:21:06 1 MR. FERGUSON: Objection; calls for
00:21:07 2 speculation, lacks foundation.

00:21:11 3 THE WITNESS: I don't remember her telling me
00:21:13 4 that.

5 BY MR. STEERING:

00:21:14 6 Q Do you remember Leonard Sanchez saying that he
00:21:15 7 was act -- that he was crazy?

00:21:18 8 A He had mentioned that "You're going to have to
00:21:22 9 kill me."

00:21:22 10 Q Do you remember who he said that to?

00:21:24 11 A To me and Officer Spiller.

00:21:26 12 Q And do you remember what that statement was
00:21:28 13 said in response to, if anything?

00:21:32 14 MR. FERGUSON: Objection; calls for
00:21:34 15 speculation.

00:21:35 16 THE WITNESS: In response to telling him to
00:21:36 17 drop the knives and we both had our firearms pointed at
00:21:40 18 Mr. Sanchez.

19 BY MR. STEERING:

00:21:45 20 Q Did you listen to Officer Spiller's body-worn
00:21:48 21 camera recording?

00:21:51 22 A Yes.

00:21:52 23 Q And you listened to yours?

00:21:54 24 A Yes.

00:21:55 25 Q Did you hear, on either one of those body-worn

00:21:59 1 camera recordings, Leonard Sanchez saying "You're going
00:22:02 2 to have to kill me"?

00:22:04 3 A I did not hear it on the body-worn camera.

00:22:08 4 Q Do you remember if Leonard Sanchez, Sr. said
00:22:12 5 that you were going to have to kill him loudly or
00:22:15 6 softly or somewhere in between?

00:22:19 7 A Possibly somewhere in between.

00:22:27 8 Q And at the time that Leonard Sanchez, Sr. said
00:22:30 9 "You're going to have to kill me," to you and to
00:22:34 10 Officer Spiller, did you already have your Taser device
00:22:39 11 out of its holster?

00:22:41 12 A At that point I had my firearm.

00:22:48 13 Q Okay. And did you put your firearm away at
00:22:50 14 some point?

00:22:51 15 A Yes, I did.

00:22:53 16 Q It was a semiautomatic pistol?

00:22:55 17 A Yes.

00:22:56 18 Q What type of pistol was it?

00:22:58 19 A Sig Sauer .40 caliber P229.

00:23:01 20 Q What was --

00:23:02 21 A Model P229.

00:23:08 22 Q And then you put the pistol away and took out
00:23:11 23 your Taser device, sir?

00:23:12 24 A Correct.

00:23:13 25 Q Why did you do that?

00:23:14 1 A Because that's our training.

00:23:17 2 Q When you say that's our training, training
00:23:19 3 regarding what?

00:23:23 4 A Dealing with a deadly situation, that one
00:23:26 5 should be lethal; the other one should try less lethal
00:23:29 6 to prevent any type of shooting, in the event the less
00:23:33 7 lethal works.

00:23:36 8 Q So are you saying that -- when you say your
00:23:38 9 training, do you mean your training when you're at LAPD
00:23:41 10 or training at Barstow PD or training in both or
00:23:46 11 training in something else? What are you referring to?

00:23:49 12 A Training in all of the above you mentioned.

00:23:51 13 Q Okay. In other words, is it fair to say that
00:23:56 14 what you were trained as a peace officer throughout
00:23:59 15 your journey from LAPD to Barstow PD, that if you can
00:24:06 16 stop a threat without killing somebody, that that's
00:24:09 17 preferable to stopping a threat with killing somebody;
00:24:12 18 is that fair?

00:24:14 19 A Yes.

00:24:14 20 Q And that's where you were -- when you pulled
00:24:16 21 out your Taser, you thought I'm going to try to stop
00:24:20 22 this guy without killing him; is that fair?

00:24:22 23 MR. FERGUSON: Objection; incomplete
00:24:23 24 hypothetical, vague and ambiguous.

25 BY MR. STEERING:

00:24:27 1 Q Is that fair?

00:24:30 2 A Yes.

00:24:32 3 Q And you weren't sure exactly what Leonard

00:24:34 4 Sanchez was going to do once you saw the knives, fair?

00:24:40 5 A I had some ideas, yes.

00:24:42 6 Q Pardon me?

00:24:43 7 A I have an idea of what he could do with those.

00:24:45 8 Q Right. In other words, it's dangerous to walk

00:24:47 9 around with knives like that, right?

00:24:49 10 A Correct.

00:24:50 11 Q And you didn't know if he was going to attack

00:24:54 12 his family members or not; is that fair?

00:24:57 13 MR. FERGUSON: Objection; vague as to time.

14 BY MR. STEERING:

00:25:00 15 Q You're standing there. He says, "You're going

00:25:03 16 to have to kill me." When -- let me back up.

00:25:09 17 At some point in time, Mr. Leonard

00:25:13 18 Sanchez, Sr. pulls out a couple of knives, right?

00:25:17 19 A Correct.

00:25:17 20 Q Then he takes -- and he pulls two of them out

00:25:19 21 from someplace with his right hand, correct?

00:25:22 22 A Correct.

00:25:22 23 Q Then he takes one of the knives from his right

00:25:25 24 hand and puts it in his left hand, right?

00:25:27 25 A Correct.

00:25:27 1 Q So now he's got a knife in each hand, right?

00:25:29 2 A Correct.

00:25:30 3 Q And that's kind of menacing-looking, right?

00:25:35 4 A Yes.

00:25:36 5 Q Did you ever see him like make a motion like

00:25:39 6 he was attempting to stab anybody at all throughout the

00:25:44 7 whole incident?

00:25:47 8 A Throughout the whole incident?

00:25:49 9 Q Yes, sir.

00:25:50 10 A Towards the end, yes.

00:25:53 11 Q We'll get to that in a minute. So outside the

00:25:56 12 room, you see Leonard Sanchez. You see him pulling

00:26:02 13 knives out.

00:26:02 14 And then that's -- is that when you pull out

00:26:05 15 your Taser device, after he pulled the knives out?

00:26:11 16 A No.

00:26:12 17 Q Did you pull your Taser device out before he

00:26:15 18 pulled the knives out?

00:26:19 19 A No.

00:26:19 20 Q So when -- okay. Did you pull your gun out

00:26:21 21 after he pulled the knives out?

00:26:23 22 A Correct.

00:26:24 23 Q And then how long do you think you had your

00:26:25 24 gun out of its holster, in your hand, before you

00:26:29 25 reholster the gun and take out your Taser?

00:26:32 1 A It was a short time, approximately five to ten
00:26:35 2 seconds before I transitioned.

00:26:42 3 Q Okay. And do you think you were doing that,
00:26:44 4 really, to save Leonard Sanchez's life; do you think
00:26:48 5 you were doing it --

00:26:50 6 MR. FERGUSON: Objection; lacking foundation,
00:26:53 7 argumentative, calls for speculation.

8 BY MR. STEERING:

00:26:55 9 Q Were you doing that to save his life?

00:26:57 10 A No, to stop the situation, stop the threat.

00:27:00 11 Q Right. You can stop a threat with a gun,
00:27:03 12 right? Pistol, right, you can do that?

00:27:05 13 MR. FERGUSON: Objection; argumentative, lacks
00:27:07 14 foundation, calls for speculation. What kind of
00:27:10 15 question is that? Come on, Jerry.

00:27:13 16 MR. STEERING: It's a very appropriate one.

00:27:14 17 MR. FERGUSON: Jerry, it's not. It's not
00:27:16 18 fact-specific, so who cares.

00:27:19 19 MR. STEERING: It's pretty appropriate.

00:27:22 20 Q I mean, you could have stopped him with a gun
00:27:26 21 just as well as -- maybe even better than a Taser,
00:27:29 22 right?

00:27:29 23 MR. FERGUSON: Objection; argumentative, lacks
00:27:31 24 foundation, calls for speculation, not fact-specific.
00:27:37 25 It's borderline abusive and oppressive.

00:27:40 1 MR. STEERING: Oh, God.

00:27:41 2 MR. FERGUSON: And don't use cusswords.

00:27:45 3 MR. STEERING: Is that a cusswords?

00:27:47 4 MR. FERGUSON: It could be. It's definitely

00:27:49 5 inappropriate.

00:27:50 6 MR. STEERING: I can tell that you're terribly

00:27:51 7 offended.

00:27:52 8 MR. FERGUSON: I'm offended.

00:27:55 9 MR. STEERING: I'll have to get you to

00:27:58 10 confession immediately.

00:28:02 11 Q Okay. So did you pull the Taser out because

00:28:05 12 you didn't want to have to kill somebody if you didn't

00:28:07 13 have to?

00:28:09 14 MR. FERGUSON: Same objections.

00:28:11 15 THE WITNESS: I utilized the Taser, I pulled

00:28:13 16 it out, because that's what we're trained to do. And

00:28:15 17 it's always best to try less lethal before you do

00:28:19 18 lethal.

19 BY MR. STEERING:

00:28:19 20 Q Okay. And then the young lad went inside the

00:28:27 21 hotel room, sir; do you remember that?

00:28:29 22 A Yes.

00:28:29 23 Q And then Margaret Alba went inside the hotel

00:28:32 24 room?

00:28:33 25 A Yes.

00:28:34 1 Q And then Leonard Sanchez, Sr. was standing
00:28:37 2 kind of by the door, like about to go into the hotel
00:28:40 3 room; do you remember that?

00:28:42 4 A When he was making the turning movement to go
00:28:44 5 in, yes, I remember that.

00:28:49 6 Q Okay. Do you remember discussing, with
00:28:52 7 Officer Spiller, you possibly using a Taser on
00:28:57 8 Mr. Sanchez?

00:28:59 9 A Yes.

00:28:59 10 Q Do you remember what you said to Officer
00:29:02 11 Spiller?

00:29:03 12 A I believe I said, "Should I use a Taser?" I
00:29:06 13 believe those were my specific words.

00:29:08 14 Q Is there a reason you asked Officer Spiller
00:29:11 15 whether you should use your Taser?

00:29:15 16 A It's not something I normally would say, but
00:29:17 17 it seems to be the verbiage I used.

00:29:21 18 Q Why were you asking Officer Spiller that
00:29:26 19 question?

00:29:27 20 A Because of his positioning, I didn't know what
00:29:31 21 he -- if he was making any type of motion towards him,
00:29:35 22 so I was just trying to communicate with Officer
00:29:37 23 Spiller at that point.

00:29:39 24 Q Were you trying to tell him that, you know,
00:29:43 25 you were in a position to use the Taser and you were

00:29:46 1 ready to use it?

00:29:48 2 A That would be safe to say.

00:29:53 3 Q Okay. And then did Officer Spiller respond to
00:29:55 4 your statement about the Taser?

00:29:58 5 A I don't recall. I don't believe so.

00:30:00 6 Q And then at a certain point, it looked like
00:30:04 7 Leonard Sanchez, Sr. was kind of moving toward going
00:30:09 8 inside the motel room, sir?

00:30:11 9 A Yes.

00:30:12 10 Q And that's when you decided to shoot the Taser
00:30:14 11 device at him, right?

00:30:15 12 A Yes.

00:30:16 13 Q Now, the Taser device has two darts, right?

00:30:19 14 A Yes.

00:30:19 15 Q Is it over and under, like one is over the
00:30:21 16 other one, like vertical instead of horizontally
00:30:25 17 oriented?

00:30:26 18 A Vertical, yes.

00:30:27 19 Q So one of your darts hit Leonard Sanchez, and
00:30:30 20 the other one kind of went over, I guess, his shoulder;
00:30:34 21 is that fair?

00:30:34 22 MR. FERGUSON: Objection; assumes facts not in
00:30:35 23 evidence, lacks foundation, calls for speculation.

24 BY MR. STEERING:

00:30:39 25 Q Is that what happened?

00:30:41 1 A I learned that later.

00:30:42 2 Q Well, could you see the darts actually hit

00:30:46 3 Leonard Sanchez, either one of the darts?

00:30:48 4 A No. The velocity, it's too fast. You can't

00:30:50 5 see it.

00:30:51 6 Q They look like little harpoons, right?

00:30:55 7 A Yes.

00:30:55 8 Q And maybe they're what, couple of inches long,

00:30:58 9 the little harpoons, with the little tips on it?

00:31:00 10 A I would say --

00:31:01 11 MR. FERGUSON: What do you mean by harpoon?

00:31:03 12 MR. STEERING: A harpoon is --

00:31:04 13 MR. FERGUSON: I know what a harpoon is. But

00:31:09 14 it's a dart; it's not a harpoon.

00:31:11 15 MR. STEERING: The reason I say it's a harpoon

00:31:13 16 because it has like a fish hook. It isn't just a

00:31:16 17 straight dart. It's got like a little fish hook, so

00:31:20 18 when it goes into something, it can hold on to it and

00:31:22 19 catch it.

00:31:22 20 MR. FERGUSON: There's a difference between a

00:31:23 21 fish hook and a harpoon. One goes for an elephant; one

00:31:28 22 goes for a little guppy, you know.

00:31:30 23 MR. STEERING: Well, I know. It's kind of the

00:31:31 24 same size, just shrink it a little bit.

00:31:42 25 Q Okay. Within one second of shooting your

00:31:46 1 Taser device, could you tell whether or not it had been
00:31:52 2 effective on Leonard Sanchez, Sr.?

00:31:57 3 A Based on my training and experience and how
00:31:59 4 many times I utilized it, I could tell it was not
00:32:02 5 effective.

00:32:03 6 Q And how could you tell that it wasn't
00:32:05 7 effective?

00:32:06 8 A Typically they will buckle over. They will
00:32:09 9 fall down. But he kept flowing like if he was never
00:32:16 10 hit with it.

00:32:19 11 Q Do you have an estimate as to how long it was
00:32:22 12 between the time when you shot your Taser device at
00:32:25 13 Leonard Sanchez, Sr. and the time that Officer Spiller
00:32:30 14 shot Leonard Sanchez, Sr. with the first shot?

00:32:34 15 MR. FERGUSON: Vague as to time as to his
00:32:36 16 knowledge. Do you want what he believed then or what
00:32:40 17 does he know based on 20/20 hindsight and the review of
00:32:43 18 everything?

19 BY MR. STEERING:

00:32:44 20 Q As you sit here right now.

00:32:46 21 MR. FERGUSON: Same objection.

22 BY MR. STEERING:

00:32:47 23 Q As you sit here right now, do you have an
00:32:48 24 estimate as to how long it was between the time you
00:32:52 25 pulled the trigger on the Taser and you heard Officer

00:32:57 1 Spiller's pistol discharge?

00:33:01 2 A At the time I believed it was about one
00:33:03 3 second. Now, after reviewing the body cam, it was
00:33:08 4 simultaneous.

00:33:10 5 Q You think it was like at the same time?

00:33:14 6 MR. FERGUSON: He just said simultaneous.

00:33:16 7 MR. STEERING: I know, but that could be --
00:33:18 8 simultaneous could be at the exact same time, or it
00:33:21 9 could be substantially contemporaneous, like within a
00:33:23 10 tenth of a second or something like that.

00:33:25 11 MR. FERGUSON: Where did you go to school?
00:33:27 12 Simultaneous doesn't mean that at all.

00:33:29 13 MR. STEERING: It means the same thing.

00:33:30 14 MR. FERGUSON: Then vague as to time. The
00:33:32 15 time that he thought then was a second, so who cares
00:33:35 16 about now.

00:33:39 17 MR. STEERING: Jesus.

00:33:40 18 MR. FERGUSON: There's one of those -- one of
00:33:42 19 those other religious comments from you again, Counsel.

00:33:44 20 MR. STEERING: I want to get one of those toys
00:33:46 21 for you to play with or something, maybe keep you
00:33:49 22 occupied in a deposition. Little squeaky things.

00:33:55 23 MR. FERGUSON: You've got a whistle.

00:33:57 24 MR. STEERING: I know, but it's too loud.
00:33:58 25 I'll get you a rubber ducky or something.

00:34:08 1 Q Have you ever been trained about situations
00:34:12 2 where one officer hears somebody shoot and then they
00:34:17 3 just kind of shoot because they heard somebody else
00:34:22 4 shoot?

00:34:23 5 A Have I heard of it?

00:34:23 6 Q Yes, sir.

00:34:24 7 A Yeah, I've heard of that.

00:34:25 8 Q Is there a name for that --

00:34:28 9 A Sympathetic shooting.

00:34:29 10 Q -- in the police business?

00:34:32 11 That's what it's called?

00:34:33 12 A That's what I've heard it to be called.

00:34:42 13 Q When you were talking to officer Spiller about
00:34:45 14 you using your Taser, did you think he was going to let
00:34:48 15 you try to Taser before he shot his pistol?

00:34:55 16 MR. FERGUSON: Objection; calls for
00:34:55 17 speculation as framed.

00:34:57 18 MR. STEERING: I'm just asking what -- what
00:34:59 19 somebody thought isn't speculation.

00:35:02 20 MR. FERGUSON: You're asking what he thought.

00:35:04 21 MR. STEERING: No, no. What he thought. What
00:35:07 22 he thought.

00:35:08 23 MR. FERGUSON: Of what he thought.

00:35:10 24 MR. STEERING: No.

00:35:10 25 MR. FERGUSON: That's what -- could you read

00:35:11 1 back that question?

2 (Record read as follows:

3 "Question: When you were talking to officer
4 Spiller about you using your Taser, did you think
5 he was going to let you try to Taser before he shot
6 his pistol?")

00:35:21 7 MR. FERGUSON: Did you think he, so it calls
00:35:23 8 for speculation.

00:35:24 9 MR. STEERING: No, but did he think if he was
00:35:25 10 going to do it.

00:35:26 11 MR. FERGUSON: Then your question is vague
00:35:29 12 because "he" was not specified.

00:35:33 13 MR. STEERING: Please, really you don't need
00:35:34 14 to be doing this. It's not getting us anywhere.

00:35:36 15 Q Did you think, when you shot your Taser, that
00:35:40 16 Officer Spiller was going to let you do that before he
00:35:43 17 shot his gun?

00:35:46 18 A I don't know what he was thinking.

00:35:49 19 Q You had talked to him about doing that,
00:35:51 20 shooting the Taser, right?

00:35:55 21 A Yes.

00:35:56 22 Q And did you get some kind of answer from him?

00:36:02 23 A No.

00:36:02 24 Q Did you get any kind of concurrence that it
00:36:04 25 would be a good idea to shoot your Taser?

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00:36:45 17
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00:36:51 19
00:36:53 20
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00:37:00 25

A No.

Q And you asked Officer Spiller if he thought it would be a good idea for you to use the Taser because you thought it was a good idea to use your Taser at that time; is that fair?

A It's an option we have, and I thought it was a good idea.

Q Do you still think it was a good idea?

MR. FERGUSON: Objection; vague as to time.

MR. STEERING: Right now.

MR. FERGUSON: Before or after --

MR. STEERING: I said still.

MR. FERGUSON: Before or after movement by Mr. Sanchez going in the room.

MR. STEERING: No, no, no, no.

Q Do you still think it was a good idea?

MR. FERGUSON: Then the question is vague. It's not based on anything. Is it a good idea for what?

MR. STEERING: Please.

MR. FERGUSON: At what time? What's the picture?

MR. STEERING: You need to work for the White House, you know that. You should work for the White House smoke screen and diversion squad, okay. That's

00:37:04 1 all this is.

00:37:06 2 MR. FERGUSON: No, it isn't. Your question --

00:37:08 3 MR. STEERING: Please.

00:37:08 4 MR. FERGUSON: Your question doesn't make any
00:37:10 5 sense.

00:37:10 6 MR. STEERING: You're normally a pretty
00:37:11 7 rational, logical person, Mr. Ferguson.

00:37:40 8 Q If you and Officer Spiller shot at Mr. Sanchez
00:37:50 9 at the same time, how did you know that your Taser was
00:37:58 10 ineffective?

00:38:00 11 MR. FERGUSON: Objection; he didn't think it
00:38:01 12 was effective at the time, but at the time he also said
00:38:05 13 he thought he fired a second before. So therefore, the
00:38:10 14 question misstates the testimony.

00:38:12 15 MR. STEERING: Listen, this isn't court here.
00:38:14 16 There is no evidence. There is no jury. There is no
00:38:18 17 judge. There's nothing. I'm just asking questions at
00:38:21 18 a deposition.

00:38:22 19 MR. FERGUSON: I'm just letting an objection.

00:38:23 20 MR. STEERING: Can you read back the question,
00:38:38 21 please?

22 (Record read as follows:

23 "Question: If you and Officer Spiller shot at
24 Mr. Sanchez at the same time, how did you know that
25 your Taser was ineffective?")

1 BY MR. STEERING:

00:38:43 2 Q How did you know?

00:38:44 3 MR. FERGUSON: Same objections.

00:38:46 4 THE WITNESS: Well, at that time, I believe I
00:38:48 5 shot the Taser about a second before, and it didn't
00:38:50 6 seem effective.

7 BY MR. STEERING:

00:38:56 8 Q You did shoot the Taser before Spiller shot
00:38:57 9 his pistol, didn't you?

00:39:01 10 A As to what time?

00:39:03 11 Q I mean, like a fraction of a second before.

00:39:06 12 A Correct.

00:39:39 13 Q If the Taser, that dart that you shot at
00:39:58 14 Leonard Sanchez, would have been effective, how would
00:40:02 15 his body movement, after he was struck by the bullet
00:40:05 16 from Officer Spiller, have been any different from what
00:40:10 17 you saw?

00:40:11 18 MR. FERGUSON: Objection; calls for
00:40:13 19 speculation, lacking foundation.

00:40:16 20 THE WITNESS: That question was confusing.
00:40:17 21 Can you rephrase it?

00:40:20 22 MR. STEERING: Can you read back the question,
00:40:22 23 please?

24 (Record read as follows:

25 "Question: If the Taser, that dart that you

1 shot at Leonard Sanchez, would have been effective,
2 how would his body movement, after he was struck by
3 the bullet from Officer Spiller, have been any
4 different from what you saw?")

00:40:37 5 MR. FERGUSON: Same objections.

00:40:38 6 You can answer if you know.

00:40:41 7 THE WITNESS: I can't answer that. I don't
00:40:43 8 understand the question.

9 BY MR. STEERING:

00:40:45 10 Q Well, you told -- when you were interviewed
00:40:49 11 March 13th -- interviewed on -- on March 5th, 2018, by
00:41:18 12 Detective Motley and Detective Warrick, you were asked
00:41:35 13 about pulling your Taser. And Detective Motley asked
00:41:41 14 you:

00:41:42 15 "And when you attempted to -- when you did
00:41:43 16 deploy your Taser, that was prior -- that was prior
00:41:47 17 to Spiller firing his first shot; is that correct?"

00:41:50 18 Answer by Officer Buesa: "Yes."

00:41:54 19 Question by Detective Motley: "At that point
00:41:57 20 was the suspect already trying to go inside, or was
00:41:59 21 he just standing outside?"

00:42:03 22 And answer by Officer Buesa: "He was still
00:42:07 23 standing outside."

00:42:10 24 Question by Detective Motley: "Okay. Did you
00:42:12 25 see any of your darts hit him --"

00:42:17 1 Answer by Officer Buesa: "No."

00:42:21 2 Question by Detective Motley: "-- from the
00:42:25 3 Taser?"

00:42:27 4 And answer by Officer Buesa: "No. I just
00:42:30 5 knew it was ineffective."

00:42:45 6 Now, when you told Detective Motley, "No. I
00:42:47 7 just knew it was ineffective," what caused you to
00:42:54 8 believe it was ineffective?

00:42:56 9 A I believe answered that already. I said
00:42:58 10 because typically they will buckle over or collapse or
00:43:02 11 start to shake, and I didn't see that. Therefore, I
00:43:05 12 felt it was ineffective.

00:43:07 13 Q Did you see Mr. Leonard Sanchez fall onto the
00:43:14 14 bed?

00:43:17 15 A Yes.

00:43:25 16 Q And at that point did you know whether he fell
00:43:27 17 on the bed from the Taser dart or from the pistol?

00:43:31 18 MR. FERGUSON: Or from something else or none
00:43:33 19 at all.

20 BY MR. STEERING:

00:43:34 21 Q Or something else.

00:43:37 22 A I don't know why he fell on the bed.

00:44:14 23 Q When you saw Mr. Leonard Sanchez on the bed
00:44:18 24 after the first shot by Officer Spiller, was he laying
00:44:22 25 down on the bed?

00:44:27 1 A At one point, yeah, he was laying back.

00:44:31 2 Q And do you know where Margaret Alba was at the
00:44:37 3 time that you saw Mr. Sanchez laying on the bed?

00:44:43 4 A To his southeast.

00:44:51 5 Q And do you know where Leonard Sanchez, Jr. was
00:44:56 6 in the motel room at the time that you saw Leonard
00:44:59 7 Sanchez, Sr. laying on the bed?

00:45:04 8 A I knew at one point he was within 1 to 2 --
00:45:07 9 maybe 1, 2, 3 feet from Mr. Sanchez.

00:45:10 10 Q Was he behind Mr. Sanchez?

00:45:21 11 A To his south.

00:45:22 12 Q And why did you tell Officer Spiller that
00:45:25 13 Mr. Sanchez was still wielding the knife or knives?

00:45:30 14 A Because he was wielding the knife.

00:45:33 15 Q Did you think that Officer Spiller couldn't
00:45:35 16 see that when you made that statement?

00:45:39 17 A That's why I conveyed that to him.

00:45:43 18 Q Because you had a better view inside the room
00:45:45 19 than he did at that point in time, right?

00:45:47 20 A Correct.

00:45:53 21 Q And did you see Officer Spiller do anything in
00:45:57 22 response to your statement he's still wielding the
00:46:01 23 knife?

00:46:01 24 A He began to pie the corner, which means he
00:46:05 25 will shuffle step to his left, to the east, so he can

00:46:08 1 get a better vantage point into the apartment and the
00:46:13 2 bed. And he did that in front of me.

00:46:22 3 Q And then what was Leonard Sanchez, Sr. doing
00:46:29 4 when he was shot for the second and third time by
00:46:33 5 Officer Spiller?

00:46:35 6 A He was starting to get up. He moved his upper
00:46:37 7 body. Now he's in a seated position, and he's
00:46:39 8 thrashing one of the butcher knives in his right hand.

00:46:44 9 Q Which direction was he thrashing the knife?

00:46:47 10 A Downward motion.

00:46:50 11 Q In front of him?

00:46:53 12 A Excuse me?

00:46:54 13 Q In front of him?

00:46:56 14 A At that point, yes.

00:46:57 15 Q He was facing north at that point, right?

00:47:01 16 A No. He was facing east.

00:47:06 17 Q Facing --

00:47:07 18 A East.

00:47:08 19 Q -- east. So that would have been to his
00:47:16 20 right?

00:47:17 21 A Whose right?

00:47:21 22 Q Sanchez's right, Mr. Sanchez, the dad.

00:47:26 23 MR. FERGUSON: The question is vague.

00:47:35 24 If you understand the question.

00:47:36 25 THE WITNESS: I don't.

1 BY MR. STEERING:

00:47:39 2 Q I'm facing north. Now I'm facing east.

00:47:45 3 A Uh-huh.

00:47:46 4 Q Officer Spiller says that when Mr. Sanchez sat
00:47:52 5 on the bed, that he was facing out the window, which
00:47:54 6 would have been north. The son in back of him would
00:48:00 7 have been south.

00:48:02 8 You said that when Leonard Sanchez, Sr. got
00:48:07 9 shot, he's facing east?

00:48:10 10 A Yes.

00:48:11 11 Q So he would have been facing -- he would have
00:48:13 12 been turning to his right from a position facing north;
00:48:17 13 is that correct?

00:48:22 14 A Who was turning right? I don't get it.

00:48:25 15 Q Leonard Sanchez. In other words, Leonard
00:48:28 16 Sanchez is looking -- is sitting on the edge of the
00:48:30 17 bed, looking north, and then you said he turned east
00:48:34 18 when he got shot by Officer Spiller, right?

00:48:40 19 A You asked me the question what position was he
00:48:43 20 in. He was sitting up and facing east on the bed.

00:50:28 21 Q Okay. After Officer Spiller shot Mr. Sanchez
00:50:53 22 the second and third time, what happened to
00:50:57 23 Mr. Sanchez?

00:50:59 24 A He laid on the bed.

00:51:12 25 Q You had a prior incident with Mr. Sanchez,

00:51:15 1 that was prior to this shooting incident?

00:51:18 2 A I was there on a -- as an additional officer
00:51:21 3 request.

00:51:22 4 Q Do you remember what that incident was about,
00:51:24 5 the prior incident?

00:51:26 6 MR. FERGUSON: Asked and answered.

00:51:28 7 MR. STEERING: I don't remember if I asked
00:51:29 8 him.

00:51:29 9 Q What was it about?

00:51:31 10 A It was an officer that was requesting
00:51:33 11 additional units for a violent suspect that they
00:51:36 12 couldn't get control of or put in the back seat of the
00:51:40 13 car.

00:51:40 14 Q Was he jacked up on drugs at the time, in your
00:51:44 15 opinion?

00:51:44 16 A I have no idea.

00:51:49 17 Q Okay. When you saw Mr. Sanchez when you
00:51:51 18 pulled up to the Sands Motel the evening that he was
00:51:54 19 shot, did you recognize him?

00:51:56 20 A Yes.

00:52:14 21 Q How do you -- the body-worn cameras that you
00:52:16 22 have with Barstow PD, like the one you were wearing
00:52:18 23 that evening --

00:52:20 24 A Yes.

00:52:21 25 Q -- is it the officer that downloads the video

00:52:23 1 fragment into some kind of computer base?

00:52:26 2 A Yes.

00:52:27 3 Q That's how it works?

00:52:28 4 Do you use some type of cord and hook up the
00:52:30 5 cord to the camera and then download it?

00:52:33 6 A Well, there's two parts to it. You've got a
00:52:36 7 battery pack, and then you have the camera. The camera
00:52:39 8 is where all of the memory is at and all of the video.
00:52:41 9 So you'll dock the battery pack, and then you dock the
00:52:45 10 camera. The camera will now download into -- all of
00:52:48 11 the data into wherever the city has control of.

00:52:53 12 Q Do you get to choose what you download, or it
00:52:55 13 just downloads everything from the camera?

00:52:58 14 A Everything.

00:52:59 15 Q There's no selection; you can't say I want
00:53:00 16 this incident, but not the other incident?

00:53:04 17 A No.

00:53:04 18 Q Is that correct?

00:53:11 19 A That is correct.

00:53:18 20 Q Do you remember making the statement to
00:53:21 21 Detective Warrick and Detective Motley, "I knew that
00:53:26 22 Spiller went lethal, and I advised him I was going to
00:53:29 23 go less lethal. So we were going to try that option,
00:53:33 24 and obviously that didn't work"?

00:53:35 25 Do you remember making that statement?

00:53:36 1 A Yes.

00:53:49 2 Q And your response was -- that is why you went
00:53:54 3 less than lethal -- and your answer was, "He wasn't
00:53:57 4 coming at us, so I felt I had the option to do that.
00:54:02 5 And I knew that he was lethal. So if he would have
00:54:06 6 made the step towards me, I knew he had my back," stop.
00:54:11 7 "So I felt that it was a good option at that time,"
00:54:14 8 stop.

00:54:15 9 Do you remember making that statement?

00:54:41 10 A Yes.

00:54:42 11 MR. STEERING: Why don't we take a break.
00:54:43 12 I'll see if I'm done with Officer Buesa.

00:54:47 13 THE VIDEOGRAPHER: We're off the record at
00:54:48 14 11:55 a.m.

15 (Recess.)

00:00:00 16 THE VIDEOGRAPHER: We are back on the record
00:00:15 17 at 12:01 p.m.

00:00:18 18 MR. STEERING: I don't have any more
00:00:20 19 questions.

00:00:20 20 MR. FERGUSON: Laura, any questions?

00:00:23 21 MS. CRANE: No questions.

00:00:25 22 MR. FERGUSON: I've got a couple of questions.

23

24 EXAMINATION

25 BY MR. FERGUSON:

00:00:27 1 Q Corporal Buesa, at the time of the shooting,
00:00:34 2 did someone call for medical aid?

00:00:39 3 A Yes.

00:00:39 4 Q How long after the shooting did someone call
00:00:41 5 for medical aid?

00:00:43 6 A Immediate.

00:00:43 7 Q And did you observe medical aid arrive?

00:00:47 8 A Yes.

00:00:47 9 Q From the time of the request for medical aid
00:00:49 10 to the time that medical aid arrived, could you
00:00:51 11 estimate how much time that was?

00:00:53 12 A Less than five minutes.

00:00:55 13 Q Did you observe anybody hinder or delay
00:00:57 14 medical aid from attending the injuries of Mr. Sanchez?

00:01:04 15 A No.

00:01:11 16 Q Did you observe Mr. Sanchez start going into
00:01:14 17 the room?

00:01:16 18 A Yes.

00:01:17 19 Q When he started moving into the room, do you
00:01:20 20 believe that the use of deadly force was appropriate?

00:01:24 21 A Absolutely.

00:01:25 22 Q Why is that?

00:01:27 23 A Just the totality of the circumstances, based
00:01:30 24 on the comments of the call, that he was holding a
00:01:36 25 knife to his neck. When we responded, he produced two

00:01:40 1 knives in an aggressive manner. He refused to drop the
00:01:44 2 knives, and he also said that "You're going to have to
00:01:49 3 kill me." And then when the whole family went in the
00:01:51 4 room, he started to turn and go in the room. And I
00:01:55 5 felt at that time there was a an immediate or imminent
00:01:58 6 threat of great bodily injury or death.

00:02:02 7 Q Would that be as it relates to the family?

00:02:05 8 A Absolutely, yes.

00:02:07 9 MR. FERGUSON: No further questions.

00:02:13 10 MR. STEERING: Nothing else.

00:02:14 11 MR. FERGUSON: Same stip?

00:02:16 12 MR. STEERING: Yeah.

00:02:17 13 MR. FERGUSON: Same stip and same request for
00:02:19 14 certified copy.

00:02:20 15 MS. CRANE: Same for county.

00:02:22 16 THE VIDEOGRAPHER: This concludes today's
00:02:23 17 deposition. The time is 12:03 p.m. The date is
00:02:26 18 January 20th, 2020, and we're off the record.

19 (The stipulation from the deposition of
20 William Freddie Spiller II is incorporated as
21 follows:

22 "MR. STEERING: Okay. So we're going to
23 stipulate that the reporter can be relieved of her
24 duties under the Federal Rules of Civil Procedure
25 to file the original deposition transcript with the

1 district court.

2 "MR. FERGUSON: What?

3 "MR. STEERING: Relieve her duty to file the
4 original deposition transcript with the district
5 court; and that the reporter will mail the original
6 deposition transcript to Mr. Ferguson. He will
7 forward the original deposition transcript to
8 Officer Spiller, and then Officer Spiller will have
9 30 days -- the defendant will have 30 days from the
10 date of Mr. Ferguson's receipt of the original
11 deposition transcript to notify me of any changes,
12 corrections, additions to the deposition transcript
13 and the fact that the original deposition
14 transcript was signed and will mail the original
15 deposition transcript back to me.

16 "I'll maintain custody of the original
17 deposition transcript and will make it available
18 for any purpose like motion or trial. And if the
19 original deposition transcript is unavailable or
20 damaged in some way that it can't be used or lost,
21 then a certified copy can be used in lieu of the
22 original deposition transcript.

23 "MR. FERGUSON: As if it were signed.

24 "MR. STEERING: Yes.

25 "MR. FERGUSON: So stipulated.

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"MS. CRANE: So stipulated.")

(Deposition session concluded at 12:03 p.m.)

-oOo-

I have read the foregoing deposition transcript and by signing hereafter, subject to any changes I have made, approve same.

Dated _____.

(Signature of Deponent)

1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF RIVERSIDE)
3

4 I, Dara C. Shuler, hereby certify:

5 I am a duly qualified Certified Shorthand
6 Reporter in the State of California, holder of
7 Certificate Number CSR 11249, issued by the Court
8 Reporters Board of California and which is in full
9 force and effect. (Fed. R. Civ. P. 28(a)).

10 I am authorized to administer oaths or
11 affirmations pursuant to California Code of Civil
12 Procedure, Section 2093(b), and prior to being
13 examined, the witness was first duly sworn by me.
14 (Fed. R. Civ. P. 28(a), 30(f)(1)).

15 I am not a relative or employee or attorney or
16 counsel of any of the parties, nor am I a relative or
17 employee of such attorney or counsel, nor am I
18 financially interested in this action. (Fed. R. Civ.
19 P. 28).

20 I am the deposition officer that
21 stenographically recorded the testimony in the
22 foregoing deposition, and the foregoing transcript is a
23 true record of the testimony given by the witness.
24 (Fed. R. Civ. P. 30(f)(1)).

25 Before completion of the deposition, review of

1 the transcript [xx] was [] was not requested. If
2 requested, any changes made by the deponent (and
3 provided to the reporter), during the period allowed,
4 are appended hereto. (Fed. R. Civ. P. 30(e)).
5

6 Dated: February 10, 2020
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