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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)

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Videotaped Deposition of WILLIAM FREDDIE SPILLER II  
January 20, 2020

Dara C. Shuler, CSR No. 11249  
460390



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vs. )  
CITY OF BARSTOW, et al., )  
Defendants. )

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

-----

Videotaped Deposition of WILLIAM FREDDIE  
SPILLER II, taken on behalf of Plaintiffs, at  
2900 Adams Street, Suite C130, Riverside,  
California, commencing at 9:19 a.m., on Monday,  
January 20, 2020, before Dara C. Shuler, Certified  
Shorthand Reporter No. 11249.

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APPEARANCES:

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Also Present:

BRAD BISSEGGER, Videographer  
ANDREW BUESA

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INDEX

WITNESS

EXAMINATION

WILLIAM FREDDIE SPILLER II

BY MR. STEERING

6

EXHIBITS

(None)

1 RIVERSIDE, CALIFORNIA, MONDAY, JANUARY 20, 2020

2 9:19 a.m.

3

00:00:00 4 THE VIDEOGRAPHER: Good morning. My name is  
00:00:30 5 Brad Bissegger. I'm a videographer associated with  
00:00:33 6 Barkley Court Reporters. Today's date is January 20th,  
00:00:38 7 2020, and the time is 9:19 a.m. This deposition is  
00:00:43 8 taking place at 2900 Adams Street, Suite C130,  
00:00:48 9 Riverside, California in the matter of Margaret Alba,  
00:00:52 10 et al. versus City of Barstow, et al. Case number is  
00:00:58 11 5:18-cv-02087-JGB(SHK). The deponent is William  
00:01:14 12 Spiller II. This deposition is being taken on behalf  
00:01:17 13 of the plaintiff.

00:01:19 14 Counsel, please introduce themselves for the  
00:01:22 15 record.

00:01:22 16 MR. STEERING: Jerry Steering for the  
00:01:25 17 plaintiffs.

00:01:26 18 MR. FERGUSON: Pete Ferguson and Joshua  
00:01:29 19 Strand, attorneys representing the City of Barstow and  
00:01:32 20 Barstow police officers.

00:01:35 21 MS. CRANE: Laura Crane for the County of  
00:01:36 22 San Bernardino and the county individuals.

00:01:39 23 THE VIDEOGRAPHER: Thank you. The court  
00:01:41 24 reporter may now swear in the witness.

25 THE WITNESS: I do.

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WILLIAM FREDDIE SPILLER II

was sworn, examined and testified as follows:

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00:03:06

THE REPORTER: Do you solemnly state that the testimony you shall give in this matter shall be the truth, the whole truth and nothing but the truth?

EXAMINATION

BY MR. STEERING:

Q Can you state your full name, please, sir?

A William Freddie, that's F-r-e-d-d-i-e, Spiller, S-p-i-l-l-e-r, II.

Q What's your date of birth?

A 6-2 of '83.

Q Okay. And in the event that for some reason I can't serve -- in the event that you're no longer a party to this action, but the action is still going on in some way, if I need to serve you with some type of process, like a subpoena, like a trial subpoena or something like that, is it okay with you if I serve Mr. Ferguson?

A Yes.

MR. STEERING: Is that okay with you, Mr. Ferguson?

MR. FERGUSON: Whatever.

00:03:06 1 MR. STEERING: I'm not sure what that means.

00:03:08 2 MR. FERGUSON: I'm not stipulating to  
00:03:08 3 anything. Do whatever you want to do.

00:03:10 4 MR. STEERING: I'm just asking if I need to  
00:03:12 5 serve a subpoena. If he gets dismissed or there's  
00:03:15 6 something else going on in the case, can I serve you  
00:03:17 7 with a subpoena instead of bothering to go to Barstow  
00:03:22 8 PD or chasing down Officer Spiller?

00:03:26 9 MR. FERGUSON: Sure.

00:03:27 10 MR. STEERING: Okay. Thank you. That way I  
00:03:34 11 don't have to ...

00:03:34 12 Q Are you still working for Barstow PD, sir?

00:03:40 13 A Yes.

00:03:41 14 Q So I don't have to go look for you or chase  
00:03:43 15 you down. Okay.

00:03:44 16 And what is your present rank with the Barstow  
00:03:48 17 Police Department?

00:03:50 18 A Police officer.

00:03:52 19 Q Okay. And how long have you been with Barstow  
00:03:55 20 PD, sir?

00:03:57 21 A Ten years.

00:04:02 22 Q Have you worked for any other law enforcement  
00:04:04 23 agency?

00:04:05 24 A Yes.

00:04:07 25 Q What other law enforcement agency have you

00:04:09 1 worked for?

00:04:10 2 A San Bernardino PD.

00:04:15 3 Q Was that as a patrol officer?

00:04:19 4 A Yes.

00:04:20 5 Q And how long did you work for San Bernardino

00:04:24 6 Police?

00:04:25 7 A Eleven months.

00:04:31 8 Q Okay. And then did you lateral over to

00:04:34 9 Barstow PD?

00:04:36 10 A Yes.

00:04:36 11 Q Was it a voluntary departure?

00:04:42 12 A Yes.

00:04:42 13 Q Did you leave for better opportunities with

00:04:45 14 Barstow PD?

00:04:46 15 A Yes.

00:04:50 16 Q Okay. And other than San Bernardino Police

00:04:53 17 Department and the Barstow Police Department, have you

00:04:56 18 worked for any other law enforcement agency?

00:04:58 19 A Yes.

00:04:58 20 Q What other law enforcement agency have you

00:05:00 21 worked for?

00:05:01 22 A The Federal Bureau of Prisons.

00:05:12 23 Q Okay. What was your job with the United

00:05:14 24 States Federal Bureau of Prisons?

00:05:16 25 A I was a corrections officer.



00:05:22 1 Q Okay. How long did you do that, sir?

00:05:25 2 A Approximately two years.

00:05:38 3 Q Okay. Where did you get your POST-certified

00:05:42 4 California peace officer academy training?

00:05:47 5 A San Bernardino County Sheriff's Department.

00:05:55 6 Q Do you remember when you graduated the

00:05:57 7 sheriff's department police academy, sir?

00:05:59 8 A 2008.

00:06:10 9 Q And you've got a regular POST peace officer

00:06:12 10 certificate from that?

00:06:14 11 A I got a basic POST standards and training

00:06:17 12 certification.

00:06:18 13 Q Do you have any POST certificates other than

00:06:21 14 the basic POST certificate that all California peace

00:06:26 15 officers have to have in California?

00:06:28 16 A Yes.

00:06:28 17 Q What other POST certificates do you have?

00:06:32 18 A I have an intermediate POST certification.

00:06:39 19 Q Okay. Anything else?

00:06:41 20 A I have an advanced POST certification.

00:06:50 21 Q Okay. That's it?

00:06:51 22 A Those are the basic POST certificates I have,

00:06:59 23 yes.

00:07:00 24 Q What's the difference between the

00:07:02 25 certification you get as a basic peace officer and the

00:07:05 1 intermediate POST certificate?

00:07:07 2 A It's based on your years of experience and  
00:07:10 3 educational level.

00:07:11 4 Q Is there a certain type of area of, let's say,  
00:07:15 5 study or training that you get with the intermediate  
00:07:19 6 certificate?

00:07:20 7 A It's based on your years of service, plus  
00:07:25 8 every other year you have to have approximately 40  
00:07:28 9 hours of POST certification training.

00:07:32 10 Q And how about the advanced, what's the  
00:07:35 11 difference between what you need to achieve for the  
00:07:37 12 advanced and what you need to achieve for the  
00:07:39 13 intermediate POST certificate?

00:07:42 14 A Again, it's time in service.

00:07:50 15 Q Okay. Have you reviewed any documents or  
00:07:52 16 recordings in preparation for your testimony today?

00:07:56 17 A Yes.

00:07:57 18 Q What have you reviewed, sir?

00:08:02 19 A Reviewed my video, body cam footage.

00:08:06 20 Q Okay.

00:08:07 21 A I've reviewed my statement given to the  
00:08:11 22 sheriff's department.

00:08:15 23 Q Was that to Warwick -- or Warrick?

00:08:19 24 A Excuse me?

00:08:20 25 Q Was that the one to Warrick?

00:08:26 1  
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A Yes.

Q Okay. Anything else that you reviewed in preparation for your testimony today, Officer Spiller?

A No.

Q Okay. Do you know if there was an internal affairs investigation by the Barstow Police Department of the February 25th, 2018 shooting in this case?

A Yes.

Q Okay. And what was the result of the internal affairs investigation?

MR. FERGUSON: That calls for speculation, lacks foundation as framed.

MR. STEERING: He may know.

MR. FERGUSON: I made an objection to your question.

THE WITNESS: It was sustained.

BY MR. STEERING:

Q What were the complaints? In other words, was it an internally generated internal affairs investigation?

A It was generated based on the OIS, to my knowledge.

MR. FERGUSON: You said sustained. Is that what you meant?

THE WITNESS: Yes.

00:09:29 1 MR. FERGUSON: Meaning it was bad, or it was  
00:09:31 2 good?

00:09:31 3 THE WITNESS: It was good. It was justified.

00:09:33 4 MR. STEERING: I was kind of wondering myself  
00:09:39 5 there.

00:09:40 6 Q Normally when you get a complaint if the --  
00:09:42 7 normally there's a complaint and then if it gets  
00:09:44 8 sustained, that means that the complaint was found to  
00:09:48 9 be correct.

00:09:50 10 So that is not the case in your situation,  
00:09:54 11 right?

00:09:54 12 A I was informed that I was justified in what I  
00:09:59 13 did.

00:09:59 14 Q By your own agency?

00:10:01 15 A Yes.

00:10:02 16 MR. FERGUSON: Or was it within policy?

00:10:03 17 THE WITNESS: It was within policy.

18 BY MR. STEERING:

00:10:08 19 Q Okay. And do you know what policy that your  
00:10:12 20 agency was referring to to find that you were with  
00:10:16 21 that?

00:10:17 22 A It was our use of force policy.

00:10:21 23 Q And in terms of using deadly force, do you  
00:10:25 24 know what the Barstow use of force policy is?

00:10:30 25 A Yes.

00:10:30 1 Q What is it?

00:10:33 2 A It's a use of force continuum. It's circular.  
00:10:36 3 We meet force with force. We use the minimal amount of  
00:10:41 4 force necessary to gain control of a situation.

00:10:48 5 Q How about deadly force, when -- as far as your  
00:10:53 6 understanding of the Barstow Police Department policy  
00:10:59 7 regarding the use of deadly force by a Barstow Police  
00:11:02 8 Department officers, what's your understanding of that  
00:11:07 9 policy?

00:11:07 10 A Again, it's in our use of force policy.  
00:11:10 11 There's a use of force continuum. It's circular. And,  
00:11:13 12 again, we meet force with force.

00:11:16 13 Q When you say circular, I know what a circle  
00:11:18 14 is.

00:11:19 15 A Yes.

00:11:20 16 Q And I know what going around in a circle is.  
00:11:22 17 What do you mean when you say the use of force  
00:11:25 18 policy is circular?

00:11:26 19 A It's not a pyramid. It's circular. We meet  
00:11:29 20 force with force. We have an option to use what tools  
00:11:31 21 are necessary to gain control of that situation.

00:11:45 22 Q All right. Did someone from your department,  
00:11:48 23 that is Barstow PD, tell you that your shooting of  
00:11:53 24 Leonard Sanchez was found to have been within Barstow  
00:11:58 25 Police Department policy?

00:12:01 1 A Not to my knowledge.

00:12:02 2 Q Did you get some kind of letter or note or  
00:12:05 3 email or --

00:12:07 4 A Yes.

00:12:08 5 Q What did you get?

00:12:09 6 A It was presented by the chief of police, and  
00:12:11 7 it was from the San Bernardino County Sheriff's  
00:12:13 8 Department.

00:12:15 9 Q Okay. Were they the ones -- was the  
00:12:17 10 San Bernardino County Sheriff's Department the agency  
00:12:21 11 that told you that you were justified in shooting  
00:12:24 12 Leonard Sanchez?

00:12:26 13 A Yes.

00:12:27 14 Q How about your own agency, did you get any  
00:12:29 15 word from your own agency about that issue?

00:12:33 16 A Yes.

00:12:33 17 Q Do you remember how you got word from your own  
00:12:37 18 agency about that issue?

00:12:39 19 A I don't recall.

00:12:39 20 Q Do you remember if it was in writing or if it  
00:12:42 21 was verbal?

00:12:42 22 A I believe it was in writing.

00:12:45 23 Q Okay. This lady over here, she's got two  
00:12:48 24 thumbs and eight fingers, probably. So if you wouldn't  
00:12:55 25 mind letting me finish my question, I'd sure appreciate

00:12:59 1 it, because it would be easier for her to take down,  
00:13:02 2 okay?

00:13:02 3 A Okay.

00:13:04 4 Q Okay, thank you. All right. Did you kill  
00:13:10 5 Leonard Sanchez?

00:13:16 6 A Yes.

00:13:18 7 Q Tell me why you killed Leonard Sanchez?

00:13:21 8 MR. FERGUSON: Well, objection to the form of  
00:13:22 9 the question of kill. He used reasonable force to stop  
00:13:26 10 the threat. He didn't use force to kill anybody.

00:13:29 11 MR. STEERING: He said he killed him.

00:13:32 12 MR. FERGUSON: I don't care. I just made an  
00:13:34 13 objection on the record. So he can frame the question  
00:13:37 14 anyway he wants to, but he's not going to frame it --  
00:13:40 15 he didn't kill anybody.

00:13:41 16 MR. STEERING: It sounds like he killed him to  
00:13:43 17 me.

00:13:46 18 MR. FERGUSON: Was suicide.

19 BY MR. STEERING:

00:13:46 20 Q Why did you shoot Leonard Sanchez?

00:13:49 21 A To stop the threat.

00:13:51 22 Q What threat in particular are you referring  
00:13:55 23 to?

00:13:55 24 A When he pulled out two knives.

00:14:00 25 Q Did you shoot Leonard Sanchez because he

00:14:02 1 pulled out two knives?

00:14:04 2 A No.

00:14:07 3 Q Did you shoot Leonard Sanchez because he  
00:14:09 4 attempted to harm another person?

00:14:12 5 MR. FERGUSON: Objection to the word attempted  
00:14:14 6 as being vague and ambiguous.

7 BY MR. STEERING:

00:14:17 8 Q Go ahead.

00:14:18 9 A From my standpoint and from my training and  
00:14:21 10 experience, he was an imminent threat to Ms. Alba, the  
00:14:28 11 children that were present. There was an immediate  
00:14:32 12 threat to loss of life.

00:14:39 13 Q You used the word "imminent," and you used the  
00:14:44 14 word "immediate."

00:14:45 15 Are those two words interchangeable in the way  
00:14:49 16 that you used those words?

00:14:52 17 A They're different.

00:14:56 18 Q Okay. Did you shoot Leonard Sanchez because  
00:14:58 19 you were -- you believed there was an immediate threat  
00:15:01 20 to the life of another person?

00:15:04 21 A I stopped Leonard Sanchez from harming  
00:15:08 22 Ms. Alba and his children.

00:15:13 23 Q When you say you stopped him, did you see  
00:15:16 24 something or hear something that caused you to believe  
00:15:24 25 that Leonard Sanchez was attempting to harm Margaret



00:15:31 1 Alba or Mr. Sanchez's children?

00:15:33 2 MR. FERGUSON: Objection to the word  
00:15:34 3 "attempting" as vague and ambiguous, calls for a legal  
00:15:38 4 conclusion.

5 BY MR. STEERING:

00:15:38 6 Q Go ahead.

00:15:39 7 A Can you repeat the question, please?

00:15:40 8 MR. STEERING: Can you repeat the question?

9 (Record read as follows:

10 "Question: When you say you stopped him, did  
11 you see something or hear something that caused you  
12 to believe that Leonard Sanchez was attempting to  
13 harm Margaret Alba or Mr. Sanchez's children?")

00:15:57 14 THE WITNESS: Yes, when he produced two large  
00:16:00 15 knives.

16 BY MR. STEERING:

00:16:01 17 Q Okay. Why do you say that was an attempt to  
00:16:04 18 harm Margaret Alba or Mr. Leonard Sanchez's children?

00:16:09 19 MR. FERGUSON: Objection; he never used the  
00:16:10 20 word "attempted." You used the word "attempted."

00:16:13 21 MR. STEERING: That was my question. He  
00:16:14 22 answered my question, yes.

00:16:16 23 MR. FERGUSON: No, he did not answer your  
00:16:23 24 question.

25 BY MR. STEERING:

00:16:25 1 Q Ask it again. Did you -- okay.

00:16:27 2 Did Leonard Sanchez attempt to harm Margaret  
00:16:33 3 Alba or Mr. Sanchez's children?

00:16:36 4 MR. FERGUSON: Objection to the word "attempt"  
00:16:39 5 as vague and ambiguous and calls for a legal  
00:16:42 6 conclusion.

7 BY MR. STEERING:

00:16:42 8 Q Go ahead.

00:16:45 9 A Based on his actions, that was an indication  
00:16:50 10 to me that he was going to harm Ms. Alba and his  
00:16:55 11 children.

00:16:56 12 Q Did you see anything or hear anything or  
00:17:02 13 otherwise sense or detect anything that caused you to  
00:17:07 14 believe that Leonard Sanchez was attempting to harm  
00:17:13 15 either Margaret Alba or Mr. Sanchez's children?

00:17:17 16 MR. FERGUSON: Objection to the word  
00:17:18 17 "attempted" as calls for a legal conclusion, vague and  
00:17:24 18 ambiguous and is not the necessary factor of Ray versus  
00:17:29 19 O'Connor -- Tennessee v. Garner, to the use of deadly  
00:17:36 20 force.

21 BY MR. STEERING:

00:17:37 22 Q So what's the answer to the question?

00:17:41 23 A When he produced the two knives, he was not  
00:17:45 24 doing what a rational individual was doing -- should  
00:17:51 25 have been doing. He was an immediate threat to that

00:17:58 1 family.

00:17:59 2 Q Okay. I'm going to ask the question again.

00:18:01 3 Did Leonard Sanchez attempt -- let me back up.

00:18:05 4 Did you see Leonard Sanchez do anything that  
00:18:09 5 caused you to believe that he was attempting to harm  
00:18:12 6 Margaret Alba or Mr. Sanchez's children?

00:18:16 7 A Yes.

00:18:17 8 Q What did you see?

00:18:18 9 A When I first initially arrived on scene and  
00:18:21 10 exited my patrol vehicle, his small son was standing in  
00:18:26 11 front of him and said, "Why did you hit me?" And that  
00:18:29 12 child was crying. When he went back in the room and I  
00:18:34 13 said, "Hey, let me speak to you" and he produced two  
00:18:35 14 knives, that was him displaying a violent tendency.

00:18:49 15 Q The statement by Leonard Sanchez, Jr., "Why  
00:18:53 16 did you hit me?" is that recorded?

00:18:56 17 A Yes.

00:18:56 18 Q Is it on the recording that --

00:18:59 19 A Yes.

00:18:59 20 Q -- from your body cam?

00:19:01 21 A Yes.

00:19:01 22 Q That's the words that were said by the young  
00:19:04 23 man in the beginning of the recording?

00:19:08 24 A Yes.

00:19:08 25 Q So that's the statement that you're referring

00:19:11 1 to, the one where -- in the beginning of the recording,  
00:19:14 2 where Leonard, Jr. says something in it kind of sounds  
00:19:18 3 like anger towards his dad; is that fair?

00:19:20 4 A He said, "Why did you hit me?"

00:19:25 5 Q Those words?

00:19:42 6 A Yes.

00:19:49 7 Q Did you tell Detective Warrick that Leonard  
00:19:56 8 Sanchez, Jr. said, when you first arrived, words to the  
00:20:02 9 effect of "Why did you hit me?" or words to that  
00:20:08 10 effect?

00:20:09 11 A Yes.

00:20:10 12 Q So you're not sure about the exact wording,  
00:20:13 13 right?

00:20:13 14 A To my knowledge as of today and as of right  
00:20:16 15 now, that child said to Mr. Sanchez, "Why did you hit  
00:20:21 16 me?"

00:20:21 17 Q Did you see any marks on the child before you  
00:20:28 18 shot Leonard Sanchez, Sr.?

00:20:31 19 A I didn't have time to do an investigation  
00:20:32 20 because Mr. Sanchez decided to pull out two knives, so  
00:20:36 21 I had to deal with that situation.

00:20:37 22 Q I'm just wondering if you did see a mark or  
00:20:40 23 something that would indicate trauma to the young --

00:20:45 24 MR. FERGUSON: He said he was crying. That's  
00:20:47 25 trauma to the youngster.

00:20:48 1 MR. STEERING: I'm talking about a mark or  
00:20:50 2 something.

00:20:50 3 MR. FERGUSON: Okay. That's what you mean,  
00:20:52 4 physical versus emotional, correct? Is that a yes?

00:20:56 5 MR. STEERING: Yes, like a mark or blood or  
00:21:01 6 something that might be indicative of trauma.

00:21:03 7 Q Did you see anything like that before you shot  
00:21:06 8 Leonard Sanchez, Sr.?

00:21:08 9 A At that time the child went back in the room.  
00:21:12 10 Mr. Sanchez pulled two knives out. I dealt with that  
00:21:17 11 situation. I didn't get to see the child.

00:21:20 12 Q So the answer is you didn't see any marks on  
00:21:22 13 the child before you shot the child's father, right?

00:21:26 14 A Again, the child went back in the room.  
00:21:30 15 Mr. Sanchez pulled out two knives. I did not get to  
00:21:35 16 make a child abuse investigation at that time.

00:21:41 17 Q All I'm asking you is if you did see any kind  
00:21:45 18 of mark or blood or something on the young man before  
00:21:50 19 you shot his father. That's all I want to know.

00:21:52 20 MR. FERGUSON: All he's saying is he didn't  
00:21:53 21 get the opportunity to make that evaluation, Counsel.  
00:21:56 22 He said it three times.

00:21:58 23 MR. STEERING: It's pretty simple. He either  
00:21:59 24 saw it or he didn't.

00:22:01 25 MR. FERGUSON: And he's answered the question.

00:22:02 1 MR. STEERING: He's not answering the  
00:22:03 2 question. He's just putting something else on there.

00:22:05 3 MR. FERGUSON: He answered the question.

00:22:06 4 MR. STEERING: This sounds look a Washington,  
00:22:08 5 D.C. argument or something. Come on. Obviously --

00:22:13 6 MR. FERGUSON: He's answered the question,  
00:22:14 7 Counsel. Just go to the next one.

8 BY MR. STEERING:

00:22:20 9 Q Did you know Leonard Sanchez, Sr. before the  
00:22:25 10 day that you shot him?

00:22:28 11 A Yes.

00:22:29 12 Q How did you know him?

00:22:32 13 A I believe it was October of 2017. I was a  
00:22:38 14 secondary officer backing one of our other officers  
00:22:43 15 responding to the Sands Motel for a domestic incident.

00:22:47 16 Q Who was the lead officer?

00:22:49 17 A Officer Escalante.

00:22:54 18 Q October 17th, that's 2017?

00:22:57 19 A I believe it was sometime in November, I  
00:22:59 20 believe, approximately.

00:23:01 21 Q November of 2017?

00:23:03 22 A Yes.

00:23:04 23 MR. FERGUSON: Or September.

00:23:05 24 THE WITNESS: Somewhere -- between September,  
00:23:08 25 November, around that time. I don't know the exact

00:23:12 1  
00:23:13 3  
00:23:15 4  
00:23:17 5  
00:23:20 6  
00:23:21 7  
00:23:23 8  
00:23:24 9  
00:23:26 10  
00:23:30 11  
00:23:30 12  
00:23:34 13  
00:23:38 14  
00:23:39 15  
16  
00:23:43 17  
00:23:44 18  
00:23:45 19  
00:23:47 20  
00:23:48 21  
00:23:49 22  
00:23:51 23  
24  
00:23:52 25

date.

BY MR. STEERING:

Q Do you remember the nature of the call?

A It was a domestic disturbance.

Q Was it at the Sands Motel?

A Yes.

Q Was it a different room?

A Yes.

Q Was it involving Leonard Sanchez, Sr. and Margaret Alba?

A Yes.

Q And was she -- did she call the police to get Leonard Sanchez out of the -- out of that motel room?

MR. FERGUSON: Objection; lacks foundation, calls for speculation, vague.

BY MR. STEERING:

Q He's not telling you not to answer. He's just making an objection.

MR. FERGUSON: If you understand the question, I want you to answer the question.

THE WITNESS: I understand. I just wanted to make sure counsel was finished before I answer the question.

BY MR. STEERING:

Q Okay.

00:23:53 1 A I don't recall the full details of the call  
00:23:57 2 for service.

00:23:58 3 Q Did you have any physical contact with Leonard  
00:24:01 4 Sanchez, Sr. during that prior call for service?

00:24:06 5 A Yes.

00:24:06 6 Q What was the nature of the physical contact  
00:24:08 7 that you had with him, sir?

00:24:11 8 A He had head-butted me in the face.

00:24:14 9 Q Did your face get injured?

00:24:17 10 A Yes.

00:24:17 11 Q Break your nose?

00:24:18 12 A No.

00:24:19 13 Q Any blood?

00:24:21 14 A No.

00:24:22 15 Q Any marks or bruising from that?

00:24:25 16 A Not that I recall.

00:24:27 17 Q As far as you know, are there any photographs  
00:24:29 18 taken of any injuries you sustained from being  
00:24:33 19 head-butted by Leonard Sanchez, Sr. during that prior  
00:24:36 20 incident?

00:24:37 21 A I don't recall.

00:24:40 22 Q Do you know if there was a criminal  
00:24:42 23 prosecution of Leonard Sanchez, Sr. for head-butting  
00:24:46 24 you, among other things?

00:24:50 25 A To my knowledge, there was, yes.



00:24:52 1 Q Did you have to go to court for that?

00:24:54 2 A I did not.

00:24:55 3 Q Were you in contact with the San Bernardino  
00:24:57 4 County District Attorney's Office about that incident?

00:25:01 5 A Not that I recall.

00:25:05 6 Q Were you ever informed -- did you author a  
00:25:08 7 report about that incident?

00:25:14 8 A Yes.

00:25:14 9 Q Who was the lead officer again on that, sir?

00:25:17 10 A Officer Escalante.

00:25:20 11 Q Is he still with Barstow PD?

00:25:22 12 A Yes.

00:25:46 13 Q Okay. Do you remember the nature of the call  
00:25:49 14 that brought you to the Sands Hotel -- or Motel, excuse  
00:26:00 15 me, on February 25th, 2018?

00:26:03 16 A Yes.

00:26:03 17 Q What was the nature of the call for service  
00:26:07 18 that you heard on your police radio?

00:26:10 19 A It was a domestic incident at the Sands Motel.

00:26:16 20 Q And did anyone tell you that a man was  
00:26:21 21 threatening to harm himself?

00:26:26 22 A I was informed by police dispatch that  
00:26:28 23 Mr. Sanchez had a knife to his neck. And then as we  
00:26:32 24 were going there, I verified with dispatch does he  
00:26:35 25 still have the knife, and they informed me that he did

00:26:41 1 not.

00:26:41 2 Q Okay. Were you the lead officer on that call?

00:26:43 3 A Yes.

00:27:06 4 Q During that prior incident with Leonard

00:27:08 5 Sanchez, the one where he head-butted you, did you

00:27:14 6 speak with him during that incident?

00:27:18 7 A Prior to him head-butting me, yes.

00:27:21 8 Q Did you speak English with him?

00:27:27 9 A Yes.

00:27:28 10 Q Did he seem to understand English?

00:27:29 11 A Yes.

00:28:20 12 Q Did you ever work as a school resource

00:28:22 13 officer?

00:28:23 14 A Yes.

00:28:25 15 Q Was that with Barstow PD?

00:28:29 16 A Yes.

00:28:30 17 Q How long did you work as a school resource

00:28:32 18 officer, sir?

00:28:33 19 A I'm currently in that position right now.

00:28:36 20 Q How long have you been in that position, sir?

00:28:39 21 A A year and eight months, approximately. And

00:28:43 22 then prior to that was a year, so a total of two years,

00:28:51 23 eight months.

00:28:58 24 Q Is there a particular school that you patrol,

00:29:01 25 sir?

00:29:02 1 A Yes.

00:29:03 2 Q What school is that?

00:29:05 3 A The Barstow High School and Central High  
00:29:16 4 School.

00:29:17 5 Q Okay. When you were with the San Bernardino  
00:29:19 6 Police Department, was there some kind of a like mass  
00:29:23 7 layoff of that department?

00:29:25 8 A There were pink slips issued due to budget  
00:29:28 9 cuts, yes.

00:29:30 10 Q Were you issued a pink slip because you didn't  
00:29:33 11 have enough seniority as some of the other officers in  
00:29:36 12 that department?

00:29:37 13 A I was issued a pink slip and told due to  
00:29:40 14 budget cuts, we were given two weeks and would be laid  
00:29:43 15 off in two weeks.

00:30:04 16 Q Okay. Have you ever shot anyone other than  
00:30:08 17 Leonard Sanchez, Sr.?

00:30:13 18 A No.

00:30:14 19 Q Have you ever been present when a police  
00:30:18 20 officer shot anyone other than Leonard Sanchez, Sr.?

00:30:23 21 A No.

00:30:30 22 Q Are you on some type of police officer  
00:30:34 23 association board?

00:30:39 24 A Yes.

00:30:41 25 Q And are you a member at large of that board?

00:30:45 1 A Yes.

00:30:45 2 Q What does member at large mean?

00:30:49 3 A We act as the liaison between the officers and  
00:30:52 4 to the board.

00:30:56 5 Q So are you the liaison person?

00:30:58 6 A I'm the member at large.

00:31:01 7 Q And that means you act between the board and  
00:31:04 8 the officers; is that --

00:31:06 9 A Yes.

00:31:07 10 Q Okay. And then one of your codefendants in  
00:31:11 11 this case, Officer Buesa, he's the secretary of the  
00:31:14 12 Peace Officers Association?

00:31:17 13 A That's correct.

00:31:20 14 Q How long have you been in that position with  
00:31:24 15 the Barstow Peace Officers -- or Police Officers  
00:31:26 16 Association?

00:31:27 17 A About a year and a half.

00:31:32 18 Q Do they any kind of collective bargaining for  
00:31:37 19 the member officers?

00:31:39 20 A We do.

00:31:45 21 Q And Tom Lewis is also on that board?

00:31:49 22 A Yes.

00:31:50 23 Q Do you remember seeing Thomas Lewis the night  
00:31:54 24 of the shooting of Leonard Sanchez, Sr.?

00:31:58 25 A No.

00:32:16 1 Q Did you shoot Leonard Sanchez, Sr. because you  
00:32:19 2 thought it would be dangerous to allow him to go inside  
00:32:23 3 the hotel room with Margaret Alba and the children?

00:32:27 4 MR. FERGUSON: Objection; vague and ambiguous,  
00:32:29 5 calls foundation [sic] as framed, lacks foundation as  
00:32:33 6 framed.

00:32:34 7 THE WITNESS: I stopped Leonard Sanchez  
00:32:36 8 because he was an immediate threat and there was an  
00:32:41 9 imminent loss of life in that situation. There was  
00:32:45 10 going to be an imminent loss of life in that situation.

11 BY MR. STEERING:

00:32:49 12 Q Do you mean when you shot him, you believed  
00:32:51 13 that if you didn't shoot him, that he was going to stab  
00:32:54 14 one or more of the other persons inside of the hotel  
00:32:57 15 room; is that fair?

00:32:58 16 A If I didn't stop Leonard Sanchez, he was going  
00:33:00 17 to stab Alba and his children.

00:33:04 18 Q Why do you say that?

00:33:09 19 A Based on his past violent -- propensity of  
00:33:11 20 violence, he wasn't responding to any common direction  
00:33:18 21 given to him as to drop the knives. Initially I wanted  
00:33:25 22 to speak with him and being noncompliant towards me.  
00:33:31 23 Honestly, being in a violation of 417.8, pulls weapons  
00:33:35 24 out, can't conduct the investigation. That's a felony.  
00:33:41 25 That right there alone, with the past propensity of

00:33:44 1 violence, Ms. Alba wanting him gone, out of the room.

00:33:53 2 Q What's 417.18; what is that?

00:34:00 3 A Point 8. It's, in summary, for producing a  
00:34:04 4 weapon, not allowing me to conduct an investigation.

00:34:14 5 Q Is it different than a regular 417?

00:34:19 6 MR. FERGUSON: It's 417.8, so it's different.

00:34:22 7 MR. STEERING: I know, but the definition  
00:34:24 8 sounded like a 417 that he described to me.

00:34:27 9 MR. FERGUSON: It's a subsection, isn't it?  
00:34:30 10 417.8 is a subsection.

00:34:31 11 MR. STEERING: That's a different thing.

00:34:32 12 MR. FERGUSON: Yeah.

13 BY MR. STEERING:

00:34:46 14 Q So 417.8 says, "Every person who draws or  
00:34:50 15 exhibits any firearm, whether loaded or unloaded, or  
00:34:55 16 other deadly weapon with the intent to resist or  
00:34:59 17 prevent the arrest or detention of himself or another  
00:35:02 18 by a peace officer shall be imprisoned in the state  
00:35:07 19 prison for two, three or four years."

00:35:10 20 So is it your testimony that Leonard  
00:35:14 21 Sanchez, Sr. drew or exhibited knives with the intent  
00:35:28 22 to prevent his arrest or detention?

00:35:39 23 A Is that the question? Is that it?

00:35:44 24 Q Yeah.

00:35:45 25 MR. FERGUSON: Yes or no.

00:35:45 1 THE WITNESS: Yes, absolutely.

2 BY MR. STEERING:

00:35:56 3 Q And what did you do or say that you believe  
00:36:05 4 would have indicated to a reasonable person that they  
00:36:10 5 were being detained? Let me reask this.

00:36:12 6 What did you do or say regarding Leonard  
00:36:17 7 Sanchez, Sr. that you believe would have indicated to a  
00:36:24 8 reasonable person that they were being detained or  
00:36:29 9 arrested?

00:36:30 10 MR. FERGUSON: Objection; asked and answered,  
00:36:34 11 calls for speculation.

00:36:35 12 But you can answer.

00:36:37 13 THE WITNESS: Again, when I arrived on scene,  
00:36:39 14 I exited my patrol vehicle, saw Mr. Sanchez standing  
00:36:46 15 there. I said to the extent, "Sir, let me speak to  
00:36:49 16 you." He displays two knives, and over probably a  
00:36:53 17 greater -- more than ten seconds, I'm telling him to  
00:36:56 18 "Drop the knives," "Drop the knives," while I have my  
00:36:59 19 firearm pointed at him. He's obstructing my  
00:37:02 20 investigation.

00:37:03 21 I don't know if a child is injured, because  
00:37:06 22 the child was crying and went back in the room. So I  
00:37:09 23 couldn't perform any type of investigation whatsoever.  
00:37:12 24 I couldn't detain him because I wasn't going to walk up  
00:37:15 25 there and, oh, here put down the knives. He wasn't

00:37:19 1 even doing that for me. If he would have put them down  
00:37:22 2 and came towards me, we wouldn't even be here right  
00:37:28 3 now.

4 BY MR. STEERING:

00:37:29 5 Q Okay. So did you ever say anything to him  
00:37:32 6 along the lines of "You're being detained."

00:37:37 7 A No.

00:37:37 8 MR. FERGUSON: Say that again. Could you  
00:37:39 9 repeat that?

00:37:40 10 MR. STEERING: I asked him if he said anything  
00:37:41 11 along the lines of "You're being detained," and the  
00:37:45 12 answer is no.

00:37:46 13 MR. FERGUSON: Well, "Drop the knives."

00:37:47 14 THE WITNESS: "Drop the knives," exactly.

00:37:50 15 MR. FERGUSON: Well, that's answering the  
00:37:53 16 question.

00:37:54 17 MR. STEERING: Well, you mean you're answering  
00:37:56 18 the question.

00:37:58 19 MR. FERGUSON: No, no. You've asked him --

00:37:59 20 MR. STEERING: No, you just answered the  
00:38:00 21 question.

00:38:01 22 MR. FERGUSON: He's already answered it, asked  
00:38:03 23 and answered.

00:38:05 24 MR. STEERING: Please.

00:38:05 25 MR. FERGUSON: Your question was vague and



00:38:07 1 ambiguous.

00:38:07 2 MR. STEERING: I've got a present for you.

00:38:15 3 MR. FERGUSON: You've got what?

00:38:20 4 MR. STEERING: If you're going to coach your

00:38:21 5 client, I've got a whistle for you.

00:38:26 6 MR. FERGUSON: What are you talking about?

00:38:28 7 MR. STEERING: Telling him what to say.

00:38:29 8 MR. FERGUSON: I didn't tell him what to say.

00:38:31 9 MR. STEERING: You just said it for him, Pete.

00:38:32 10 MR. FERGUSON: No, I didn't.

00:38:33 11 MR. STEERING: Yeah, you did.

00:38:34 12 MR. FERGUSON: For the record, the record kind

00:38:36 13 of speaks for itself.

00:38:37 14 MR. STEERING: It sure does. Anyway --

00:38:38 15 MR. FERGUSON: Counsel pulls out his keys and

00:38:41 16 uses a whistle.

00:38:45 17 MR. STEERING: I didn't blow it loud, believe

00:38:48 18 me.

00:38:49 19 MR. FERGUSON: If I had a little card, I'd

00:38:52 20 give you a little red card. You're out.

00:38:57 21 MR. STEERING: No yellow card.

00:38:58 22 MR. FERGUSON: No yellow card.

23 BY MR. STEERING:

00:39:07 24 Q Okay. So prior to Leonard Sanchez, Sr.

00:39:14 25 pulling the knives out of his person somewhere, his

00:39:20 1 jacket or trousers or something, did you attempt to  
00:39:28 2 detain him in any way?

00:39:31 3 A Again, counsel, I exited my patrol vehicle,  
00:39:34 4 walked up and saw that there was a child crying. The  
00:39:38 5 child said, "Why did you hit me?" The child went back  
00:39:41 6 in the room. I asked Mr. Sanchez to come here. He  
00:39:44 7 pulled out two knives. I was trying to conduct an  
00:39:47 8 investigation. I had to deal with that threat that he  
00:39:50 9 now presented.

00:40:12 10 Q Okay. So when you shot -- did you know -- at  
00:40:19 11 the time you shot Leonard Sanchez, Sr., did you know  
00:40:24 12 where Margaret Alba was inside the hotel room?

00:40:29 13 A Yes.

00:40:29 14 Q How did you know that?

00:40:31 15 A I've been in those rooms, and they're very,  
00:40:33 16 very small. I believe the hotel was built back in the  
00:40:36 17 1940s. They're not your standard hotel. The bed, the  
00:40:42 18 kitchenette is all right there. And there's just a  
00:40:44 19 little tiny bathroom. She was right there in the back  
00:40:48 20 portion of the room.

00:40:52 21 Q Okay. And if we're -- let's say that we're  
00:40:55 22 standing right in front of the door of the hotel room,  
00:40:59 23 so straight ahead would be -- straight ahead would be  
00:41:04 24 12:00. So if you're standing right in front of the  
00:41:06 25 room and you're looking right in the room, it would be

00:41:10 1 12:00.

00:41:11 2 If we were to find your position on the watch  
00:41:15 3 dial relative to the front of the room, what do you  
00:41:17 4 think it would be 3:00, 2:00, 1:00? What do you think?

00:41:25 5 A So if I'm facing the room and that being --

00:41:28 6 Q Yes.

00:41:29 7 A -- and that's 12:00?

00:41:30 8 Q Yeah.

00:41:31 9 A And then I'm moving in a clockwise fashion?

00:41:35 10 Q Let's say you're standing in the door,  
00:41:37 11 standing in the door of the threshold, on the threshold  
00:41:40 12 of the doorway and you're looking out of the hotel  
00:41:42 13 room, okay. And straight ahead would be 12:00, all  
00:41:49 14 right.

00:41:50 15 Where would somebody look on a watch dial to  
00:41:52 16 find you?

00:41:53 17 MR. FERGUSON: At what time?

18 BY MR. STEERING:

00:41:55 19 Q At the time that you shot Leonard Sanchez, Sr.

00:42:03 20 A Well, if I'm facing out and that's 12:00, from  
00:42:08 21 the door out to the parking lot, it would be between  
00:42:14 22 10:00 and 11:00.

00:42:16 23 Q Okay. And what kind of bullets were you using  
00:42:24 24 that you shot Leonard Sanchez, Sr. with?

00:42:28 25 A I shot Leonard Sanchez using .40 caliber

00:42:32 1 Smith & Wesson Ranger ammo.

00:42:40 2 Q Do you know if that ammo is known to go  
00:42:42 3 through people?

00:42:44 4 MR. FERGUSON: Objection; calls for  
00:42:45 5 speculation, vague and ambiguous, lacks foundation.

00:42:50 6 THE WITNESS: I know it's hollow-point ammo.  
00:42:53 7 I'm not an armor expert or a weapons expert or a  
00:42:57 8 ballistics expert, so I couldn't tell you.

9 BY MR. STEERING:

00:43:05 10 Q When Leonard Sanchez, Sr. pulled out the  
00:43:07 11 knives, wasn't that in response to Margaret Alba saying  
00:43:15 12 that he was acting crazy?

00:43:18 13 A I don't know. I don't know what was going  
00:43:20 14 through Mr. Sanchez's mind at that point in time.

00:43:22 15 Q Was that right after Margaret Alba said that  
00:43:26 16 Mr. Sanchez was acting crazy?

00:43:28 17 MR. FERGUSON: Objection; lacks foundation,  
00:43:29 18 assumes facts not in evidence, calls for speculation,  
00:43:33 19 and it's hearsay.

00:43:35 20 THE WITNESS: When I was outside and I exited  
00:43:37 21 my patrol car, again, and the child, Leonard, Jr., "Why  
00:43:43 22 did you hit me?" And he went back inside. I asked  
00:43:47 23 Mr. Sanchez to come here, and then that's when he  
00:43:51 24 pulled out the knives.

25 BY MR. STEERING:

00:43:57 1 Q Did you hear it on the recording, on your  
00:43:59 2 body-worn camera recording, you telling Mr. Sanchez to  
00:44:03 3 come to you?  
00:44:06 4 A I asked him to come down to speak with him.  
00:44:10 5 Q Do you know if you can hear that on your  
00:44:12 6 body-worn camera recording?  
00:44:16 7 A Yes.  
00:44:16 8 Q Can you?  
00:44:22 9 A Yes.  
00:44:25 10 Q At the point in time when you shot Leonard  
00:44:54 11 Sanchez, Sr. for the first time, what did you think the  
00:45:02 12 odds were of him harming someone inside the hotel room  
00:45:06 13 if you didn't shoot him?  
00:45:08 14 MR. FERGUSON: Objection; calls for wild  
00:45:11 15 speculation, lacks foundation.  
16 BY MR. STEERING:  
00:45:12 17 Q Go ahead.  
00:45:14 18 A From my perception when I got there and when  
00:45:17 19 he displayed those two knives, there was an immediate  
00:45:23 20 and imminent threat for loss of life, immediate. And  
00:45:27 21 that was based on the proximity, based on past  
00:45:30 22 knowledge and his perception -- his propensity for  
00:45:36 23 violence.  
00:45:36 24 Q What do you think the odds were of him harming  
00:45:38 25 somebody if you had just let him walk in the hotel room

00:45:41 1 and not shot him?

00:45:41 2 MR. FERGUSON: Objection; calls for  
00:45:43 3 speculation, lacks foundation, inappropriate legal  
00:45:46 4 determination, and therefore it's irrelevant, and it's  
00:45:49 5 abusive and oppressive.

00:45:52 6 MR. STEERING: You really shouldn't be --

00:45:53 7 MR. FERGUSON: Can I borrow your whistle?

00:45:55 8 MR. STEERING: Yeah, there you go.

00:45:57 9 MR. FERGUSON: No. You already whistled in  
00:45:57 10 it.

00:45:58 11 THE WITNESS: Could you repeat the question,  
00:46:14 12 please?

13 (Record read as follows:

14 "Question: What do you think the odds were of  
15 him harming somebody if you had just let him walk  
16 in the hotel room and not shot him?")

00:46:15 17 THE WITNESS: Extremely high, very high, a  
00:46:16 18 hundred percent.

19 BY MR. STEERING:

00:46:22 20 Q Okay. All right. So you shot him the first  
00:46:25 21 time, and then did you see Mr. Leonard Sanchez, Sr.  
00:46:31 22 fall down after you shot him the first time?

00:46:35 23 A Yes.

00:46:35 24 Q Did you see him lying on the bed before you  
00:46:38 25 shot him the second time?

00:46:40 1 A He was sitting up on the bed when I stopped  
00:46:46 2 him.

00:46:46 3 Q And when he was sitting up on the bed, was he  
00:46:49 4 facing the outside window?

00:46:52 5 A Yes, he would be facing towards the window.

00:46:55 6 Q The window that went to the front, outside of  
00:46:58 7 the motel room?

00:47:00 8 MR. FERGUSON: Can I ask a question? Just for  
00:47:01 9 purposes of direction, if you're looking into the room,  
00:47:05 10 is that north, east, south or west?

00:47:07 11 THE WITNESS: That would be south.

00:47:08 12 MR. FERGUSON: So if he's on the bed looking  
00:47:10 13 out, he would be looking in what direction?

00:47:13 14 THE WITNESS: North.

00:47:13 15 MR. FERGUSON: Okay. I just wanted to get  
00:47:19 16 that.

17 BY MR. STEERING:

00:47:20 18 Q Okay. And when you say sitting, you mean  
00:47:21 19 sitting like kind of upright with, let's say, his legs  
00:47:25 20 down off -- down off one side of the bed and his torso  
00:47:30 21 kind of upright, sitting on the bed?

00:47:32 22 A He was sitting upright, completely upright.

00:47:36 23 Q And did you see any knives in his hands at  
00:47:38 24 that time?

00:47:38 25 A Yes.

00:47:41 1 Q How many knives did you see?

00:47:43 2 A I saw one come down in the right hand really  
00:47:47 3 fast.

00:47:48 4 Q Was that before you shot him or after you shot  
00:47:51 5 him?

00:47:51 6 A That was before. He was still wielding the  
00:47:53 7 knife.

00:47:54 8 MR. FERGUSON: Do you mean -- we have three  
00:47:55 9 different shots. So for purposes of the record, you're  
00:47:58 10 talking about the second and third round, correct?

00:48:01 11 MR. STEERING: Uh-huh, yeah.

00:48:02 12 Q Okay. So when Mr. Leonard Sanchez, Sr. was  
00:48:08 13 sitting on the bed after you shot him the first time,  
00:48:14 14 and he was sitting -- I guess sitting on the side of  
00:48:18 15 the bed -- on the bed, but on the side, facing north,  
00:48:21 16 outside the window, where was Margaret Alba at that  
00:48:30 17 time?

00:48:31 18 A She would have had -- she was behind him.

00:48:35 19 Q Okay. Do you have an estimate as to how far  
00:48:38 20 Margaret Alba was behind Leonard Sanchez, Sr. when you  
00:48:47 21 shot Leonard Sanchez, Sr. the second time?

00:48:52 22 A I couldn't approximate or guess that because  
00:48:54 23 the door was blocking her view -- my view from her. I  
00:48:57 24 couldn't see. The door was right there.

00:49:01 25 Q So you couldn't see her, but you could see



00:49:04 1 him?

00:49:04 2 A Absolutely, yes.

00:49:07 3 Q Was the door closed enough that you couldn't  
00:49:09 4 see her; was that the problem?

00:49:11 5 A It was at probably approximately 30-,  
00:49:15 6 40-degree angle closed. So you have -- this would be  
00:49:22 7 open, the door. But the door was like this, and she  
00:49:26 8 would have been behind here. And then he was sitting  
00:49:28 9 on the bed right here, and then I was right here.

00:49:34 10 MR. FERGUSON: Your mic.

11 BY MR. STEERING:

00:49:53 12 Q Okay. At the time you shot Leonard  
00:49:56 13 Sanchez, Sr., the second time, that is the second shot,  
00:50:04 14 do you know where the young boy, Leonard Sanchez, Jr.  
00:50:07 15 was in the hotel room?

00:50:09 16 A Yes.

00:50:09 17 MR. FERGUSON: Motel room.

00:50:11 18 MR. STEERING: Okay. Motel room.

00:50:12 19 Q Where was he relative to Leonard Sanchez, Sr.  
00:50:17 20 at that time, sir?

00:50:20 21 A On the south side of the bed. You could see  
00:50:22 22 him in the video, so he would be directly behind him.

00:50:31 23 Q Okay. And did you see Leonard Sanchez, Sr.  
00:50:35 24 make any type of stabbing motion toward either Margaret  
00:50:41 25 Alba or Leonard Sanchez, Jr. when he was sitting on the

00:50:49 1 bed, prior to the time you fired the second shot at  
00:50:53 2 him?

00:50:54 3 A He had swiped down with the large knife, and  
00:50:58 4 he was getting -- like turning, and there was an  
00:51:00 5 immediate threat. That's why I shot the second round.

00:51:04 6 Q So when you say swiped down the second time,  
00:51:06 7 you mean he had the knife -- it looks like he had the  
00:51:10 8 knife in his right hand, and he was making a downward  
00:51:15 9 motion with the knife; is that correct?

00:51:17 10 A Very rapidly, yes.

00:51:20 11 Q And that's when -- at that time Margaret Alba  
00:51:23 12 was standing behind him?

00:51:26 13 A The boy was behind. I would assume Margaret  
00:51:29 14 Alba was in the back portion.

00:51:31 15 Q How far was the boy from Leonard Sanchez, Sr.  
00:51:36 16 when he was sitting on the north side of the bed,  
00:51:41 17 facing north and swinging the knife downward?

00:51:49 18 A I couldn't guess. I didn't measure.

00:51:52 19 Q Do you think it would be farther than I am  
00:51:55 20 from you?

00:51:56 21 A No, probably be about the same, approximate.

00:52:00 22 MR. STEERING: So is this like 4 feet, maybe?

00:52:02 23 MR. FERGUSON: Approximately.

00:52:04 24 MR. STEERING: I guess we're about 4 feet  
00:52:05 25 away.

00:52:06 1 MR. FERGUSON: Approximately.

00:52:07 2 MR. STEERING: I'm just guessing.

00:52:11 3 Q Okay. Do you know if Leonard Sanchez, Sr. was  
00:52:14 4 looking at either Leonard Sanchez, Jr. or Margaret Alba  
00:52:20 5 or anyone else in the motel room at the time that he  
00:52:24 6 made the downward swinging motion with the knife?

00:52:27 7 MR. FERGUSON: Objection; calls for  
00:52:28 8 speculation, lacks foundation, vague.

00:52:31 9 THE WITNESS: What I remember, he was turning  
00:52:34 10 and -- he was like swiping down and was like getting  
00:52:38 11 up, trying to get up.

12 BY MR. STEERING:

00:52:39 13 Q Okay.

00:52:41 14 MR. FERGUSON: When you say trying to get up,  
00:52:42 15 in what direction is he moving?

00:52:45 16 THE WITNESS: A counterclockwise motion to the  
00:52:47 17 right.

00:52:48 18 MR. FERGUSON: Counterclockwise or clockwise?

00:52:50 19 THE WITNESS: I'm sorry, clockwise.

00:52:52 20 MR. FERGUSON: For the record, for the video,  
00:52:54 21 he's moving clockwise, so I just wanted to get the  
00:52:57 22 depo --

00:52:57 23 MR. STEERING: The video is not that clear.  
00:52:59 24 It's a little choppy.

00:53:01 25 MR. FERGUSON: So he's moving clockwise,

00:53:03 1 correct?

00:53:04 2 THE WITNESS: Yes.

00:53:04 3 MR. FERGUSON: All right.

00:53:10 4 MR. STEERING: You know there is a point where  
00:53:11 5 you can't just sit there and tell your client the  
00:53:14 6 answer. You can at least have the decency to take him  
00:53:16 7 outside and --

00:53:18 8 MR. FERGUSON: Counsel, I have the right to  
00:53:19 9 make a clear record. That's all I was doing, Counsel.  
00:53:23 10 He already answered. I'm clarifying the record. I've  
00:53:26 11 got a right to do that. You've got a right to do that  
00:53:29 12 with your client.

00:53:30 13 MR. STEERING: No. You could ask him later.  
00:53:35 14 Look, you know, I ran into this not that long ago.  
00:53:38 15 You're really not supposed to tell the witness the  
00:53:41 16 answer. There's some kind of authority.

00:53:42 17 MR. FERGUSON: Counsel, for the record, he's  
00:53:44 18 moving to his right. He's moving counter- -- he's  
00:53:47 19 moving clockwise. He said counterclockwise. I get a  
00:53:50 20 right to clarify the statement because it's on video.

00:53:54 21 MR. STEERING: It wasn't unclear.

00:53:57 22 MR. FERGUSON: It was -- for heaven's sake.

00:53:58 23 MR. STEERING: The statement wasn't unclear.

00:54:00 24 MR. FERGUSON: But his actions and statement  
00:54:02 25 were unclear.

00:54:03 1 MR. STEERING: Jesus.

00:54:04 2 MR. FERGUSON: Counsel, Counsel.

00:54:05 3 MR. STEERING: You need to quit telling him  
00:54:06 4 what to say.

00:54:07 5 MR. FERGUSON: Jerry. Let's take a break.  
00:54:09 6 Let's take a five-minute break, 10-minute break. We've  
00:54:13 7 been going for about an hour.

00:54:15 8 THE VIDEOGRAPHER: We're off the record at  
00:54:16 9 10:13 a.m.

10 (Recess.)

00:00:00 11 THE VIDEOGRAPHER: We are back on the record  
00:00:06 12 at 10:23 a.m.

13 BY MR. STEERING:

00:00:20 14 Q When you -- in your first shot of Leonard  
00:00:27 15 Sanchez, Sr., did you think there was a high  
00:00:33 16 probability, low probability, low probability or  
00:00:38 17 somewhere between of your bullet striking someone other  
00:00:42 18 than Leonard Sanchez, Sr. when you shot him the first  
00:00:46 19 time?

00:00:47 20 A I don't understand the question.

00:00:49 21 Q In other words, remember I asked you before if  
00:00:51 22 the bullets that you were using were known to go  
00:00:54 23 through people; do you remember I asked that?

00:00:57 24 A Yes.

00:00:58 25 Q Okay. And like maybe like a high-powered

00:01:00 1 rifle bullet might go right through somebody; is that  
00:01:05 2 fair?

00:01:05 3 A I'm not a ballistics expert.

00:01:08 4 Q But you've carried a gun for a number of  
00:01:09 5 years, right?

00:01:11 6 A Yes.

00:01:12 7 Q And you're trained how to use a gun, right?

00:01:16 8 A Correct.

00:01:16 9 Q When you're trained on how to use a gun, are  
00:01:18 10 you trained as to whether or not the type of ammunition  
00:01:22 11 you're using might like go through one person or hit  
00:01:24 12 somebody in the back kind of thing; are you trained  
00:01:27 13 about that?

00:01:28 14 A No.

00:01:35 15 Q Okay. How long after deputy -- excuse me --  
00:01:45 16 Officer Buesa shot his Taser device did you pull the  
00:01:50 17 trigger on your pistol for that first shot at Leonard  
00:01:53 18 Sanchez?

00:01:54 19 MR. FERGUSON: Objection; lacks foundation,  
00:01:55 20 assumes facts not in evidence.

00:01:57 21 THE WITNESS: In reviewing my body cam  
00:01:58 22 footage, we fired at the same time.

23 BY MR. STEERING:

00:02:05 24 Q Did Officer Buesa ask you if you thought it  
00:02:09 25 would be appropriate for him to shoot Leonard Sanchez

00:02:12 1 with a Taser?

00:02:13 2 A No.

00:02:20 3 Q Did Officer Buesa discuss with you at all him  
00:02:26 4 using a Taser on Leonard Sanchez?

00:02:30 5 A We've worked together so much in the past, we  
00:02:35 6 know that if you're the primary officer, you would  
00:02:39 7 deploy lethal, and the secondary officer would be  
00:02:41 8 responsible for nonlethal. That's just past practice  
00:02:44 9 for both of us.

00:02:46 10 Q Well, did you think, prior to you pulling the  
00:02:50 11 trigger on your pistol for the first shot at Leonard  
00:02:53 12 Sanchez, did you think that Officer Buesa was going to  
00:02:59 13 shoot his Taser at Mr. Sanchez?

00:03:03 14 A Based on the totality of the circumstances, at  
00:03:06 15 that time, I engaged Mr. Sanchez to stop him.

00:03:12 16 Q I know that. What I'm wondering is at any  
00:03:20 17 time prior to you pulling the trigger on your pistol  
00:03:24 18 for that first shot at Leonard Sanchez, did you think  
00:03:30 19 that Officer Buesa was going to shoot his Taser device  
00:03:34 20 at Leonard Sanchez, Sr.?

00:03:37 21 A Counsel, I'm not telepathic. I don't know  
00:03:39 22 what my partner is thinking at that split second.

00:03:42 23 Q Did you hear Officer Buesa -- so the answer  
00:03:47 24 you didn't think one way or the other about it; is that  
00:03:50 25 fair?

00:03:50 1           A     Again, I don't know what my partner was  
00:03:52 2     thinking. I had no idea if he was going to pull the  
00:03:55 3     trigger or whatnot. I can't tell you that.

00:03:59 4           Q     Do you remember Officer Buesa saying anything  
00:04:02 5     to you about shooting his Taser at Mr. Sanchez prior to  
00:04:07 6     you shooting Mr. Sanchez?

00:04:10 7           A     When I was engaged in that situation,  
00:04:12 8     everything slowed down for me. I didn't even hear my  
00:04:16 9     partner or what he was saying. I didn't hear Taser. I  
00:04:25 10    didn't hear that.

00:04:27 11          Q     So did you have any type of discussion with  
00:04:36 12    Officer Buesa about him tasing or attempting to Tase  
00:04:39 13    Leonard Sanchez, Sr. prior to you pulling the trigger  
00:04:43 14    on your pistol that took that first shot at Mr. Leonard  
00:04:50 15    Sanchez?

00:04:50 16          A     Again, how we operate is that I'm the primary  
00:04:53 17    officer. I'm responsible for lethal. And the  
00:04:57 18    secondary officer would be responsible for nonlethal.  
00:05:00 19    We didn't pause the incident and drop everything and  
00:05:03 20    say, hey, let's have a conversation. We didn't, no.

00:05:08 21          Q     Did you have a Taser device on you?

00:05:11 22          A     Yes.

00:05:12 23          Q     Did you consider using a Taser device on  
00:05:15 24    Leonard Sanchez when he was at the door of the motel  
00:05:21 25    room before he entered the room?



00:05:24 1 A Based on the totality of the circumstances and  
00:05:28 2 the imminent threat to loss of life, that wasn't  
00:05:32 3 feasible.

00:05:33 4 Q So the answer is did you consider it and then  
00:05:36 5 kind of exclude that as a possibility?

00:05:39 6 A I went through the use of force continuum  
00:05:41 7 through my head, and it was to meet force with force.

00:05:48 8 Q What force are you talking about that you are  
00:05:51 9 going to meet with? What force are you talking about?

00:05:53 10 A Mr. Sanchez exhibited two deadly weapons,  
00:05:56 11 which were two knives. I, in turn, based on our use of  
00:06:00 12 force continuum, unholstered my duty weapon and ordered  
00:06:04 13 him to drop the weapons.

00:06:10 14 Q Did you ever see Leonard Sanchez use force on  
00:06:12 15 anybody that day?

00:06:15 16 MR. FERGUSON: Objection; asked and answered.  
00:06:17 17 He already said he drew two knives. That's a use --

00:06:21 18 MR. STEERING: That's not use of force.

00:06:22 19 MR. FERGUSON: Then your question is vague and  
00:06:23 20 ambiguous then.

00:06:24 21 MR. STEERING: It's not vague.

00:06:24 22 MR. FERGUSON: Your question is vague and  
00:06:26 23 ambiguous, lacks foundation.

00:06:27 24 MR. STEERING: Oh, please.

00:06:29 25 Q Did you see Leonard Sanchez use force on

00:06:31 1 anybody that day, sir?

00:06:32 2 MR. FERGUSON: Same objections.

00:06:32 3 THE WITNESS: Yes.

4 BY MR. STEERING:

00:06:34 5 Q Who?

00:06:36 6 A Ms. Alba and the children, right there.

00:06:39 7 Q Did he strike them or something?

00:06:41 8 A He exhibited two knives. He displayed two  
00:06:45 9 knives.

00:06:46 10 Q And did you see his arm or hand or other body  
00:06:56 11 part make the knives move toward either Leonard  
00:06:59 12 Sanchez, Jr. or Margaret Alba or anyone else inside the  
00:07:03 13 motel room?

00:07:05 14 A Based on the totality of the circumstances and  
00:07:07 15 when he was on the bed and how close in proximity the  
00:07:12 16 family members were to him and he swiped down in a  
00:07:16 17 violent manner -- I'm sorry, with the right hand, when  
00:07:20 18 he had the knife in his right hand, with them being so  
00:07:22 19 close, that, again, based on the totality of the  
00:07:28 20 circumstances, they were in threat of losing their  
00:07:48 21 lives.

00:07:50 22 Q What made you think Leonard Sanchez, Sr. was  
00:07:53 23 going into the hotel room?

00:07:56 24 MR. FERGUSON: Motel room?

00:07:58 25 MR. STEERING: The motel room.

00:08:02 1 MR. FERGUSON: I don't understand the question  
00:08:03 2 because it's on the video.

00:08:07 3 MR. STEERING: I know he went in there.

00:08:09 4 Q I'm talking about before he went in the room,  
00:08:12 5 what made you think he was heading back towards that  
00:08:17 6 room?

00:08:18 7 MR. FERGUSON: The question is still vague.  
00:08:19 8 But if you understand it, go ahead and answer  
00:08:21 9 it.

00:08:21 10 THE WITNESS: He was turning in a clockwise  
00:08:24 11 motion to go back in the room. He wasn't following my  
00:08:54 12 orders.

13 BY MR. STEERING:

00:08:58 14 Q Where did you strike Leonard Sanchez, Jr. --  
00:09:02 15 or Sr.'s body with your first bullet that you shot at  
00:09:07 16 him?

00:09:07 17 MR. FERGUSON: Objection; vague as to time.  
00:09:10 18 What does he know now, or what did he know then?

00:09:13 19 MR. STEERING: What does he know, period --

00:09:14 20 MR. FERGUSON: What does he know --

00:09:15 21 MR. STEERING: -- now or then. He could have  
00:09:17 22 seen it now or know it then.

00:09:19 23 MR. FERGUSON: Did you know then where you  
00:09:20 24 struck him the first time?

00:09:24 25 THE WITNESS: No.

00:09:24 1 MR. FERGUSON: Do you know now where you  
00:09:25 2 struck him the first time?

00:09:33 3 THE WITNESS: No. I was trained to shoot  
00:09:42 4 center of mass.

5 BY MR. STEERING:

00:09:48 6 Q Is your claim that justification for shooting  
00:09:51 7 the second and third shots at Leonard Sanchez, Sr. was  
00:09:57 8 that it appeared to you that he was going to attack  
00:10:02 9 Margaret Alba and/or Leonard Sanchez, Jr.?

00:10:08 10 A Based on the totality of the circumstances and  
00:10:11 11 the close proximity, there was an imminent threat to  
00:10:17 12 loss of life that he was going to stab them.

00:10:20 13 Q When you say imminent, you mean like you  
00:10:22 14 believe it was going to happen?

00:10:23 15 A Immediate, it was an immediate and imminent  
00:10:25 16 threat, absolutely.

00:10:26 17 Q Did you believe that Leonard Sanchez, Sr. was  
00:10:29 18 going to stab Margaret Alba?

00:10:32 19 A Ms. Alba and the family, yes.

00:10:37 20 Q And that's why you shot him the second and the  
00:10:38 21 third time, right?

00:10:40 22 A To stop him.

00:11:02 23 Q Did Leonard Sanchez, Sr. say to you that you  
00:11:10 24 were just going to have to kill him?

00:11:15 25 A I don't recall his exact words.

00:11:27 1 Q Did you tell Detective Warrick -- that's  
00:11:36 2 W-a-r-r-i-c-k -- that Leonard Sanchez, Sr. said to you,  
00:11:39 3 "Well, you're just going to have to kill me"?

00:11:43 4 A If that is what is in the transcript at that  
00:11:45 5 time, then yes.

00:11:46 6 Q Do you remember if you told that to Detective  
00:11:49 7 Warrick?

00:11:50 8 A I would have to look at my transcript.

00:11:51 9 Q So the answer is you don't presently remember?

00:12:02 10 A I don't currently remember.

00:12:06 11 Q Okay. And did you -- were you aware, at the  
00:12:08 12 time you shot your first shot at Leonard Sanchez,  
00:12:11 13 whether or not Officer Buesa had shot his Taser at  
00:12:15 14 Mr. Sanchez?

00:12:18 15 A Again, based on the video, we shot at the same  
00:12:21 16 time. I didn't hear a Taser going off.

00:12:28 17 Q Okay. Well, when did you first become aware  
00:12:32 18 that Officer Buesa had shot at Leonard Sanchez, Sr.  
00:12:37 19 with his Taser device?

00:12:39 20 A I didn't -- I didn't know that at the time.

00:12:41 21 Q When did you first become aware of that?

00:12:44 22 A I don't recall.

00:12:45 23 Q Was it the night of the shooting?

00:12:47 24 A No. We didn't talk.

00:12:52 25 Q Okay. Do you think it was -- so is it -- you

00:12:58 1 just don't -- okay.

00:12:59 2 Is it fair to say you recall becoming aware  
00:13:04 3 that Officer Buesa shot his Taser device at Mr. Sanchez  
00:13:08 4 close in time to the time when you shot your first  
00:13:11 5 pistol shot at Mr. Sanchez, but you don't remember when  
00:13:16 6 you were learned that; is that fair?

00:13:17 7 MR. FERGUSON: No, that's not what he said.

00:13:18 8 MR. STEERING: I thought it was exactly what  
00:13:20 9 he said.

00:13:21 10 MR. FERGUSON: That's not what he said.

00:13:23 11 THE WITNESS: Again, I don't know when at that  
00:13:26 12 time, in that situation, when he fired off his Taser.  
00:13:29 13 We shot at the same time, based on the video.

00:13:33 14 MR. FERGUSON: Did you know that you shot at  
00:13:34 15 the same time? At the time you shot, did you know he  
00:13:36 16 shot his Taser?

00:13:37 17 THE WITNESS: No, I did not.

00:13:42 18 MR. FERGUSON: Okay.

19 BY MR. STEERING:

00:13:42 20 Q Do you think it would have been a good idea  
00:13:45 21 just to let Officer Buesa shoot his Taser at  
00:13:48 22 Mr. Sanchez rather than you shooting your pistol at  
00:13:55 23 Mr. Sanchez when he was going back inside of the motel  
00:14:00 24 room?

00:14:00 25 A I can't speak for Officer Buesa. And based on

00:14:05 1 the totality of the circumstances and the imminent  
00:14:10 2 threat to the loss of life in that current situation, I  
00:14:14 3 stopped the subject.

00:14:57 4 Q Do you remember Officer Buesa telling you that  
00:15:02 5 Leonard Sanchez was still yielding [sic] the knife?

00:15:06 6 A After the first shot and I was behind the  
00:15:08 7 door, yes, I remember him saying that.

00:15:12 8 Q Did you see Leonard Sanchez, Sr. wielding the  
00:15:17 9 knife when Officer Buesa made that statement?

00:15:21 10 A When he made that statement, I had turned to  
00:15:22 11 the left and pried the door, and I saw him visually  
00:15:25 12 wielding the knife still.

00:15:29 13 Q Do you mean Officer Buesa made the statement,  
00:15:31 14 and then you looked around the door, and you still saw  
00:15:34 15 that?

00:15:35 16 A When he said he's still wielding the knife, I  
00:15:37 17 pried the corner, meaning I stepped to the left, and  
00:15:40 18 looked in and still observed Mr. Sanchez with the  
00:15:49 19 knife.

00:15:50 20 Q When Leonard Sanchez walked out of the motel  
00:15:52 21 room, why didn't you just walk in after him?

00:15:55 22 A It's not feasible, and he had a weapon in his  
00:16:36 23 hand.

00:16:51 24 Q What did you do after you fired -- fired your  
00:16:55 25 third shot at Leonard Sanchez, Sr.?

00:17:00 1 A Once the threat was stopped, we had everyone  
00:17:03 2 come out of the room.

00:17:07 3 Q Then what did you do?

00:17:11 4 A Radio -- put over the radio shots were fired,  
00:17:13 5 requested emergency medical services to the location.

00:17:18 6 Q How long did it take the paramedics to show  
00:17:20 7 up?

00:17:20 8 A I don't know, sir.

00:17:22 9 Q Were you in the room when they showed up?

00:17:25 10 A No.

00:17:25 11 Q Where were you when the paramedics got to the  
00:17:28 12 scene?

00:17:28 13 A I was in one of the patrol cars.

00:17:32 14 Q What were you doing in the patrol car?

00:17:34 15 A Sitting there, waiting to be taken back to the  
00:17:37 16 station.

00:17:37 17 Q Did someone tell you to go in a patrol car?

00:17:42 18 A Yes.

00:17:42 19 Q Who told you to go in the patrol car?

00:17:44 20 A I believe it was Sergeant Gilmore.

00:17:49 21 Q Did he tell you to go back to the station with  
00:17:51 22 Officer Buesa?

00:17:53 23 A I believe I was taken back to the station by  
00:17:59 24 Corporal Barrintos, I believe.

00:18:15 25 Q Were you interviewed at the station on the



00:18:19 1 night of the shooting?

00:18:22 2 A No.

00:18:22 3 Q Did you give a public safety interview that  
00:18:25 4 evening?

00:18:26 5 A Yes.

00:18:32 6 Q Do you know what happened to Margaret Alba and  
00:18:39 7 Leonard Sanchez, Jr. after you shot Leonard  
00:18:45 8 Sanchez, Sr.?

00:18:49 9 MR. FERGUSON: He already testified he got  
00:18:51 10 them out of the room.

00:18:52 11 THE WITNESS: Got them out of the room, and I  
00:18:56 12 believe they went over by the other motel rooms right  
00:18:59 13 there. I don't know what happened to them after that.

00:19:04 14 MR. STEERING: Okay. I don't have anything  
00:20:38 15 else.

00:20:41 16 MS. CRANE: I have no questions.

00:20:44 17 MR. FERGUSON: No questions.

00:20:46 18 MR. STEERING: What are we doing now in terms  
00:20:47 19 of the deposition transcripts? Are you sending out  
00:20:55 20 roughs? Do you keep the original? What is Barkley  
00:20:59 21 doing?

00:21:00 22 THE REPORTER: Do you want to go off the  
00:21:01 23 record?

00:21:01 24 MR. STEERING: Yes.

00:21:03 25 THE VIDEOGRAPHER: We're off the record at

00:21:04 1 10:44 a.m.

2 (Discussion off the record.)

00:00:00 3 THE VIDEOGRAPHER: We are back on the record  
00:00:09 4 at 10:45 a.m.

00:00:12 5 MR. STEERING: Okay. So we're going to  
00:00:14 6 stipulate that the reporter can be relieved of her  
00:00:18 7 duties under the Federal Rules of Civil Procedure to  
00:00:21 8 file the original deposition transcript with the  
00:00:23 9 district court.

00:00:25 10 MR. FERGUSON: What?

00:00:27 11 MR. STEERING: Relieve her duty to file the  
00:00:29 12 original deposition transcript with the district court;  
00:00:32 13 and that the reporter will mail the original deposition  
00:00:37 14 transcript to Mr. Ferguson. He will forward the  
00:00:43 15 original deposition transcript to Officer Spiller, and  
00:00:48 16 then Officer Spiller will have 30 days -- the defendant  
00:00:53 17 will have 30 days from the date of Mr. Ferguson's  
00:00:58 18 receipt of the original deposition transcript to notify  
00:01:05 19 me of any changes, corrections, additions to the  
00:01:08 20 deposition transcript and the fact that the original  
00:01:15 21 deposition transcript was signed and will mail the  
00:01:20 22 original deposition transcript back to me.

00:01:23 23 I'll maintain custody of the original  
00:01:24 24 deposition transcript and will make it available for  
00:01:29 25 any purpose like motion or trial. And if the original

00:01:34 1 deposition transcript is unavailable or damaged in some  
00:01:39 2 way that it can't be used or lost, then a certified  
00:01:42 3 copy can be used in lieu of the original deposition  
00:01:45 4 transcript.

00:01:46 5 MR. FERGUSON: As if it were signed.

00:01:48 6 MR. STEERING: Yes.

00:01:49 7 MR. FERGUSON: So stipulated.

00:01:50 8 MS. CRANE: So stipulated. And the county  
00:01:51 9 will take one copy of the transcript and an electronic  
00:01:56 10 copy, but no video.

00:01:58 11 MR. FERGUSON: The same for City of Barstow.

00:02:02 12 THE VIDEOGRAPHER: This concludes today's  
00:02:03 13 deposition. The time is 10:47 a.m. The date is  
00:02:07 14 January 20th, 2020, and we're off the record.

15 (Deposition session concluded at 10:47 a.m.)

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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)).  
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6 Dated: February 11, 2020  
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<p>[ [sic] (2) 29:5;55:5</p>	<p>30:4 <b>alone (1)</b> 29:25 <b>along (2)</b> 32:6,11 <b>ambiguous (9)</b> 16:6;17:3;18:5,18; 29:4;33:1;36:5; 49:20,23 <b>ammo (3)</b> 36:1,2,6 <b>ammunition (1)</b> 46:10 <b>among (1)</b> 24:24 <b>amount (1)</b> 13:3 <b>and/or (1)</b> 52:9 <b>anger (1)</b> 20:3 <b>angle (1)</b> 41:6 <b>answered (10)</b> 17:22;21:25;22:3, 6;31:10;32:20,22,23; 44:10;49:16 <b>appeared (1)</b> 52:8 <b>appreciate (1)</b> 14:25 <b>appropriate (1)</b> 46:25 <b>approximate (2)</b> 40:22;42:21 <b>Approximately (7)</b> 9:2;10:8;22:20; 26:21;41:5;42:23; 43:1 <b>area (1)</b> 10:4 <b>argument (1)</b> 22:5 <b>arm (1)</b> 50:10 <b>armor (1)</b> 36:7 <b>around (3)</b> 13:16;22:25;55:14 <b>arrest (2)</b> 30:17,22 <b>arrested (1)</b> 31:9 <b>arrived (3)</b> 19:9;20:8;31:13 <b>associated (1)</b> 5:5 <b>association (3)</b> 27:23;28:12,16 <b>assume (1)</b> 42:13 <b>assumes (2)</b> 36:18;46:20</p>	<p><b>attack (1)</b> 52:8 <b>attempt (5)</b> 17:17;18:2,4;19:3; 34:1 <b>attempted (5)</b> 16:4,5;17:20,20; 18:17 <b>attempting (6)</b> 16:25;17:3,12; 18:14;19:5;48:12 <b>attorneys (1)</b> 5:19 <b>Attorney's (1)</b> 25:4 <b>author (1)</b> 25:6 <b>authority (1)</b> 44:16 <b>available (1)</b> 58:24 <b>aware (4)</b> 53:11,17,21;54:2 <b>away (1)</b> 42:25</p>	<p><b>become (2)</b> 53:17,21 <b>becoming (1)</b> 54:2 <b>bed (15)</b> 34:17;38:24;39:1, 3,12,20,21;40:13,15, 15;41:9,21;42:1,16; 50:15 <b>beginning (2)</b> 19:23;20:1 <b>behalf (1)</b> 5:12 <b>behind (7)</b> 40:18,20;41:8,22; 42:12,13;55:6 <b>Bernardino (9)</b> 5:22;8:2,5,16;9:5; 14:7,10;25:3;27:5 <b>better (1)</b> 8:13 <b>birth (1)</b> 6:13 <b>Bissegger (1)</b> 5:5 <b>blocking (1)</b> 40:23 <b>blood (3)</b> 21:5,18;24:13 <b>blow (1)</b> 33:17 <b>board (5)</b> 27:23,25;28:4,7,21 <b>body (5)</b> 10:19;19:20; 46:21;50:10;51:15 <b>body-worn (2)</b> 37:2,6 <b>borrow (1)</b> 38:7 <b>both (1)</b> 47:9 <b>bothering (1)</b> 7:7 <b>boy (3)</b> 41:14;42:13,15 <b>Brad (1)</b> 5:5 <b>Break (4)</b> 24:11;45:5,6,6 <b>brought (1)</b> 25:14 <b>bruising (1)</b> 24:15 <b>budget (2)</b> 27:8,14 <b>Buesa (18)</b> 28:11;46:16,24; 47:3,12,19,23;48:4, 12;53:13,18;54:3,21, 25;55:4,9,13;56:22 <b>built (1)</b> 34:16</p>	<p><b>bullet (3)</b> 45:17;46:1;51:15 <b>bullets (2)</b> 35:23;45:22 <b>Bureau (2)</b> 8:22,24</p>
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