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

GRAND JURY No. 3 PROCEEDINGS

Case No. 102

Conducted by:

Todd Jackson, Deputy District Attorney

- - -

May 31, 2019

- - -

(5:06:14)

- - -

DA Case Nos. 2403060-1 and 2403060-2

PPB Cse No. 19-138195

Katie Bradford, CSR 90-0148
Court Reporter
Portland, Oregon
(503) 267-5112

Proceedings recorded on digital audio recording;
transcript provided by Certified Shorthand Reporter.

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1 Death Investigation

2 Deceased: Jeb Collin Brock

3 Incident Date: 4-29-19

4 Incident Location: 13136 Southeast Center Street

5 Portland, Oregon

6 DA Case Nos. 2403060-1 and 2403060-2

7 PPB Cse No. 19-138195

8 Grand Jury No. 3, Case No. 102

9 * * *

10 (Volume 1, Friday, May 31, 2019, 10:31 a.m.)

11 **P R O C E E D I N G S**

12 (Whereupon, the following proceedings were
13 held before Grand Jury No. 3:)

14 MR. JACKSON: Okay. This is Deputy District
15 Attorney Todd Jackson appearing before Grand Jury
16 No. 3. This is Grand Jury Case No. 102. This is DA
17 Case No. 2403060-1 and -2, a death investigation
18 following the use of firearms by police which caused
19 the death of Mr. Jeb Brock on April 29th, 2019 in the
20 City of Portland.

21 The first witness to be called before the
22 grand jury is Detective Travis Law.

23 Can you please raise your right hand?

24 **TRAVIS LAW**

25 Was thereupon called as a witness; and, having been

Examination of Travis Law

1 first duly sworn, was examined and testified as follows:

2 A GRAND JUROR: Thanks.

3 EXAMINATION

4 BY MR. JACKSON:

5 Q You can have a seat.

6 Could you please state and spell your name.

7 A Travis Law, T-r-a-v-i-s, L-a-w.

8 Q What is your current occupation?

9 A I am a detective with the Portland Police
10 Bureau currently assigned to the homicide detail.

11 Q And how long have you been a police officer?

12 A Over 16 years.

13 Q And have you assisted in the investigation
14 of the use of deadly force by police officers in
15 the past?

16 A I have, yes, on several occasions.

17 Q And also, as a member of the homicide
18 detail, have you investigated other homicide cases?

19 A I have, yes.

20 Q Okay. Did you receive any special training
21 in the areas of homicide investigations and
22 officer-involved shooting's?

23 A Yes. During my 80-hour detectives academy
24 before becoming a detective, we receive training in
25 those areas.

Examination of Travis Law

1 Q Okay. Could you please explain for us how
2 officer-involved shooting investigations are conducted
3 through the Portland Police Bureau?

4 A Yes. Officers receive training regarding
5 officer-involved shootings. That includes that when
6 an officer-involved shooting occurs, they secure the
7 scene.

8 They separate -- identify and separate
9 witnesses and they also identify involved officers and
10 they make sure that someone is assigned to monitor
11 those involved officers. And those involved officers
12 are separated. There's also a series of notifications
13 that are made, to include the homicide detail, who's
14 responsible for the investigation.

15 Q When you talk about witnesses, does that
16 include both civilian witnesses who may have seen an
17 incident occur and also other police officers that
18 were not involved in the use of force, but may have
19 witnessed it or seen part or all of it?

20 A That is correct.

21 Q Whose primary responsibility is it to
22 actually separate those -- or identify the witness
23 officers and involved officers and then separate
24 them out?

25 A The on-scene commander or the person in

Examination of Travis Law

1 charge of the scene will make sure that the -- that is
2 done.

3 Q Is the Portland Police homicide detail
4 always called out to conduct the investigation into an
5 officer-involved shooting in Portland?

6 A Yes.

7 Q Okay. When there is a homicide call out for
8 an officer-involved shooting, what does that entail?

9 A We have a team -- a team of detectives that
10 respond to the scene. We are notified all hours of
11 the day and night. We respond along with the Forensic
12 Evidence Division, which are criminalists or crime
13 scene technicians. And we also are assisted by the
14 Medical Examiner's Office.

15 Q Okay. Does a member of the District
16 Attorney's Office also respond to the scene?

17 A That is correct.

18 Q Okay.

19 A And earlier, I said, I think, an on-scene
20 commander. What I meant to say is the officer in
21 charge. It may not be a -- a command-level person.
22 It could be a sergeant or a lieutenant at the scene
23 who's -- the officer in charge is just also referred
24 to as the OIC.

25 Q Okay. And are those officers generally

Examination of Travis Law

1 patrol officers or sergeants that have responded to
2 the initial call?

3 A Yes. And they are usually not directly
4 involved in the incident. They sort of have a view
5 from -- from back of the incident and the scene.

6 Q Okay. And then once the homicide detail
7 arrives on scene, do you assume control of the
8 investigation?

9 A Yes, we do.

10 Q And so how -- how are tasks assigned once
11 the homicide detail is on scene?

12 A Well, initially, we secure -- make sure that
13 the -- the scene is secure and then we -- that there
14 are assignments that are given by the supervisor of
15 the -- of the detail.

16 Q Is that a sergeant?

17 A Yes. And in this case, it was Sergeant
18 Michele Hughes.

19 Q Okay.

20 A And we also assume control of the
21 investigation from that point forward. And we
22 basically -- it changes hands from the patrol officers
23 and sergeants at the scene to the homicide detail.

24 Q So were you called out to investigate an
25 officer-involved shooting on April 29th, 2019?

Examination of Travis Law

1 A I was. I was notified at 5:07 a.m. on
2 April 29th, which was a Monday. My sergeant, Michele
3 Hughes, contacted me that morning and directed me to
4 respond to that address, 13136 on Center.

5 Q In Southeast Portland?

6 A Correct.

7 Q Okay. Who else responded with you?

8 A My partner, Detective Vince Cui; other
9 members of the homicide detail; the Forensic Evidence
10 Division; command staff from the Portland Police
11 Bureau; yourself, Todd Jackson, from the DA's Office.

12 Q Okay. And was Detective Sergeant Michele
13 Hughes also there present at the scene?

14 A She was. And I was assigned as a lead
15 detective for that -- for this investigation.

16 Q Okay. When you're assigned as the lead
17 detective for an investigation, what does that
18 essentially mean?

19 A I'm responsible for the -- the investigation
20 at the scene and then the follow-up investigation in
21 the days and weeks afterwards.

22 Q Okay. Could you take us through what you
23 did when you got on scene for this case?

24 A Yes. After meeting with Sergeant Hughes,
25 Michele Hughes, at the scene, we, ultimately, received

Examination of Travis Law

1 a briefing from the officer in charge, who, in this
2 case, was Sergeant Brian Hughes.

3 But before the briefing, we verified that
4 the scene was set up appropriately. We made sure that
5 the involved officers were separated and that there
6 was someone assigned to monitor them. And then we
7 received a briefing as a team in the mobile command
8 center.

9 Q Okay. Were the witness officers also
10 separated and monitored?

11 A Yes, that is correct.

12 Q And when you say you wanted to ensure that
13 the crime scene was set up appropriately, what does
14 that mean?

15 A That there isn't unauthorized people coming
16 in and out of the crime scene and also that it's large
17 enough that we have an area large enough to -- to
18 capture the scene.

19 Q And do you actually exclude people from the
20 scene by putting up crime scene tape around a
21 particular area?

22 A That is correct, yes.

23 Q So --

24 A And there's officers posted at thoroughfare
25 points of -- of entry where people could drive in or

Examination of Travis Law

1 walk up, there's officers posted to restrict access.

2 Q Is there also what's referred to as a crime
3 scene log kept to document everybody or every single
4 person that enters the crime scene?

5 A Yes. We have an outer crime scene and an
6 inner crime scene. The outer crime scene is the area
7 where we sort of operate, where we can operate without
8 disturbing any of the evidence at the scene.

9 The inner crime scene is where the person
10 with the crime scene log is situated. And they make
11 sure that no one comes in or out, and that those that
12 do enter are documented.

13 Q Okay. Once you received those briefings,
14 what was the next thing that you did in the
15 investigation?

16 A We did a weapons countdown with the involved
17 officers. That's part of our role at the scene, is to
18 determine or document the officers' weapons. That was
19 one of the things that we did.

20 Q Okay. And as part of the process, were
21 communication restriction orders placed on the
22 involved officers and witness officers?

23 A Yes, they were.

24 Q And what does that mean?

25 A It is an administrative function of the

Examination of Travis Law

1 Police Bureau where they issue the involved officers
2 an -- orders, and in writing, to the -- where they're
3 not allowed to discuss the case with only certain
4 people.

5 Q Okay. Do you know who those people are that
6 they're authorized to discuss with?

7 A I believe it's their -- their spouse, their
8 clergy and maybe a few other people.

9 Q Okay. But they're not --

10 A Their --

11 Q -- allowed --

12 A Their -- the employee assistance people --

13 Q Union folks?

14 A -- union folks, mental health

15 representatives, something -- something to that
16 effect.

17 Q Okay. But they're, essentially, not allowed
18 to walk around and discuss with other officers or
19 friends what has happened?

20 A That is correct. And there are -- there are
21 penalties for violating the communication restriction
22 order.

23 Q And were those placed on the involved and
24 witness officers in this case?

25 A They were, yes.

Examination of Travis Law

1 Q Okay. So what is your understanding of the
2 name of the person that was shot and killed by the
3 police in this case was?

4 A Jeb, J-e-b; Collin is his middle name,
5 spelled with two Ls or one L. I found it both ways.
6 And then Brock, B-r-o-c-k. He's a 43-year-old white
7 male.

8 Q And how was he identified?

9 A He was identified by the family members at
10 the scene that called 9-1-1, that -- and then also, he
11 was identified by fingerprints at autopsy.

12 Q Okay. Was -- was he pronounced dead at the
13 scene or was he transported to an area hospital for
14 treatment?

15 A He was pronounced deceased at the scene by
16 American Medical Response or an AMR supervisor that
17 was at the scene.

18 Q Okay. As you began to familiarize yourself
19 with what had already happened and -- and began your
20 investigation, did you look at the -- what's referred
21 to as the CAD report to get a timeline of exactly when
22 things happened in the incident?

23 A Yes, I did.

24 Q All right. In fact, I'm going to direct you
25 to the screen we have up here. Could you describe

Examination of Travis Law

1 what it is that we're seeing here?

2 A This is an overview of the CAD report
3 regarding this incident. And it -- we're kind of
4 breaking down by time some of the more significant
5 parts of the incident.

6 A GRAND JUROR: Is it okay if I interject
7 and ask a question?

8 THE WITNESS: Of course.

9 A GRAND JUROR: What does CAD stand for?

10 THE WITNESS: Computer-aided dispatch. So
11 dispatch, as all this information's coming in, they
12 document it and everything's logged by date and time
13 and --

14 A GRAND JUROR: So as the 9-1-1 calls are
15 coming in, they're --

16 THE WITNESS: They're making note -- the
17 dispatchers are making notations, which are logged by
18 time. And then we have gone through their report and
19 generated sort of a more user-friendly version of the
20 events.

21 BY MR. JACKSON:

22 Q Okay. Could you take us through what we're
23 seeing here?

24 A Yeah. So --

25 Q If you'd like to come up.

Examination of Travis Law

1 A Sure. Yeah.

2 So at 4:14 a.m., we had the first 9-1-1 call
3 for this incident. That was made by Amber Stevens.
4 This is at the residence 13136 on Southeast Center
5 Street. At 4:15 a.m., dispatchers dispatch police and
6 medical to the address on report of multiple --
7 multiple stabbing victims at the residence.

8 At 4:16 a.m., we received a second 9-1-1
9 call from the residence from Delbert Littlejohn. And
10 then at 4:18 a.m., there was a third 9-1-1 call from
11 the residence from Betty Littlejohn.

12 A GRAND JUROR: Okay.

13 BY MR. JACKSON:

14 Q What also happened at 4:18 a.m.?

15 A Officer Michael Gonzalez, one of the
16 involved officers, was on scene and was walking up to
17 the residence to get eyes on to determine what was
18 occurring.

19 Q Okay. What happened next?

20 A Officer Michael Gonzalez updated at
21 4:18 a.m., that there was an active disturbance at the
22 residence and multiple victims. And this was from
23 outside. He was observing this from outside the
24 residence.

25 Q Okay.

Examination of Travis Law

1 A At 4:20 a.m., Portland police officers
2 Young, Burns, Ford and Sergeant Mooney were on scene.
3 And then a minute later at 4:21 a.m., Officer Rizzo
4 and Sergeant Searle arrived.

5 Q Okay.

6 A The -- 4:22 a.m., Sergeant Mooney updated
7 that the officers were going to clear the residence.

8 Q What does that mean?

9 A It -- clearing the residence means they
10 are -- a group of officers are going to enter the
11 residence to make it secure and make it safe, locate
12 victims, render aid. Those are just some of the
13 responsibilities.

14 A GRAND JUROR: So that's calling back in to
15 state that they have probable -- probable cause to
16 enter?

17 THE WITNESS: So, in this instance, because
18 of the nature of -- which I'm -- we will get into the
19 nature of the call with multiple stabbing victims,
20 with there being victims that are injured when they
21 initially encounter them at the scene, the police have
22 the duty and authority to enter the residence to
23 determine if there's anyone else that's injured inside
24 or anyone else that's in need of -- of aid.

25 BY MR. JACKSON:

Examination of Travis Law

1 Q And if they also are perceiving that the
2 threat is still active, do they have a duty or
3 responsibility to go in to deal with the threat?

4 A That is correct.

5 Q And is that what happened in this case?

6 A It is, yes.

7 Q So that was 4:22?

8 A Yes.

9 Q Sergeant Mooney says that they're going to
10 clear the residence.

11 A That's correct. Two minutes later,
12 Officer Burns updates dispatch via radio that the
13 suspect is refusing to drop a knife, that he is saying
14 he's going to kill a female and has a knife to the
15 female's throat and that the suspect is telling police
16 to kill him.

17 One minute later at 4:25 a.m., the officers
18 update dispatch that the suspect is down. And, in
19 this case, has been shot. And that officers are
20 working to get the victims out of the residence.

21 Q Okay.

22 A So at 4:26 a.m., Officer Gonzalez updates
23 that the suspect is deceased. And then two minutes
24 after that, at 4:28 a.m., that the scene is secure and
25 safe for medical personnel to come in.

Examination of Travis Law

1 In these incidents, police and medical are
2 dispatched almost simultaneously to -- to the scene.
3 But medical will not go into the scene until the
4 police officers have rendered it safe for them to
5 do so.

6 A GRAND JUROR: Can you go back one slide
7 for just a second?

8 MR. JACKSON: Yes.

9 A GRAND JUROR: Okay. Thank you.

10 BY MR. JACKSON:

11 Q So, Detective, based on this CAD timeline,
12 from the moment the police are called at 4:14 to the
13 point when the scene is secure and safe and the
14 victims are having medical aid rendered, we're talking
15 about a total of 14 minutes?

16 A That's correct.

17 Q All right. Why don't you stay up here by
18 the screen. So --

19 A Okay.

20 Q -- you've already said that this happened at
21 13136 Southeast Center Street. What are we seeing on
22 the screen here?

23 A This is an overview map of the pin at that
24 address on Center Street showing that it's general
25 area or its location in regards to the neighborhood,

Examination of Travis Law

1 the Powell Gilbert neighborhood -- or
2 Powellhurst-Gilbert neighborhood.

3 Q What do we see now?

4 A And that's just a pin on the top of the
5 house showing that it's at the corner of 132nd and
6 Center, the southwest corner.

7 Q Okay. And can you describe what we're
8 seeing in terms of where the driveway is, what's in
9 the driveway and what some of these other objects are
10 that we're seeing here?

11 A Yeah. So the driveway is on the west side
12 of the residence here. I believe what this is showing
13 is the motor home that's in the driveway, other
14 vehicles. And then you can see a travel trailer or
15 little trailer in the backyard and then there's some
16 garbage and other items on the property.

17 Q Okay. Is that consistent with how it looked
18 when you were out at the scene on April 29th?

19 A Yes.

20 Q Okay. As part of the investigation, was a
21 Leica scan done of the crime scene?

22 A Yes. And the Forensic Evidence Division,
23 the crime scene technicians, conducted a Leica scan.
24 It's a three-dimensional laser scan of the scene to
25 document for future use.

Examination of Travis Law

1 Q Okay. And so before we actually pull the
2 Leica scan up, have you prepared a line diagram of the
3 actual residence itself?

4 A Yes, I have. And it's displayed here.

5 Q Could you take us through what we're seeing
6 on your line diagram?

7 A Yeah. So the residence on Center is a -- a
8 one-story, single-family residence. It was a three
9 bedroom, one bath, so this diagram just shows the
10 general layout of the residence.

11 The front of the house is oriented to the
12 north, so this would be Center Street. This would be
13 132nd. And then it shows the beds oriented in the
14 respective bedrooms as we found them and sort of the
15 general layout of the living room and garage area.

16 Q Are these rooms labeled?

17 A Yes, they are. Each person had a room and
18 that's what these labels show.

19 MR. JACKSON: Okay. Are there any questions
20 about the layout of the house before we look at the
21 Leica scan?

22 I don't see any. Okay.

23 BY MR. JACKSON:

24 Q So, Detective, what are we seeing here?

25 A We are seeing the -- the front of 13136 on

Examination of Travis Law

1 Center. And you see several vehicles, a motor home
2 parked in the driveway. You can also see some --
3 these placards here are marked -- let's see here.
4 Sorry. Placard marked with a letter A and B, those
5 are placards that we use to mark evidence.

6 Q Okay. What is your understanding of what
7 those particular placards are marking?

8 A Blood in front of the residence. And this
9 is sort of standing generally off to this side looking
10 at this direction. You're -- you're sort of looking
11 southwest.

12 Q Okay. At the front of the residence?

13 A Correct.

14 Q Okay. And is this consistent with how you
15 remember the scene looking when you were out there?

16 A Yes.

17 Q Okay. What is in this area here behind the
18 gray Subaru marked as, I think, Placard B?

19 A There's a blood-soaked item there, I believe
20 it's a towel and blood, on the driveway area.

21 Q And what is this item next to the bloody
22 area?

23 A It is called an IFAK kit, so it's an
24 individual first-aid kit. It's issued to Portland
25 police officers to use to render aid to injured

Examination of Travis Law

1 victims.

2 Q Okay.

3 A And it's -- it was opened and the items were
4 pulled out of it.

5 Q And just for the record, we're at Station 1
6 in the Leica TruView scan.

7 Detective, is it your understanding that for
8 Station 2, there was an error in the actual
9 photographing from that particular station?

10 A I am.

11 Q Okay. And so if we click on this one, what
12 we'll see is the point cloud scan done without the
13 photograph overlay?

14 A That's correct.

15 Q So I'll do that now. So is this,
16 essentially, what a Leica scan looks like without the
17 photograph laid over the top of it?

18 A Yes.

19 Q Okay. We'll go to Station 3. What are we
20 seeing here?

21 A This is the motor home parked in the
22 driveway. We're looking due west. The residence is
23 here in the left frame of the picture and there is
24 some -- which will be more visible later, but there's
25 some blood droplets on the hood of the vehicle here.

Examination of Travis Law

1 This motor home we determined was occupied by Lana
2 Eide -- or Lana Eide and Shane Lunceford.

3 Q Okay. And as we spin around, this is
4 looking back towards Station 1 where we were just
5 looking?

6 A Mm-hmm.

7 Q And is this the front door of the residence?

8 A It is.

9 Q Okay. We'll go to Station 5. What are we
10 seeing there?

11 A This is just inside the front door looking
12 out the driveway area.

13 Q And as we spin around, what are we seeing
14 now?

15 A The living room of the residence.

16 Q Okay.

17 A Of note, there's two particular areas of
18 note here. This couch, there's blood soaking on the
19 cushion and there is a piece of -- broken piece of
20 denture on the ground.

21 Q So what are we seeing here now?

22 A Just an additional view of the living room
23 area. Now, we can start to see the dining room and
24 the rear slider, which goes into the backyard.

25 Q Okay. That was Station 10. We'll now go to

Examination of Travis Law

1 Station 12.

2 A And this is the backyard of the residence,
3 which you see the trailer and some of the items in the
4 backyard.

5 Q Okay. And back here on the east side of the
6 residence, there's a fence?

7 A With a gate, yes.

8 Q Okay.

9 A A large, open gate to get this in and
10 out of.

11 Q So you can actually access the backyard
12 directly off of 132nd --

13 A That's correct.

14 Q -- Avenue? Okay. And --

15 A GRAND JUROR: And that's a separate
16 trailer from the one that's parked --

17 THE WITNESS: In the driveway.

18 A GRAND JUROR: -- in the driveway?

19 THE WITNESS: Correct. And then of note in
20 the backyard, there was some blood droplet -- blood
21 droplets on the ground outside the back here.

22 BY MR. JACKSON:

23 Q Okay. Okay. So, now, what are we seeing
24 here?

25 A This scan station is down the hallway of the

Examination of Travis Law

1 residence looking -- in this view, looking back into
2 the living room. This is actually a -- a birdcage
3 here. But you can see this large blood trail in the
4 hallway area.

5 Q Okay. And for the record, we're on Station
6 6. As we spin around to the left, what do we see
7 here?

8 A This is the single bath of the residence.
9 And this bedroom here is the north -- excuse me, the
10 southeast corner bedroom for Betty Littlejohn. She's
11 the homeowner.

12 And, now, we're looking at the northeast
13 corner bedroom. This is the bedroom of Derrick
14 Rogers, Amber Stevens and their one-and-a-half year
15 old daughter, Dahlia. And this is where the
16 officer-involved shooting occurred.

17 Q Okay. And then what about the last room we
18 see there?

19 A And the -- yeah. The bedroom on the north
20 side of the residence is Delbert Littlejohn's.

21 Q Okay.

22 A GRAND JUROR: How are Derrick and Amber
23 related to Betty?

24 THE WITNESS: Derrick is Betty's grandson.

25 A GRAND JUROR: Okay.

Examination of Travis Law

1 BY MR. JACKSON:

2 Q And is Amber Derrick's fiancee?

3 A Yes. And they have a child together.

4 Q Okay. And so you already said this last
5 room was Delbert Littlejohn's room?

6 A That's correct.

7 Q And then what do we see here marked on the
8 ground?

9 A A few items, which we'll see in more detail
10 later, but this is Officer Gonzalez's flashlight. And
11 then Placard 7 and 8 are the cartridges from the 40
12 millimeter sponge round, less lethal rounds that were
13 used.

14 Q Okay. And we could --

15 A And one of them is partially in the bedroom
16 and the other one's here in the hallway.

17 Q Okay. And we can see blood on the ground
18 here in this hallway?

19 A That is correct. And that blood pretty much
20 extended throughout the whole house to the front door.

21 A GRAND JUROR: And those -- those
22 cartridges are ejected to the left?

23 THE WITNESS: Well, we'll get into that.
24 No, they are not ejected. They are manually pulled
25 out. Those were the less lethal rounds.

Examination of Travis Law

1 A GRAND JUROR: Yeah.

2 THE WITNESS: You actually have to pull
3 the -- the spent cartridge --

4 A GRAND JUROR: Sort of --

5 THE WITNESS: -- out.

6 A GRAND JUROR: Sort of like a shotgun
7 kind of?

8 THE WITNESS: Well, shotguns still --
9 they'll -- they'll be -- you know, the -- the ejected
10 round will come out when you rack the slide. This
11 one, it -- it's like a breach load. You -- you open
12 it and you pull it out and you have to load a new one
13 in, so it's just dropped.

14 A GRAND JUROR: Like an old-fashioned
15 shotgun?

16 THE WITNESS: Yes.

17 BY MR. JACKSON:

18 Q And, now, we go to Station 9. What do we
19 see here?

20 A This is an inside view of Delbert
21 Littlejohn's bedroom.

22 Q Okay. And as we spin around to the left,
23 what do we see?

24 A We're looking back out into the hallway area
25 and of note -- and of note, there's a -- was a fair

Examination of Travis Law

1 amount of what appeared to be blood behind the door on
2 the wall and to the right of the door. Items --

3 Q Blood spatter down here?

4 A Blood spatter and items knocked down. We'll
5 have -- there's additional photographs of this bedroom
6 later.

7 Q And then is this kind of the chest or
8 drawers and television --

9 A Yes.

10 Q -- here? Okay.

11 MR. JACKSON: That was the -- what I had
12 planned to present in terms of the Leica scan. Would
13 anybody like to see any of the stations we've already
14 viewed again?

15 A GRAND JUROR: No.

16 MR. JACKSON: I don't see anyone. All
17 right.

18 A GRAND JUROR: Can I go to the bathroom?

19 MR. JACKSON: Yes. So we've had a -- a
20 request for a bathroom break from a grand juror. Why
21 don't we go off the record?

22 (Recess taken, 10:59 a.m. - 11:01 a.m.)

23 MR. JACKSON: Okay. And we're back on the
24 record.

25 BY MR. JACKSON:

Examination of Travis Law

1 Q So, Detective, you want to --

2 A Yeah.

3 Q -- come back up here to the screen?

4 You mentioned as part of your initial
5 response, members of Portland Police Bureau's Forensic
6 Evidence Division will also come out to the scene?

7 A That's correct.

8 Q There's a criminalist that will assist in
9 documenting, capturing the evidence -- collecting the
10 evidence, I should say --

11 A Yes.

12 Q -- (indiscernible)?

13 A Yes.

14 Q In this case, when the Forensic Evidence
15 Division criminalists came out, did they do a video
16 walk-through of the house?

17 A They did, yes.

18 Q Okay.

19 A A video and they took photographs. We -- we
20 want to document the scene as it is before we bring
21 our personnel in to process it.

22 Q And were they also responsible for doing the
23 Leica scans we just looked at?

24 A Yes.

25 Q Okay. And so --

Examination of Travis Law

1 A GRAND JUROR: Now --

2 MR. JACKSON: Oh, go ahead.

3 A GRAND JUROR: When -- when you typically
4 hear forensic expert instead of criminalist, is there
5 a difference?

6 THE WITNESS: Our members are called
7 criminalists. You often have forensic experts that
8 work for the Crime Lab.

9 A GRAND JUROR: Okay.

10 THE WITNESS: We don't have any forensic
11 experts that are -- we don't have that position at the
12 Police Bureau.

13 A GRAND JUROR: Okay. So they're
14 investigators specifically going to crime scenes and
15 collecting evidence?

16 THE WITNESS: That's correct.

17 A GRAND JUROR: Okay.

18 BY MR. JACKSON:

19 Q And do they receive specialized training and
20 certifications to actually do that work or perform
21 that function?

22 A Yes.

23 Q Okay. And so, Detective Law, in this case,
24 do you see the image on the screen?

25 A Yes.

Examination of Travis Law

1 Q And is this one of the scene walk-through
2 videos that the Forensic Evidence Division made of the
3 scene prior to its processing?

4 A Correct.

5 Q We'll play that now.

6 (TRANSCRIBER'S NOTE: Playing DVD with no
7 audio, 11:03 a.m. - 11:07 a.m.)

8 A GRAND JUROR: That's Betty's room?

9 THE WITNESS: Correct.

10 (TRANSCRIBER'S NOTE: Playing DVD with no
11 audio, 11:07 a.m. - 11:08 a.m.)

12 A GRAND JUROR: What is that cord on the
13 floor?

14 THE WITNESS: I'm sorry?

15 A GRAND JUROR: That cord that goes into the
16 bedroom on the floor. It's not a -- it's not an
17 important --

18 THE WITNESS: Can you go back to the end of
19 the video?

20 MR. JACKSON: Yeah.

21 A GRAND JUROR: I was wondering if it was
22 part of your investigation -- that right there. That.

23 THE WITNESS: Ah.

24 A GRAND JUROR: Okay. So it's not part of
25 your investigation?

Examination of Travis Law

1 THE WITNESS: No.

2 A GRAND JUROR: It's not --

3 THE WITNESS: I'm not -- I'm not sure what
4 that was.

5 A GRAND JUROR: I also have, like, kind of
6 an odd question. There's, like --

7 THE WITNESS: Go ahead.

8 A GRAND JUROR: Obviously, there's animals
9 in that house, like a cat and a dog. Is there any
10 concern of animals, like --

11 A GRAND JUROR: Messing with --

12 A GRAND JUROR: -- not messing --

13 A GRAND JUROR: -- blood on the floor?

14 A GRAND JUROR: -- not -- or, like, is -- or
15 is it -- since it's all dry, it's not --

16 A GRAND JUROR: Disturbing the --

17 A GRAND JUROR: -- really a --

18 A GRAND JUROR: -- scene?

19 A GRAND JUROR: -- concern? Is it --

20 THE WITNESS: I know that the --

21 A GRAND JUROR: -- concerning?

22 THE WITNESS: -- dog was removed -- I
23 believe, was removed from the house --

24 A GRAND JUROR: Okay.

25 THE WITNESS: -- at some point, so we could

Examination of Travis Law

1 process. I'm not sure where the cat ended up.

2 A GRAND JUROR: Okay.

3 THE WITNESS: But, normally, the short
4 answer is no.

5 A GRAND JUROR: Okay.

6 BY MR. JACKSON:

7 Q And, Detective, was the scene also
8 documented photographically?

9 A Yes.

10 Q All right. So as we walk through some of
11 the scene photos, if you could remain up by the board
12 for us. So what are we seeing here?

13 A We're seeing the -- the front of 13136
14 Southeast Center Avenue, just another view. And this
15 is from the -- the corner of the intersection looking
16 back at the house showing the trees and bushes. And
17 over here, you see the -- that gate into the backyard
18 that we mentioned earlier.

19 A GRAND JUROR: They got the trailer in
20 that?

21 THE WITNESS: Yeah. It's just a close-up
22 view of the gate. And this is a view of the items in
23 the backyard looking to the west. Here, we have,
24 again, the blood-soaked towel and pieces of the IFAK
25 kit and some blood on the ground.

Examination of Travis Law

1 A GRAND JUROR: Are those gloves?

2 THE WITNESS: Yeah. There was a pair of
3 latex gloves or a glove that was --

4 A GRAND JUROR: An officer aiding --

5 THE WITNESS: Correct.

6 A GRAND JUROR: -- somebody? Okay.

7 THE WITNESS: That's the blood in the
8 driveway.

9 BY MR. JACKSON:

10 Q Is your understanding from the investigation
11 that that was from Derrick Rogers?

12 A That's correct. This is the white Cadillac
13 in the driveway. You see some apparent blood on the
14 hood and the front steps of the residence. And the
15 living room, bloodstaining on the couch cushion and
16 the broken denture piece.

17 Q Okay. And what is your understanding from
18 the investigation in terms of who that denture piece
19 belongs to?

20 A This came from Jon Brock, who is Jeb Brock's
21 father.

22 Q And was he seated on the couch where that
23 bloodstain was you previously identified?

24 A Yes, correct.

25 A GRAND JUROR: So we think the blood

Examination of Travis Law

1 is his?

2 THE WITNESS: Correct.

3 A GRAND JUROR: Okay. That one.

4 A GRAND JUROR: That's the couch on the
5 left of --

6 THE WITNESS: Immediately inside the door.

7 A GRAND JUROR: Okay.

8 THE WITNESS: And this is the dining room
9 area and the blood in the hallway. The kitchen. I
10 just want to take note of the knife block and the
11 types of knives in the block.

12 BY MR. JACKSON:

13 Q Okay. Could you describe those knives
14 for us?

15 A Yes. They -- they appear to be
16 standard-sized kitchen knives. They have a -- sort of
17 a white handle and a silver inlet in the handle. And
18 this is in a -- a wooden block in the kitchen.

19 A GRAND JUROR: Yeah. That would be the
20 tang going through the handle.

21 THE WITNESS: I'm sorry?

22 A GRAND JUROR: That would be the tang going
23 through the handle.

24 THE WITNESS: The tang.

25 BY MR. JACKSON:

Examination of Travis Law

1 Q And is there one of the larger knives
2 missing from this knife block?

3 A That's correct. And this is looking down
4 the hallway to where the bedrooms are. We had
5 mentioned this before in the Leica scan this is
6 Officer Gonzalez's flashlight. And this cartridge
7 here and this cartridge here are spent 40-millimeter
8 less lethal cartridges. And those are attributable to
9 Officer Rizzo.

10 Q Aaron Rizzo?

11 A Correct. That's another view of the
12 cartridge.

13 A GRAND JUROR: And those -- those are
14 sponge rounds; is that correct?

15 THE WITNESS: Yes. And we have some more
16 photographs of the sponge rounds so you can see a -- a
17 full, intact round.

18 This is from Delbert Littlejohn's bedroom.
19 Looking out into the hallway, you can see items
20 knocked over; some of the blood on the wall behind the
21 door by the vacuum and some blood spatter.

22 BY MR. JACKSON:

23 Q Okay. Where is this photo oriented in
24 the room?

25 A This is to -- to the right of the door.

Examination of Travis Law

1 Q Okay. Right by the doorjamb?

2 A Yeah. And this is looking into Amber and
3 Derrick's bedroom and this is the Pack 'n Play crib
4 for Dahlia, their daughter.

5 Q As we go into the room, can you describe
6 what we're seeing?

7 A Yes. So as I mentioned before, this is the
8 kitchen knife. We believe it came from the block in
9 the kitchen. You'll see a closeup of it. It appears
10 to have bloodstaining on it. It's approximately a
11 seven-and-a-half inch long blade.

12 And we have a sledgehammer on the bed with
13 some bloodstaining on the handle, apparent
14 bloodstaining, a cellular phone and Mr. Brock lying --
15 lying on the bed against the wall.

16 Q On the Pack 'n Play, what do you see there?

17 A There is some apparent bloodstaining on the
18 side of the Pack 'n Play.

19 Q Okay. Is there also some on the top of
20 what -- in this photograph oriented to the top inside
21 of the Pack 'n Play?

22 A Yes.

23 Q Okay. Detective, did you examine the
24 sledgehammer that was recovered from the bed here?

25 A It was photographed.

Examination of Travis Law

1 Q What is it made of?

2 A It's a wood handle with a steel -- you know,
3 steel head. This --

4 Q So it's not rubber?

5 A No.

6 Q It's a metal sledgehammer?

7 A Yeah.

8 A GRAND JUROR: How long is the -- is the
9 handle, about?

10 THE WITNESS: I believe we have --

11 A GRAND JUROR: It's okay.

12 MR. JACKSON: Here we go.

13 A GRAND JUROR: Oh, there it is.

14 THE WITNESS: Yeah. It's just a --

15 A GRAND JUROR: Okay.

16 THE WITNESS: -- close-up picture of it.

17 It -- it appears that it's over 12 inches.

18 A GRAND JUROR: Mm-hmm.

19 A GRAND JUROR: So it's, like, a 24 inch?

20 THE WITNESS: Yeah, 18 maybe, an 18 inch.

21 A GRAND JUROR: Yeah, okay. Yeah.

22 THE WITNESS: That looks like about
23 18 inches.

24 A GRAND JUROR: Yeah.

25 BY MR. JACKSON:

Examination of Travis Law

1 Q So what are we seeing here?

2 A So these -- these are Mr. Brock's feet. And
3 this is a fired cartridge casing on the bed partially
4 underneath this blanket here. And this is a GPS
5 monitor on his right ankle.

6 A GRAND JUROR: Okay. So we're not -- not
7 to utilize the fact that he has a GPS monitor in this
8 case, but --

9 MR. JACKSON: There'll be some
10 information --

11 A GRAND JUROR: This is --

12 MR. JACKSON: -- presented on that later.

13 BY MR. JACKSON:

14 Q What's this?

15 A This is a photograph of Amber Stevens' pants
16 and underwear that were collected from the bed. And
17 they're basically kind of intermingled with each
18 other.

19 Q Is it your understanding from the
20 investigation that these are the pants and underwear
21 she was wearing when Jeb Brock had sexually
22 assaulted her?

23 A That's correct.

24 Q And what do we see here?

25 A These -- now that the pants and underwear

Examination of Travis Law

1 have been separated and the pants have been laid out
2 for a photograph.

3 Q What is that on --

4 A That's what is depicted in the picture.

5 Q What is that on the leg --

6 A I believe --

7 Q -- of her pants?

8 A -- it's bloodstaining. And we've already
9 seen the photographs of the sledgehammer. This is
10 laundry hamper in the bedroom. And this is a
11 photograph of me.

12 I searched that laundry hamper. We moved a
13 lot of the stuff from -- some of the items we moved
14 from Derrick and Amber's bedroom to Betty's bedroom so
15 we could search them because there was just a lot
16 going on in here.

17 It was a pretty confined and -- and cramped
18 space, so we moved the laundry hamper or laundry
19 basket to Betty's room. As I was removing the items
20 from the top of it, a shell casing fell out of, and
21 it's just a fired cartridge casing. There will be
22 some more photographs of the two casings that were
23 recovered.

24 Q Okay. And what is -- are we seeing in --
25 that's in this photograph?

Examination of Travis Law

1 A There's a -- another pair of pants and
2 underwear together, but also the paper bag here where
3 we located some bullet fragments, copper fragments.

4 Q Okay. What is this?

5 A This is a shoe that was in that previously
6 described paper bag and there's some copper jacketing
7 from the bullet on the shoe.

8 And this is an additional -- or a close-in
9 photograph of the copper jacketing.

10 Q So what does that indicate to you?

11 A That came from a bullet.

12 Q Okay.

13 A It's bullet fragments that -- a bullet
14 struck something and the fragments came back.

15 Q Okay. And copper jacketing, does that mean
16 it's separated from the actual lead bullet itself?

17 A Correct.

18 Q Okay.

19 A And, initially, the bullet was not found on
20 the bed until the blanket was moved. And that's just
21 a photograph of the casing, the fired cartridge casing
22 on the bed.

23 Q And what did you --

24 A And --

25 Q -- also see in the actual blanket itself?

Examination of Travis Law

1 A The pants and underwear.

2 Q Okay. And what -- what is that bottle we
3 see there?

4 A That was a little canister that had some
5 pills in it, like, prescription pills. And you want
6 to go -- I think there's another picture. There was
7 some bullet fragments on the bed as well.

8 Q So what do we see here?

9 A This is a photograph of one of the cartridge
10 casings. This is the casing that was recovered from
11 the bed. It's a 9-millimeter Luger.

12 Q And is that the standard round that Portland
13 police officers carry and use?

14 A Yes. And --

15 Q What do we see here?

16 A This is a sponge round. This is an expelled
17 less lethal 40-millimeter sponge round. So there were
18 two rounds -- two rounds fired.

19 Q Where is that in the room if you could
20 point --

21 A So --

22 Q -- it for us?

23 A -- that would be right here on this couch,
24 so to the right.

25 A GRAND JUROR: That's next to the Pack 'n

Examination of Travis Law

1 Play?

2 THE WITNESS: Yeah. So couch, Pack 'n Play,
3 then bed.

4 A GRAND JUROR: Okay.

5 THE WITNESS: So it would have hit and came
6 back. And that's just the -- and there'll be an other
7 photograph of it, but that's the -- what's left of the
8 round once it's fired.

9 And then this is the second less lethal
10 round. Again, you see the blue sponge head. And this
11 would have been -- there was just a small, little
12 space between the bed and the wall.

13 BY MR. JACKSON:

14 Q And that's where that was recovered?

15 A Yeah. And Mr. Brock would have been
16 generally oriented over here.

17 Q Okay.

18 A And this is a photograph of the
19 40-millimeter less lethal round.

20 Q So they're fired out of those metal
21 canisters we saw documented at Placards 7 and 8?

22 A Correct.

23 Q Okay. And, Detective, as part of the
24 investigation, was it your understanding that a number
25 of people were severely injured by Jeb Brock in the

Examination of Travis Law

1 course of the incident that led up to the
2 officer-involved shooting?

3 A Yes.

4 Q Did you identify those people?

5 A Yes, we did.

6 Q Who were they?

7 A Jon Brock, Delbert Littlejohn, Derrick
8 Rogers, Amber Stevens received injuries.

9 Q Okay. And were they transported to area
10 hospitals for treatment of their injuries?

11 A Yes. All of them were, yes.

12 Q And did you have members of the Forensic
13 Evidence Division go out to photograph and document
14 whatever injuries they could, given the medical
15 treatment that was under way?

16 A We did, yes. And we also interviewed those
17 individuals when they were medically stable at a
18 later time.

19 Q Did they all go to the same hospital?

20 A They did.

21 Q Which hospital?

22 A OHSU.

23 Q And we now move to Jon Brock's injuries.

24 And just to remind us, where was he in the house when
25 he was found?

Examination of Travis Law

1 A In the living room on the couch where you've
2 seen the photographs of the bloodstained cushion and
3 the broken denture.

4 Q Okay. If you'd describe what your
5 understanding of his injuries were.

6 A My understanding was he -- in the most
7 simplest terms, he had a skull fracture, a brain
8 bleed, his ear was partially severed off, his right
9 ear, and he had a -- a knife injury to his neck.

10 Q Is this the ear?

11 A Yes.

12 Q And was the depressed skull fracture on the
13 right side of his head?

14 A Yes.

15 Q Okay. What is this one?

16 A This is a back view of his head. You can
17 see all the bloodstaining, injury to his left hand.

18 Q Is what we're seeing here?

19 A Yes.

20 Q Okay.

21 A And you can see the contusion and bruising
22 to his face.

23 Q Okay. This is a few days later after he was
24 cleaned up?

25 A Yes.

Examination of Travis Law

1 Q Okay.

2 A And that's stitched knife injury to his
3 neck, the left side of his neck.

4 Q Okay. And it's oriented kind of toward the
5 front Adam's apple back toward the middle of the neck?

6 A Yep.

7 Q Okay. Have you also -- did you also have
8 the Forensic Evidence Division document Delbert
9 Littlejohn's injuries?

10 A That's correct.

11 MR. JACKSON: Okay.

12 A GRAND JUROR: I'm sorry. I want to make
13 sure that I'm getting -- the previous photos were
14 of who?

15 THE WITNESS: Jon Brock.

16 A GRAND JUROR: Thank you.

17 A GRAND JUROR: On the couch in the front?

18 BY MR. JACKSON:

19 Q And where was Delbert injured?

20 A Delbert was struck --

21 Q I'm sorry. Where in the house --

22 A Oh.

23 Q -- was Delbert injured?

24 A Yes. We believe inside of his bedroom.

25 Q Okay. And what is your understanding of

Examination of Travis Law

1 what his injuries were?

2 A He had stab wounds and was struck in the
3 head with a sledgehammer. You can see some of his
4 injuries here in the photograph --

5 Q Okay.

6 A -- to his left shoulder, left chest and then
7 the sledgehammer injury to the back, left side of his
8 head. And he had a stab wound to his left calf,
9 outside of this calf.

10 Q Okay. And same for Derrick Rogers, was --
11 were his injuries documented by the Forensic Evidence
12 Division?

13 A Yes.

14 Q Photographically?

15 A Correct.

16 Q And where was he injured?

17 A Generally, he was standing in the doorway of
18 his bedroom.

19 Q Okay.

20 A This is a photograph of him in his
21 hospital bed.

22 Q What is your understanding of his injuries?

23 A He had a fracture. He was struck in the
24 nose. He had fractures related to a sledgehammer
25 injury. He had a stab wound to his neck and a stab

Examination of Travis Law

1 wound to his right arm.

2 Q What do you see here?

3 A This is the right side of his neck where he
4 sustained a stab wound and it's been stitched up.

5 Q Okay. And what do we see here?

6 A We see the front of Derrick Rogers' face.

7 Q Okay. And it's your understanding that his
8 nose was badly broken?

9 A Yes.

10 Q Okay.

11 A And his wound on his right arm was dressed,
12 so it -- we weren't able to photograph it without
13 removing the dressing.

14 Q And, now, Amber Stevens.

15 A Yes.

16 Q Was she also transported to the hospital?

17 A She was.

18 Q And where was -- where were her injuries?

19 A She was on the bed.

20 Q Okay. In her bedroom?

21 A Yeah, the northeast corner bedroom.

22 Q Okay. And this?

23 A This is a photograph of her in her hospital
24 bed. This is an injury related to a -- a bite -- a
25 bite mark or a bite injury she sustained from the

Examination of Travis Law

1 suspect, Mr. Brock.

2 These are some cuts. You see some dried
3 blood in her mouth and these were sustained during the
4 incident. You see some red marks on her neck, the
5 front of her neck, and some cuts to her hands.

6 Q Thank you. And are those, in your
7 experience, consistent with what are called sometimes
8 defensive wounds or somebody trying to grab a knife
9 away from --

10 A Correct.

11 Q -- from an assailant?

12 A Yes. And some bruising to her knees.

13 Q Okay. You mentioned that as part of your
14 investigation, you did a round countdown --

15 A That's correct.

16 Q -- for the involved officers. Could you
17 explain for us what that is and what its
18 importance is?

19 A Yeah. A round count is done at the scene,
20 so before the officers -- the involved officers leave
21 the -- the scene of the incident, we -- they are
22 photographed and we, basically, do an inventory of
23 their weapon systems.

24 We make sure what weapons they do have or
25 don't have. And then we document those weapons via

Examination of Travis Law

1 photographs and we also count the number of rounds in
2 their magazines and the firearm. It's a way for us to
3 document and determine how many rounds were fired.

4 Q How do you -- I mean, it may seem obvious,
5 but --

6 A Yeah.

7 Q -- how do you determine how many rounds were
8 fired through the round count process?

9 A So we collect the magazines from them and we
10 count each round. We photograph it and we take the
11 firearm from them and we eject a -- a round in the
12 chamber if -- if so and we count that and that's how
13 we do the round count.

14 Q Okay. And how is it that you take that
15 information and then determine how many rounds were
16 fired?

17 A Well, based on the maximum capacity of the
18 magazines that we use for our duty -- duty firearms,
19 we're able to determine how many rounds were fired
20 and -- based on the number of rounds that each
21 individual officer loads into their magazines.

22 Q Okay. So, essentially, you take how many
23 they started their shift with --

24 A Yeah.

25 Q -- how many they have now, subtract them,

Examination of Travis Law

1 you get how many were fired?

2 A That's correct.

3 Q And then do you use that information to
4 assist in your processing of the scene itself as
5 you're looking for spent casings and other evidence of
6 gunfire?

7 A That's correct.

8 Q Okay. In this case, did the round counts
9 match up with the crime scene evidence in terms of
10 cartridge casings recovered as compared to the rounds
11 you expected to recover based on the round counts?

12 A That is correct.

13 Q How many rounds were fired?

14 A Two.

15 This is a photograph of Officer Aaron Rizzo.
16 This was taken, again, at the scene. This -- he's --
17 has his 40-millimeter less lethal launcher, which he's
18 displaying in the photograph. He's wearing a --

19 Q Oh, sorry.

20 A Yeah, a standard Portland Police Bureau
21 uniform, badge -- a badge is displayed. And this is a
22 photograph of the 40-millimeter less lethal launcher.
23 As you -- your question, the rounds are pulled out --

24 A GRAND JUROR: Yeah.

25 THE WITNESS: -- and you have to manually

Examination of Travis Law

1 load a -- a round in each time.

2 A GRAND JUROR: So it's a single shot?

3 THE WITNESS: Single shot.

4 And there are two different pouches that the
5 less lethal rounds are carried in. This is a butt
6 stock pouch. As you can see, there's -- there will be
7 an additional photograph of this, but there's one --
8 one round missing from the butt stock pouch.

9 And then there is a drop pouch, as they call
10 it. It's often -- oftentimes worn on the leg. And
11 you can see that there is one round missing from the
12 drop pouch. And we believe there were two rounds --
13 less lethal rounds fired during the incident.

14 BY MR. JACKSON:

15 Q You found two casings in the scene itself?

16 A Two casings and two fired rounds.

17 Q Okay. Is that an image of what an unfired
18 round looks like?

19 A Yes.

20 Q Okay.

21 A So you -- you see where it separates from.
22 We went through and documented Officer Rizzo's
23 firearm. Again, we did not believe he was one of the
24 officers that fired, but we wanted to make sure that
25 all officers involved -- directly involved in the

Examination of Travis Law

1 incident, we document their status of their handguns
2 and their rounds.

3 Q Okay.

4 A So what -- what is shown here is a
5 photograph of Officer Rizzo's Glock 17 nine-millimeter
6 handgun with the one round that was removed from the
7 chamber and was provided to investigators.

8 Q And is it your understanding from the
9 investigation that there were only three officers
10 actually physically in the room with Mr. Brock when
11 the shooting occurred?

12 A That is correct.

13 Q And so who were those officers?

14 A Sergeant James Mooney, Officer Michael
15 Gonzalez and Officer Aaron Rizzo.

16 Q And so were those the three that you focused
17 your investigation on in terms of round counts to make
18 sure that there were no unaccounted-for rounds fired?

19 A That is correct.

20 Q So what did you find when you did the round
21 count for Officer Rizzo?

22 A His -- so we carry -- well, this is the
23 magazine from the firearm. And it has 17 rounds in
24 it. And then the standard magazine, if you want to go
25 back to --

Examination of Travis Law

1 Q Well, let me ask one question here about
2 this. So the round that we see in the picture, what
3 is that one?

4 A This is the one from the chamber, as I
5 mentioned.

6 Q Okay.

7 A So it was in the -- in the gun. When you
8 pull the slide back, the round is ejected and then we
9 set it there to document it.

10 Q Okay. And there are 17 that were in the
11 magazine that was actually in the gun?

12 A Correct.

13 Q And what is the maximum capacity of the
14 magazine?

15 A 17.

16 Q So what did you conclude from that
17 information?

18 A That no rounds -- he -- that this magazine
19 -- no -- no rounds were fired.

20 Q Okay.

21 A And these are the other two magazines for
22 Officer Rizzo. And --

23 Q Backup magazines, in other words?

24 A That's correct. I believe they're worn --
25 he had them in a pouch on his duty belt. And so when

Examination of Travis Law

1 you see a lower pouch and upper pouch, but both
2 magazines had 17 rounds.

3 A GRAND JUROR: So officers start their
4 shift with a round in the chamber and a full magazine?

5 THE WITNESS: That is correct. And as you
6 will see, the definition of a full magazine can differ
7 from officer to officer.

8 BY MR. JACKSON:

9 Q Okay. Do they generally provide that
10 information to you as part of the investigation?

11 A Yes.

12 Q What they consider a full magazine to be or
13 what they usually do when they start shift?

14 A I'm sorry. You'll have to ask that one more
15 time.

16 Q Sure. Will you, essentially, ask the
17 officer, "How do you load your magazines?"

18 A Yes.

19 Q So you can determine what --

20 A Yes.

21 Q -- the starting position was for your round
22 count?

23 A Yes.

24 Q And when you say that differs, what do you
25 mean?

Examination of Travis Law

1 A Well, so the -- this is a big spring inside
2 the magazine here. And when you have all your rounds
3 in it, it depresses the spring down. Some people
4 believe that it's better to have less tension on the
5 spring because those springs can wear out over time.

6 So instead of keeping it at full capacity,
7 which is always putting a lot of pressure on the
8 spring, they'll lighten it by one round per magazine
9 just to maybe extend the life of the spring.

10 Q So it would be 16 at full capacity as
11 opposed to 17?

12 A Correct.

13 MR. JACKSON: Okay.

14 A GRAND JUROR: 16 in the magazine and one
15 in the chamber then?

16 THE WITNESS: Yes. Like I said, they're --
17 some officers --

18 A GRAND JUROR: Depending on --

19 THE WITNESS: It's a --

20 A GRAND JUROR: Yeah.

21 THE WITNESS: It's a matter of preference.
22 You -- I mean, this will hold 17 rounds, but you can
23 put 16 in it and it puts a little less tension on --

24 A GRAND JUROR: Yeah.

25 THE WITNESS: -- the spring.

Examination of Travis Law

1 A GRAND JUROR: I understand.

2 BY MR. JACKSON:

3 Q Do most officers, in your experience, do
4 what's called back filling or once they have the full
5 magazine, actually chamber a round and then put an
6 additional one into the magazine?

7 A Yes. So -- yes. So once a round is put
8 into the chamber, they'll strip the -- they'll take
9 the magazine from the firearm, put another round back
10 into it 'cause you've pulled one out to put it in the
11 chamber of the firearm. And then you'll put the
12 magazine back in the firearm.

13 MR. JACKSON: Okay. Are there any questions
14 about that?

15 I don't see any.

16 BY MR. JACKSON:

17 Q Okay. And so what did you determine when
18 you counted the rounds in Officer Rizzo's backup
19 magazines?

20 A That no rounds were fired. There were 17 in
21 each.

22 Q Okay.

23 A This is Officer Michael Gonzalez. Again,
24 and the photograph shows him at the scene in the
25 mobile command center wearing the standard Portland

Examination of Travis Law

1 police uniform with badges displayed and you see his
2 handgun and his two magazine pouches.

3 Q And so when you say upper and lower,
4 that's --

5 A Yeah. The --

6 Q -- why they're documented --

7 A Top --

8 Q -- that way?

9 A Yeah, upper and lower.

10 Q Okay.

11 A And this is a photograph of
12 Officer Gonzalez's Glock 17 nine-millimeter handgun.
13 And when we took possession of the gun, there was one
14 round in the chamber that's removed and photographed
15 here.

16 Q Okay.

17 A And this is Officer Gonzalez's magazine from
18 his handgun, which shows that there's 16 rounds.

19 Q And what was your understanding of
20 Officer Gonzalez -- of Officer Gonzalez's maximum
21 capacity based on his preference?

22 A That he loaded his round to his magazines as
23 17 rounds.

24 Q Okay. So what did you determine from that
25 information?

Examination of Travis Law

1 A That there was one round missing.

2 Q Okay.

3 A When I say one round missing, it's one round
4 expelled.

5 Q Okay. Fired?

6 A Yes. And then these are -- these are
7 photographs of his other two magazine pouches, which
8 show that there are 17 rounds in each pouch.

9 Q Okay. What did you determine from that?

10 A That no rounds were -- no additional rounds
11 were fired.

12 And this is a photograph of Sergeant James
13 Mooney in the mobile command center at the scene. It
14 display -- it shows him wearing a standard Portland
15 Police Bureau uniform with badges displayed and he had
16 his duty firearm on his side and upper and lower
17 magazine pouch.

18 This is a photograph of Sergeant Mooney's
19 firearm as we took possession of it and removed a
20 round from the chamber.

21 Q Okay.

22 A Like Sergeant -- or I mean -- excuse me,
23 like Officer Gonzalez, we located 16 rounds with one
24 round missing.

25 Q And -- okay. So your understanding was he

Examination of Travis Law

1 would fully load that magazine to 17?

2 A Yes.

3 Q And what do we see here?

4 A We see the upper and lower pouch magazines
5 with 16 rounds in each magazine. As I mentioned
6 before, his preference is to put one less round in
7 each magazine.

8 Q Okay. So he said 16 rounds per backup
9 magazine was -- that -- fully loaded, therefore --

10 A That's how he carried it.

11 Q Okay. So what did you determine from that
12 information?

13 A That Sergeant Mooney fired one round.

14 Q And once you completed the round counts, it
15 sounds like you had determined Sergeant -- or Officer
16 Rizzo fired two less lethal cartridges?

17 A Correct.

18 Q Officer Gonzalez and Sergeant Mooney were
19 each missing one round; or, in other words, had fired
20 one round?

21 A That's correct.

22 Q And is that consistent with what you found
23 in the crime scene itself?

24 A That is, yes. And those firearms were
25 collected and then they were later sent to the Crime

Examination of Travis Law

1 Lab for analysis.

2 Q Okay. Was Mr. Brock's -- you can take a
3 seat --

4 A Okay.

5 Q -- here, Detective. Thank you.

6 Was Mr. Brock's body examined by the deputy
7 medical examiner for Multnomah County?

8 A Yes.

9 Q And, ultimately, was he transported to the
10 Oregon State Police Medical Examiner's Office for
11 autopsy?

12 A Yes.

13 Q Okay. And did you attend that autopsy?

14 A I did.

15 MR. JACKSON: Detective, that's all the
16 questions I have for you at this point. I do plan to
17 call you back later on in the presentation.

18 But, at this point, do the grand jurors have
19 any questions for Detective Law?

20 A GRAND JUROR: Do we not want to visit what
21 was found at the autopsy at this point?

22 MR. JACKSON: We will call the medical
23 examiner to present --

24 A GRAND JUROR: Okay.

25 MR. JACKSON: -- that information.

Examination of Brian Hughes

1 A GRAND JUROR: Oh.

2 MR. JACKSON: Are there any other questions
3 for Detective Law?

4 THE WITNESS: Thank you.

5 MR. JACKSON: Okay.

6 THE WITNESS: Thank you.

7 MR. JACKSON: Thank you very much.

8 A GRAND JUROR: Thank you.

9 MR. JACKSON: So why don't we take a brief
10 break. We'll go off the record.

11 (Recess taken, 11:38 a.m. - 11:47 a.m.)

12 MR. JACKSON: Okay. And we're back on the
13 record following our rest break, bathroom break. And
14 we're ready with our next witness.

15 If you could raise your right hand.

16 **BRIAN J. HUGHES**

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

19 **EXAMINATION**

20 BY MR. JACKSON:

21 Q You can have a seat.

22 And would you please state and spell your
23 name.

24 A Yes. My name is Brian J. Hughes, B-r-i-a-n,
25 H-u-g-h-e-s.

Examination of Brian Hughes

1 Q All right. And where do you work?

2 A I work at the Portland Police Bureau.

3 Q What do you do for the Bureau?

4 A I am an acting lieutenant for the North
5 Precinct night shift.

6 Q And if we take you back to April 29th of
7 2019, what were you working that night?

8 A That night, I would have been a sergeant
9 assigned to the Patrol Division at East Precinct on
10 the night shift.

11 Q Okay. And just, generally speaking, what
12 does East Precinct in -- cover?

13 A East Precinct covers, generally speaking,
14 everything east of Cesar Chavez Boulevard, south of
15 Interstate 84, west of Gresham and north of Clackamas
16 County.

17 Q And do you recall, on April 29th, how many
18 sergeants were on shift with you for East Precinct?

19 A Yes. There was two sergeants and myself, so
20 a total of three.

21 Q Okay. For that entire area?

22 A Yes.

23 Q And what are the responsibilities of a
24 patrol sergeant during a shift?

25 A A sergeant supervises, does the line

Examination of Brian Hughes

1 supervisor job and they essentially supervise patrol
2 officers that go out and handle calls in the city and
3 sergeants approve their reports and would also
4 coordinate and respond to critical incidents.

5 Q And what is a critical incident?

6 A A critical incident is a rapidly unfolding
7 event that generally involves a higher level of danger
8 to the people involved in the incident, the police and
9 the public.

10 Q And do you remember what shift you were
11 actually working on April 29th?

12 A Yes.

13 Q What was it?

14 A The night shift, which starts at 10:00 and
15 is over at 8:00 a.m.

16 Q And do you recall hearing a call come out
17 for a location, 13136 Southeast 132nd Avenue?

18 A Southeast --

19 Q Or --

20 A -- Center Street.

21 Q Center Street. I'm sorry. Yeah.

22 A Yes, I do.

23 Q Center Street. Okay. And where were you
24 when that call came out?

25 A I was in the area of the 9700 block of

Examination of Brian Hughes

1 Southeast Main Street.

2 Q Okay. And did you respond immediately?

3 A Not immediately.

4 Q And why not?

5 A Stabbings happen from time to time in the
6 precinct. And, generally, a -- a run-of-the-mill
7 stabbing is something a -- an officer can handle.

8 Q Okay. When did you become aware of the fact
9 that this may not have been what you call a
10 run-of-the-mill stabbing?

11 A I hate to say that, run of the mill, that
12 sounds so bad. I knew it was something else when the
13 dispatcher added more comments on the radio saying
14 that multiple people had been stabbed; that -- there
15 was another comment that I heard on the radio that the
16 suspect was stabbing everybody. And, at that point,
17 it was -- sounded to me like it was going to become a
18 critical incident, if it wasn't already.

19 Q Okay. And so did you respond at that point?

20 A Yes, I did.

21 Q And what was your understanding of who else
22 was responding to that scene?

23 A Sergeant Paka (phonetic) Searle is one of
24 the other sergeants that was working with me. And
25 then I also believe Sergeant Jim Mooney would all --

Examination of Brian Hughes

1 or James Mooney would also be responding.

2 Q Okay. And is that in addition to the patrol
3 officers that were responding to the call?

4 A Yes.

5 Q As you were en route, what additional
6 information did you learn about the call?

7 A That somebody from inside the house called
8 in and was providing direct information to the
9 dispatcher. And like I said before, that a subject
10 was inside stabbing everyone. And I learned that some
11 officers were making plans to -- how to -- how to deal
12 with the situation.

13 Q They were already on scene?

14 A Some were on scene arriving, yes.

15 Q Okay. Did you also receive an update that
16 there was a baby in the house?

17 A Yes, I did.

18 Q Okay. When you were responding, were you
19 driving lights and sirens?

20 A Yes, I was.

21 Q Okay. So you're trying to get there as fast
22 as possible?

23 A Yes.

24 Q Okay. When you got to the house, what did
25 you see?

Examination of Brian Hughes

1 A Well, I pulled up a little ways down the
2 street on Southeast Center to the west of the house
3 and I had one of the patrol -- group of patrol
4 officers in front of me. They were also getting out
5 of their car.

6 I saw -- as I got near to the house, I saw a
7 man who was in the driveway who had a severe -- what
8 appeared to be a stab wound to his neck. And there
9 was a lot of blood. There was blood everywhere.

10 Q And you were approaching on foot?

11 A Yes.

12 Q Okay. And why was that?

13 A Because I didn't know where the suspect was.
14 I knew there was a group of officers in the house
15 looking for the suspect, but I wasn't -- it was not
16 clear to me at that time where the suspect was, if the
17 suspect had come out. And so, typically, we'll park a
18 little ways away and walk in on foot 'cause the car
19 kind of announces police and if we walk in on foot, we
20 can be safer.

21 Q Okay. And so when you got there, you saw an
22 individual in the driveway who was bleeding heavily
23 from an injury --

24 A Yes.

25 Q -- to his neck?

Examination of Brian Hughes

1 A Yes.

2 Q What else did you see?

3 A There were paramedic -- there was a
4 paramedic there trying to treat him. There was a
5 police officer there with him. I think it might have
6 been Officer Kristin Ford. And there was another
7 paramedic trying to get a gurney out of the ambulance.

8 Q Okay. And were they parked right in front
9 of the residence here or were they also staged farther
10 away or parked farther away?

11 A No. The ambulance would have been right at
12 the intersection of Center and -- Southeast Center and
13 Southeast 132nd Avenue.

14 Q Okay. Was your understanding that there
15 were other sergeants already on scene when you
16 arrived?

17 A Yes.

18 Q Who were they?

19 A I believe they were Sergeant Searle and
20 Sergeant Mooney and I believe they were in the house.

21 Q Okay. So did you go into the house --

22 A I did not.

23 Q -- at that point?

24 A No.

25 Q And why not?

Examination of Brian Hughes

1 A There were already sergeants inside the
2 house. And our typical protocol on a critical
3 incident like that would be for a sergeant to be with
4 teams that need to be directly supervised.

5 And then -- and if -- the last sergeant that
6 arrives on scene will take more of a 1,000-foot view
7 of the whole scene and try and coordinate as best we
8 can. Plus, I had a rapidly unfolding situation
9 outside with an injured person. And very quickly,
10 more injured people started coming out of the house.

11 Q Okay. And so did you kind of assume the
12 role of coordinating the medical treatment, triaging,
13 getting additional medical resources there and that
14 sort of a role?

15 A Yes, I did.

16 Q Okay. What happened then?

17 A Very shortly after I arrived on scene, I
18 heard two gunshots or what I believed to be gunshots.
19 And --

20 Q Could you tell where they came from?

21 A The direction of the house. Initially, I
22 thought they might have been out back.

23 Q Oh, okay. But from the direction of the
24 house?

25 A Yes.

Examination of Brian Hughes

1 Q You were still in the front?

2 A Yes. I was on the street, on Southeast
3 Center Street when I --

4 Q Okay. Okay. And what did you start
5 thinking at that point?

6 A I believed they had killed the man inside
7 the house.

8 Q Who had?

9 A The officers that were inside.

10 Q Okay. And so how did that change, if at
11 all, your reaction to the incident and the scene
12 itself?

13 A As the sergeant on scene, it's -- it's a
14 horrifying thing to -- to know that they have just
15 killed somebody. However, it was also a relief to me
16 because I knew that the situation inside had probably
17 stabilized.

18 I was receiving more information before they
19 shot -- before I heard the gunshots that the man had a
20 knife, was refusing to drop it, things like that, so I
21 knew that the call had been moving up a notch.

22 Q What do you mean by that, "moving up a
23 notch"?

24 A The officers were -- had made contact with
25 him and I could tell from the radio broadcast that

Examination of Brian Hughes

1 they had. And I was fully expecting to hear the
2 gunshots. So to hear them was kind of a relief to me
3 'cause I knew it was over.

4 I wasn't hearing that any officers were
5 injured. I heard that the suspect was down. And
6 then, for me anyway, I transitioned, at that point,
7 knowing that a shooting had happened in that -- in the
8 house, that I would be the incident commander for this
9 whole incident.

10 Q And why would you assume that role?

11 A Because the officers inside and sergeants
12 inside would have been in close proximity to the
13 shots. Whether they were inside or outside, I still
14 didn't know. I -- I -- I eventually heard on the
15 radio that they were inside, but I believe that the
16 sergeants were -- would be in close proximity, if not
17 involved themselves.

18 And so it's not -- it's our protocol to --
19 when people are involved in a deadly force incident,
20 either that they witnessed it or used deadly force,
21 that we try and get them out of the scene as quickly
22 as possible so that they're not continuing to make
23 decisions.

24 And especially in that sergeant role, we
25 need sergeants that can make as objective decisions as

Examination of Brian Hughes

1 possible without some of the subjectivity that would
2 be involved in having been involved in a critical
3 incident, so I took over the role of incident
4 commander.

5 Q Okay. And once you assumed that role, what
6 did that mean for you in terms of your
7 responsibilities?

8 A They're -- we have directives in the Police
9 Bureau that dictate what it is that the incident
10 commander does. There are certain notifications that
11 need to be made. The -- of course, the -- the
12 Homicide Division needs to be notified. I had a
13 conversation with Detective Law's supervisor,
14 explained the situation to her. So she --

15 Q Is that Detective Sergeant Michele Hughes?

16 A That is.

17 Q Okay.

18 A Yes. And so she can get her team started.
19 It also involves notifications to our command staff.
20 It's a very serious incident. The chief takes --
21 takes that very seriously. She ended up coming to the
22 scene herself.

23 So we notified the chief's office. We make
24 other notifications to the Independent Police Review
25 Division so that -- or office so that they can come as

Examination of Brian Hughes

1 well and be part. Internal Affairs is notified. The
2 PIO is notified. There are a lot of people that are
3 notified.

4 Q What -- what does PIO stand for?

5 A The public information officer.

6 Q Okay.

7 A But, first and -- first and foremost, before
8 those people are notified, the scene needs to be
9 secured. And so that's going to be one of our -- one
10 of our big things, is to secure the scene as best
11 we can.

12 'Cause there's evidence there that needs to
13 be preserved, so that grand jurors and juries can hear
14 that later. So that was the number one priority, was
15 to separate the officers from the scene, establish the
16 crime scene.

17 Then I started making those notifications
18 that we just talked about and coordinated additional
19 officers to come to the scene to help us.

20 Q Okay. And when you say separating the
21 officers, what do you mean by that?

22 A We have the officers -- take them -- remove
23 -- remove them from the situation as best we can.
24 Typically, we'll have them go sit in a police car with
25 another officer, so that they're not by themselves

Examination of Brian Hughes

1 after being involved in a traumatic incident. And --

2 Q Now, are these the actual involved officers
3 and witness officers or are you talking about every
4 officer that responded to the call?

5 A Just the involved officers and the witness
6 officer.

7 Q Okay.

8 A So separate them. Also tell them not to
9 talk about the incident, that they can talk about
10 other things with their partner officer that's in the
11 car with them. And, generally, the partner that comes
12 to sit with them in the car is not involved in the
13 incident and they can just kind of cool off a
14 little bit.

15 Q Okay. And did that happen in this case?

16 A It did.

17 Q Okay. And then I think you mentioned part
18 of your responsibility also was setting up and
19 establishing the crime scene?

20 A That's correct.

21 Q And was that done in this case?

22 A It was.

23 Q Okay. In terms of the medical response, how
24 were you involved in coordinating that?

25 A So after the shots happened, more people

Examination of Brian Hughes

1 started coming out of the house with a variety of
2 injuries, several stabbed. A man was hit on the head,
3 I believe with a hammer, I would later learn.

4 We did not have enough ambulances. The --
5 the trick in a situation like this is to get medical
6 care to the people involved as quickly as possible.
7 But with the shots just having been fired, the medical
8 personnel are a little nervous to come into a scene,
9 so as the incident commander, I want to make the scene
10 safe so that they can come in and do their job.

11 So I was working on that out in front of the
12 house and directing ambulances. A -- I coordinated
13 with the medical personnel to get more ambulances to
14 the scene 'cause more people were coming out of the
15 house.

16 We made a little triage point at the corner
17 there at 132 and Center and got the most critical
18 patients to ambulances first. So kind of a lot
19 going on.

20 Q Yeah, okay. And then what about in terms of
21 rendering any medical aid to the individual that was
22 shot by police?

23 A So that's also important. It's a priority
24 for the police to do that. I had heard on the radio
25 that one of the officers believed he was dead. And so

Examination of Brian Hughes

1 I didn't have enough ambulances and medical personnel
2 at the time to go to the man immediately.

3 It was a priority for me, but I had people
4 that had head wounds and a stab wound to the neck.
5 The man with the stab wound to the neck, I thought he
6 would probably not make it, but I'm glad to hear that
7 he did.

8 Q Mm-hmm.

9 A But, I mean, this how -- that's how -- how
10 injured these people were. I mean, one, I think, was
11 smashed on the head with a hammer. They were a mess.
12 And so getting -- getting those people --

13 Q I mean, did you believe these were life
14 threatening injuries?

15 A Yes, I did.

16 Q Okay. Ultimately, though, were you able to
17 get medical personnel in to examine the individual
18 that was in the house?

19 A I did.

20 Q Okay. And what was the result of that?

21 A They determined he was deceased.

22 Q Okay. And then did you continue to manage
23 the crime scene and the incident in the manner you've
24 just described until detectives got on scene and took
25 over control?

Examination of Amber Stevens

1 A Yes, I did.

2 MR. JACKSON: Okay. That's all the
3 questions that I have. Do the grand jurors have any
4 questions?

5 I don't see any. Okay.

6 THE WITNESS: All right.

7 MR. JACKSON: Thank you very much.

8 THE WITNESS: Thank you, folks.

9 A GRAND JUROR: Thank you.

10 (Recess taken, 12:02 p.m. - 12:03 p.m.)

11 MR. JACKSON: Okay. I'm sorry. We had just
12 gone off of the record. We're back on the record now.
13 I think we've got our next witness ready.

14 THE WITNESS: Hi.

15 **AMBER STEVENS**

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

18 EXAMINATION

19 BY MR. JACKSON:

20 Q Okay. You can have a seat.

21 And could you please state and spell your
22 name.

23 A Amber Stevens, A-m-b-e-r, S-t-e-v-e-n-s.

24 Q Okay. And, Ms. Stevens, how do you know
25 Derrick Rogers?

Examination of Amber Stevens

1 A He is my fiance.

2 Q And how long have you been together
3 with him?

4 A Three-and-a-half years.

5 Q Okay. And do the two of you have a child
6 together?

7 A Yes.

8 Q And how old is the child?

9 A One and a half or 16 months, to be exact.

10 Q 16 months. Okay. And you said he's your
11 fiance?

12 A Yes.

13 Q So when are you guys getting married?

14 A We are planning to get married next year
15 during the fall.

16 Q Okay.

17 A There's not an exact date yet, so --

18 Q Okay. And do the two of you live together
19 with your child?

20 A Yes.

21 Q And where -- on April 29th of 2019, where
22 were you folks living?

23 A We were living with his granny, his
24 great-grandmother, in one of the rooms in the house.
25 We were helping her try -- 'cause she had just gotten

Examination of Amber Stevens

1 out of the hospital, so we were just trying to make
2 her comfortable and help her out around the house.

3 So, yeah.

4 Q Okay. And what's her name?

5 A Betty.

6 Q Is it Betty Littlejohn?

7 A Yes.

8 Q Okay. How long had you and Derrick and your
9 child been living there?

10 A Well, it would have been a month. It wasn't
11 very long 'cause we had just prior moved out of our
12 apartment.

13 Q Into the room in --

14 A Yeah. In --

15 Q -- Betty's house?

16 A Yes.

17 Q Okay. And is your child a boy or a girl?

18 A A girl.

19 Q It's a girl. Okay. And so you and Derrick
20 and your daughter lived in this room. Who else lived
21 in the house?

22 A Betty, Delbert, and Jon lived in a trailer
23 outside. And then Derrick's aunt, Lana, lived in the
24 trailer in the front yard.

25 Q Okay. And was Derrick related to all of

Examination of Amber Stevens

1 those people?

2 A Yes.

3 Q Do you know what the relation is?

4 A So Delbert's a cousin, granny is obviously
5 his great-grandmother, Jon is his great uncle and Lana
6 is his aunt.

7 Q Okay. And do you know a person named
8 Jeb Brock?

9 A Yes.

10 Q And how do you know him?

11 A He was a family member of Derrick. I only
12 had known him two days prior as to what had happened.
13 I didn't know him very well. I just, you know, knew
14 that he was Derrick's family.

15 Q Okay. You met him for the first time a
16 couple of days before the incident happened?

17 A Yeah, maybe a day and a half.

18 Q Okay. When you first met Jeb Brock, did he
19 -- was he moving into the house or was he just
20 stopping by?

21 A No. At first, he was just stopping by to
22 see Betty and then he left that night. But then he
23 came back the next day, the day before everything
24 happened, and he was helping his dad, Jon, move out.

25 Q So Jon Brock is actually Jeb Brock's father?

Examination of Amber Stevens

1 A Yes.

2 Q Okay. And was there anything odd or out of
3 the ordinary about your interactions with Jeb Brock in
4 those days leading up to the incident?

5 A No. And that was the weird thing was the
6 day before everything happened, he was asking us what
7 we wanted for dinner. He was sitting in our bedroom
8 watching my fiance play video games and asking about
9 the video games. Like, he didn't give a distinct,
10 like, almost vibe as to he was going to hurt somebody.

11 Q Okay. Did you see him using any kind of
12 drugs or alcohol?

13 A No.

14 Q And did he -- you hear him talking about
15 doing any of those things?

16 A No.

17 Q Okay. And did he ever appear to be high to
18 you or drunk?

19 A I questioned it; but, you know, I -- because
20 our family -- well, my family is full of drug -- drug
21 addicts, so normally I would be able to point that
22 out, but I had a suspicion, but, you know, didn't
23 think too much of it.

24 Q Okay. It wasn't anything outwardly
25 obvious --

Examination of Amber Stevens

1 A Right.

2 Q -- about it? Okay. So, now, I want to take
3 you to the night of April 28th --

4 A Mm-hmm.

5 Q -- into the early morning of April 29th.

6 A Yeah.

7 Q Do you remember going to bed --

8 A Yes.

9 Q -- that night?

10 A Mm-hmm.

11 Q And was Jeb Brock there?

12 A I had thought he had left. So that night, I
13 thought he was gone. I didn't know he was staying the
14 night, so -- 'cause I just went to bed and I didn't
15 think twice of it.

16 Q Do you remember about time it was you went
17 to bed?

18 A It was 10 o'clock.

19 Q 10 o'clock. Okay.

20 A Yeah. I had to go to work the next morning,
21 so --

22 Q Okay. And who -- who was in the house, that
23 you were aware of, when you went to bed?

24 A I was aware of Delbert, me, my daughter,
25 Derrick and Granny. But I didn't know that Jon was

Examination of Amber Stevens

1 sleeping on the couch and I didn't know Jeb was in the
2 house, so --

3 Q Okay. And when you went to bed, did Derrick
4 and your daughter go to bed with you or --

5 A Yes.

6 Q -- did they stay up?

7 A Derrick stayed up, you know, a little bit
8 longer to 12:00; but, normally, when my daughter goes
9 to bed is when I go to bed. So she was already asleep
10 prior to me going to sleep. But Derrick only stayed
11 up for, like, maybe two hours and then went to bed
12 with me. So --

13 Q Okay. After you went to sleep, what -- what
14 do you next remember happening?

15 A I woke up and I heard banging and I thought
16 it was just, you know, people fighting in the next
17 room. I thought there might have been a sparked
18 argument because it's common for our family to get
19 into arguments and it escalates, sadly.

20 But I told Derrick to, you know, go break it
21 up 'cause he's normally the person in the middle that
22 always breaks up the fights. You know, the
23 peacekeeper. And --

24 Q And let me just jump in real quick. Were
25 there any of those kind of arguments or fights

Examination of Amber Stevens

1 happening between people in the house in the couple of
2 days leading up to --

3 A No.

4 Q -- this incident?

5 A No.

6 Q What about between Jeb Brock and any of the
7 other occupants in the house, any fights or arguments
8 breaking out there?

9 A No. He would -- he seemed very quiet and he
10 would speak to people when they would speak to him,
11 but, no, there was no arguing between anybody else or
12 anything.

13 Q Okay. And when you heard these sounds or
14 this commotion --

15 A Mm-hmm.

16 Q -- did you have a sense of which room --

17 A Yes.

18 Q -- it was coming from?

19 A It was the room next to us, which is
20 Delbert's room 'cause we share a wall. So I knew it
21 was his room because I could hear the pounding against
22 our wall. And my head is -- where our bed is
23 positioned, my head is up against that wall, so I
24 could easily hear it, so --

25 Q Okay. And so you told Derrick, "Hey, go --

Examination of Amber Stevens

1 go break it up"?

2 A Yeah.

3 Q And --

4 A Because I thought it was just a normal
5 fight, you know? I was just, like, you know, "Go
6 break them up, go calm them down and" --

7 Q Mm-hmm.

8 A -- "go back to bed." Yeah.

9 Q Could you tell who was fighting at that
10 point?

11 A No. All I know, it was Delbert was because
12 I could hear, you know, Delbert kind of doing grunts
13 and stuff like that. I didn't know it was Jeb that
14 was fighting him.

15 Q Mm-hmm.

16 A But I did know it was Delbert because I
17 heard him scream out loud and stuff like that. And he
18 -- we called the police once we heard, "Help, he's
19 stabbing me." And that's how I knew it was Delbert,
20 so --

21 Q Okay. And had Derrick already gone to break
22 it up when you heard that or did you hear that before
23 Derrick had left the room?

24 A Derrick had already -- was, like, already,
25 like, at the door -- at our door. And then we heard

Examination of Amber Stevens

1 it and that's when he immediately left the room.

2 Q Okay.

3 A And the door was closed. So I didn't see
4 anything that was happening out in the hallway. I
5 could hear it, but I couldn't see anything.

6 Q Okay. And you said you called 9-1-1 --

7 A Yes.

8 Q -- at that point?

9 A Yeah.

10 Q All right.

11 A The moment I heard, "Help, I'm being
12 stabbed," was when I called 9-1-1.

13 Q Okay. When did you realize that Jeb Brock
14 was involved in this?

15 A He came into our bedroom and was trying to
16 barricade himself in our bedroom.

17 Q So it wasn't until that point --

18 A Yeah.

19 Q -- that you realized he was even there?

20 A Yeah.

21 Q Okay.

22 A I didn't realize it was Jeb until he
23 actually came into the room.

24 Q So while you're -- before he came in, while
25 you're in there, where was your daughter?

Examination of Amber Stevens

1 A My daughter was asleep in her crib and her
2 crib was right next to the door.

3 Q Okay.

4 A And it was right next to our bed, so --

5 Q And if you look at this diagram we have up
6 here, is this the room that you and Derrick and your
7 daughter were in?

8 A Yes.

9 Q And does this furniture and the way that
10 it's oriented --

11 A Yes.

12 Q -- look correct to you?

13 A Yes.

14 Q And so if the door is here and the bed is
15 here, where was the crib or the Pack 'n Play?

16 A So the crib was positioned this way.

17 Q Okay.

18 A Her crib was literally right at the door.

19 Q Right between the edge of the bed and the
20 door?

21 A Yeah.

22 Q Okay. And she was sleeping?

23 A Yes.

24 Q What could you hear happening out there once
25 Derrick left the room and the door was closed?

Examination of Amber Stevens

1 A I heard screaming and yelling. I heard
2 screaming from Betty 'cause she walked out of the room
3 and she screamed. And, apparently, she went back into
4 her bedroom. And -- and then I heard, you know, just
5 continuously slamming of the door.

6 And I just heard a bunch of yelling. I
7 heard Derrick tell Delbert to run and then as I heard
8 that, Jeb was in our bedroom.

9 Q Okay. So the door was closed, so did Jeb
10 open the door --

11 A Yes.

12 Q -- and come in? What did you see at that
13 moment?

14 A Jeb had a knife and a hammer in his hand.
15 He just walked into the room and kind of, you know,
16 was hurting himself. We -- he was trying to cut his
17 wrists and his neck. And he screamed at me to not
18 move and so I didn't. I laid on the bed and --

19 Q Now, you said earlier that he was trying to
20 barricade the door or something --

21 A Yeah.

22 Q -- like that. What -- what exactly was he
23 doing?

24 A He didn't barricade -- he didn't try to
25 barricade the door until -- well, he was trying to at

Examination of Amber Stevens

1 first, but he didn't fully barricade the door until
2 after Derrick was stabbed, so --

3 Q Okay. And did you see that happen?

4 A Yes.

5 Q Could you describe for us how that occurred?

6 A So Derrick, like, used his shoulder 'cause
7 he's a big man. He pushed the door open and he was
8 screaming and Jeb was still trying to hurt himself at
9 this point, but he was trying to cut his neck over my
10 daughter's crib.

11 Q So Jeb's inside your room with you and your
12 daughter?

13 A Yes.

14 Q And was there anyone else in the room
15 with you?

16 A No.

17 Q Okay.

18 A And Derrick was pushing open the door and
19 the door was maybe a foot open. And he saw Jeb.
20 Apparently, Jeb hit him with the hammer as soon as
21 Derrick opened the door.

22 Q Well, did you see that happen?

23 A Yes.

24 Q Okay. Where did he hit Derrick with the
25 hammer?

Examination of Amber Stevens

1 A In the face, in the nose.

2 Q Okay.

3 A And I saw the blood start gushing. And then
4 he continued to try to say that he was going to kill
5 himself and then was cutting himself over my
6 daughter's crib again.

7 Q Jeb was doing that?

8 A Yes.

9 Q Okay.

10 A And Derrick screamed, "That's my baby,"
11 tried picking Dahlia up and as he was leaning in,
12 that's when he stabbed him.

13 Q When Jeb Brock stabbed Derrick?

14 A Yes.

15 Q Where did he stab him?

16 A In the neck. At first, I thought it was the
17 shoulder 'cause I couldn't really see it with only a
18 foot -- the foot of the door open, but I saw him stab
19 him closer to this region more towards his neck. And
20 -- and then when Derrick left the room, he lunged
21 outwards and stabbed him in the arm.

22 Q Jeb Brock did?

23 A Yes.

24 Q Okay. And so after Derrick was stabbed in
25 the neck, did he back --

Examination of Amber Stevens

1 A Yeah.

2 Q -- out of the --

3 A He backed out of the room and he went to
4 turn and as Derrick was turning, Derrick -- Jeb leaned
5 out, like, maybe just his shoulder was out the door,
6 and stabbed Derrick in the arm.

7 Q Okay.

8 A I didn't see him physically stab him, but I
9 saw him leaning outside the door and moving his arm
10 like that.

11 Q In a stabbing motion?

12 A Yeah.

13 Q Okay. Did you have a sense, at that point,
14 of whether or not any of the other people in the house
15 were injured?

16 A Yes. I thought Delbert was injured. I
17 didn't think Granny was injured because all I heard
18 was her scream and then her door close. And so I just
19 knew that -- I didn't -- I wasn't aware of Jon being
20 hurt. I didn't find that out until the very end.

21 Q Okay.

22 A And -- but I did know that Delbert and
23 Derrick were hurt.

24 Q Okay. Did you have a sense of how serious
25 the injuries were to either of them at that point?

Examination of Amber Stevens

1 A No.

2 Q Okay.

3 A Because after Derrick was stabbed, he -- we
4 have a bookcase behind our -- not a bookcase, but a
5 case where we have all of our clothes in behind our
6 door and he slammed it against our door.

7 Q Jeb did?

8 A Yes.

9 Q Okay. And what was your sense of why he was
10 doing that?

11 A Barricading himself.

12 Q And was your daughter still in the room at
13 that point?

14 A Yeah, she was screaming.

15 Q Okay. So she was awake now?

16 A Yeah. She was awake when Derrick was
17 yelling for her to grab her. And, yeah, she was
18 screaming throughout the whole time until I -- until
19 Jeb told me -- went over to my -- the bed and told me
20 to lay down. And then I think she calmed down, but I
21 don't recollect if she went back to sleep or if she
22 was still awake.

23 Q Okay. Now, you said when Derrick first left
24 the room, you called 9-1-1?

25 A Yeah. I had called 9-1-1 when he had first

Examination of Amber Stevens

1 left the room to go see what was happening?

2 Q Wait -- with Delbert?

3 A Yes.

4 Q And was that call on a cell phone or a
5 landline?

6 A It was my cell phone.

7 Q Okay. And as this kind of sequence of
8 events you've just described is happening, were you
9 still on with 9-1-1?

10 A Yes. I was screaming into the phone for
11 help. They were trying to ask me questions, but I was
12 just continually screaming, like, "Please help me,"
13 because, at that point, Jeb was in the room, 'cause
14 the moment -- I was calm answering their questions
15 when Derrick was out in the hallway. But the moment
16 Jeb walked into the room was when I started screaming.

17 Q Mm-hmm. Okay. You said at -- after he
18 moved that piece of furniture --

19 A Mm-hmm.

20 Q -- toward the door, he told you to lay down
21 on the bed?

22 A Yes.

23 Q Did he still have the hammer and the knife?

24 A The hammer was gone, but he still had the
25 knife.

Examination of Amber Stevens

1 Q Okay. Did you know where the hammer went?

2 A No.

3 Q Okay. But you couldn't see it anymore, at
4 least weren't seeing it?

5 A Yeah, I wasn't seeing it. All I remember
6 was he hit Derrick in the face with a hammer and then
7 the hammer was no longer with him and he only had the
8 knife.

9 Q Okay. And did you recognize the knife or
10 where it may have come from?

11 A Yes. It was a kitchen knife that was
12 actually out of one of Granny's -- Betty -- she has a
13 knife block in her kitchen and I knew exactly what
14 knife it was. It was the butcher knife.

15 Q Okay. What happened then?

16 A He told me to lay down. He grabbed my
17 breasts hard, you know? He had shoved his hand down
18 my shirt and he still had the knife in his hand
19 throughout the whole time.

20 He -- as he was groping me on the breast, he
21 bit me very, very hard on the cheek. And I didn't
22 realize it until after that it was bleeding. And
23 then, at that time, he ripped off my pants and was
24 trying to penetrate me, but couldn't.

25 He wasn't -- he couldn't get an erection to

Examination of Amber Stevens

1 penetrate me and so he forcibly made me perform oral
2 on him. And after that, when he still couldn't, he
3 tried to get back on top of me again, but he wasn't
4 trying to penetrate me. He was actually laying on top
5 of me trying to slice his neck open.

6 Q So he still had the knife in his hand
7 through all --

8 A Yeah.

9 Q -- of that?

10 A He was laying on top of me and trying to
11 slice his neck. And then after he couldn't do that,
12 he forced me to get on top of him to proceed having
13 sex. And then maybe five minutes being on top of
14 him -- he still hadn't penetrated me -- I heard the
15 police come into our house, so --

16 Q Okay. And when he first told you to lay
17 down, did he say anything about what he wanted to do
18 or what he wanted you to do?

19 A Well, he said, "Take off my pants," and at
20 first -- at first, I said -- I was just in shock, so I
21 didn't do anything. And that's when he ripped them
22 off. And as he was trying to get on top of me, he
23 said it was either me or my daughter, so --

24 Q Okay. And he still had the knife at that
25 point?

Examination of Amber Stevens

1 A Yes.

2 Q Do you remember what pants and underwear you
3 were wearing?

4 A I think I was wearing gray leggings. And I
5 think the underwear were pink.

6 Q Okay.

7 A But I -- I don't remember, to be honest.

8 Q Okay. And did you have, like, a shirt on or
9 some --

10 A Yes. I had a tank top on and I was wearing
11 a bra, so it wasn't like a wire bra. It was like a
12 sports bra.

13 Q Okay. And were those clothing items
14 removed?

15 A No. The only things were removed was my
16 pants and my underwear.

17 Q Okay.

18 A My shirt and my bra stayed on.

19 Q Okay. And did he take any of his clothes
20 off?

21 A No. He just pulled down his pants to, like,
22 the mid of his legs, you know?

23 Q Yeah.

24 A It wasn't, like, all the way off. It was
25 just down.

Examination of Amber Stevens

1 Q Okay. Okay. While this is happening, was
2 he saying anything else to you?

3 A He just kept on repeating that, "I wanted to
4 kill myself."

5 Q That he --

6 A That's all.

7 Q -- he wanted to kill --

8 A Yes.

9 Q -- himself?

10 A That he wanted to kill himself.

11 Q Okay.

12 A Or he would also say, "Don't move," or told
13 me to lay down. Those were the only -- really, the
14 three things that he told me. He didn't say anything
15 else besides the me or my daughter part.

16 Q Okay.

17 A So --

18 Q Okay. And so once he had forced you to
19 perform oral sex on him and then --

20 A Yeah.

21 Q -- laid back and had you get on top of
22 him --

23 A Yeah.

24 Q -- you said you heard the police come into
25 the house?

Examination of Amber Stevens

1 A Yes.

2 Q What did you actually hear? Or how did you
3 know --

4 A I heard --

5 Q -- they were police?

6 A I heard the sirens 'cause the -- the window
7 was open and I heard the sirens coming. And that was
8 how I knew that the police were coming.

9 And then I heard voices from the living room
10 saying, "Please let yourself be known." You know how
11 when cops walk in, they say, "Please let themselves be
12 known. We are armed. If anybody is here, please
13 tell us." And, at first, I was scared to say anything
14 because I didn't know if Jeb was going to hurt me.

15 Q Mm-hmm.

16 A And I had gotten off of top of him and the
17 moment I -- 'cause they kept on repeating it, "Let us
18 know if you're here." And the last time around when
19 they were getting closer to the door is when I
20 screamed, "I'm in here. Please help me."

21 Q Mm-hmm.

22 A And that's when Jeb pulled me in front of
23 him and then held the knife to my throat.

24 Q Okay. And, to that point, had he used the
25 knife against you in any way?

Examination of Amber Stevens

1 A No.

2 Q He just had it in his hand?

3 A Yeah. Any -- yeah. Before all of it,
4 before he had put the physical knife to my throat, he
5 had never touched me with the knife.

6 Q Okay. But he didn't, like, set it down or
7 anything --

8 A No.

9 Q -- like that as far as you know?

10 A No, not that I know of. It was still in his
11 hand throughout the whole thing.

12 Q Okay. So once the police get closer to the
13 door or sound like they're getting closer to the door
14 and you scream out --

15 A Right.

16 Q -- he grabbed you?

17 A Yeah. He grabbed me in front of him, like,
18 almost --

19 Q Okay.

20 A -- like a shield. And we were laying on our
21 sides on the bed. And he had the knife to my throat
22 to the point where I could feel the blade. It wasn't
23 just, you know, next to my throat. It was on my
24 throat and he was slowly trying to press into it.

25 Q Mm-hmm.

Examination of Amber Stevens

1 A And that's when the police came into the
2 room. And I was -- at that time, I was trying to push
3 Jeb's hand away, the hand with the knife away from my
4 neck so -- 'cause I didn't hold it against them that
5 if I didn't try to push it away, that he was just
6 going to kill me, so --

7 Q You -- you thought that's what would happen?

8 A Yeah. If I didn't try to, you know, push
9 the knife away, I thought he was just going to kill
10 me, so --

11 Q Okay. Did you actually grab the knife with
12 your hand?

13 A Yes. I pushed the blade up with my palm and
14 then, at one point while the police were still in the
15 room, I had it almost in my teeth.

16 Like, the blade -- 'cause he -- like, I had
17 shoved it upwards, but he kept on trying to press it
18 down and I didn't want him to cut my neck. And so, at
19 one point, I had the blade of the knife between my
20 teeth.

21 Q Okay.

22 A So --

23 Q Was he saying anything at this point?

24 A He was telling the police officers at first
25 that he was going to kill himself. And then he said

Examination of Amber Stevens

1 to the police officers that if they didn't back up,
2 that he was going to kill me. And I don't remember
3 him saying anything else besides that, so --

4 Q Was your daughter still in the room?

5 A When the police entered, they picked my
6 daughter up at first because I remember the police
7 officer saying, "There's a baby in the room," and
8 somebody had -- I didn't see them because the lights
9 were in my eyes, but somebody had picken [sic] up my
10 daughter and took her out into the living room.

11 Q Okay. Okay. How was Jeb holding you, like,
12 keeping you in front of him?

13 A He was like this, you know? Like, almost
14 like a hug. And his arm was over my chest and then
15 his other arm had the knife and it was towards my
16 neck. And he had his legs almost wrapped around me
17 tight, so I couldn't, you know, budge or kick. And,
18 yeah.

19 Q Okay. When the officers -- when the door
20 opened and you could see the police officers there --

21 A Yeah.

22 Q -- you said the lights were in your eyes.

23 A Mm-hmm.

24 Q Was that police lights or was it --

25 A Yeah.

Examination of Amber Stevens

1 Q -- overhead lights or --

2 A It was the police. It was the police lights
3 shining their flashlights into the room.

4 Q Okay. Were the lights on in the room or was
5 it dark?

6 A No, it was dark.

7 Q Okay. And, you know, this is, like, the
8 middle of the night, right? So --

9 A Right. It was, like, 3 o'clock or 4 o'clock
10 in the morning --

11 Q Okay.

12 A -- between that time.

13 Q And is there a lot of ambient light? Are
14 there bright streetlights outside or anything like
15 that or was the room really, like --

16 A It --

17 Q -- "dark" dark?

18 A It wasn't "dark" dark. Like, I could still
19 make out people's faces and knew -- see things. It
20 wasn't, like, completely dark. There was a small
21 ambience of light, but, yeah.

22 Q Okay. Did you hear the police say anything
23 once they had come in?

24 A When they had come in, they -- like I said,
25 they said that there was a baby in the room.

Examination of Amber Stevens

1 Q Mm-hmm.

2 A And so they took her out. And then I heard
3 them trying to convince Jeb to let me go by saying,
4 you know, "You don't have to do this. You can just
5 let her go. You can fix this," you know, trying to be
6 compliant in a way. But that's when -- as they were
7 saying that, Jeb was saying that he was going to kill
8 himself. And so, yeah.

9 Q Okay. And is that also when he was
10 threatening to kill you --

11 A Yes.

12 Q -- if they didn't back up?

13 A Yeah.

14 Q Okay. And how did the police respond to
15 that when he was saying those things?

16 A They -- you know, they had their guns drawn.
17 They weren't -- they were obviously trying to get Jeb
18 just to let me go. And they weren't initially trying
19 to just, you know, off the bat kill him, so --

20 Q Okay. As they're trying to -- to talk to
21 Jeb, did he let you go?

22 A No. I was still fighting the knife away
23 from my neck at that --

24 Q Okay.

25 A -- time. And I was screaming at the police

Examination of Amber Stevens

1 to help me. And I just kept on saying, "Please,
2 please, just help me."

3 Q Mm-hmm.

4 A So --

5 Q Okay. How did this ultimately end, this
6 kind of stand off that you're describing?

7 A So I was shot with a non-lethal in the
8 stomach because, at first when the police came in, the
9 door was only a foot open because it was still
10 somewhat barricaded. And they shot me with a
11 non-lethal 'cause I don't think they realized that I
12 was, you know, being held as a human shield.

13 They were just trying to shoot him and make
14 him, you know, drop me. And so I was first shot with
15 the non-lethal and I thought I had gotten shot with a
16 bullet because I could smell the sulfur in the air.
17 But --

18 Q Where did it hit you?

19 A Right in the stomach right here.

20 Q Okay. And you thought -- you thought you
21 were actually shot by a bullet?

22 A Yeah. 'Cause, you know, I didn't think of
23 the non-lethals at the time. I just thought -- I
24 could smell the sulfur in the air and I got hit with
25 something and it -- since the adrenaline was going

Examination of Amber Stevens

1 through me so much, all I could felt was it hit me and
2 then it being warm across my stomach.

3 So I thought the warmth was blood. And so
4 I -- just my first initial thought was, I just got
5 shot. So --

6 Q Okay. And what did you do?

7 A I screamed, "I got shot, I got shot." They
8 had came in. They were still trying to convince Jeb
9 to let me go and then when they realized that he
10 didn't let me go, that he wasn't going to let me go, I
11 remember looking down a little bit. Like, my neck was
12 like this. And I remember, like, drifting my eyes
13 downwards towards my legs.

14 And I saw him get shot in the leg. And
15 that's when I felt the initial, like, him letting me
16 go, you know? Like, I could feel him release me.

17 And I immediately jumped up and I turned
18 around and I saw Jeb still trying -- you know, lunging
19 almost. And then I heard a gunshot. And then my ear
20 was ringing and I -- at that initial moment when I
21 first heard the first gunshot, I turned around towards
22 that couch --

23 Q Okay.

24 A -- and had my head down, covered my ears and
25 I heard the second shot.

Examination of Amber Stevens

1 Q Okay. When did you realize that you weren't
2 shot with a bullet, that you were actually shot with a
3 less lethal munition round?

4 A They had taken [sic] me out of the room.
5 I --

6 Q Oh. So it wasn't until --

7 A Yeah.

8 Q -- you were all --

9 A It wasn't until --

10 Q -- the way outside?

11 A -- I was in -- out of the room and in the
12 living room.

13 Q Okay.

14 A Because I -- when I got up from the last
15 shot, I remember turning around and seeing Jeb die.
16 Like, I knew he was dying.

17 And since the officers -- since it was a
18 tight space, there was, like, three officers in the
19 room, I couldn't get through at first. And so one of
20 the officers lifted me over the couch and into the
21 hallway. And all I remember was seeing that there was
22 blood trailed through the house.

23 Q Okay.

24 A And I walked out into the living room and
25 that's when I could somewhat start feeling the pain.

Examination of Amber Stevens

1 Like, it wasn't the full pain, but I could somewhat
2 feel the pain of my stomach.

3 And I lifted up my tank top and saw that
4 there was an abrasion on my stomach. And it was
5 almost, like, you know, road rash, or, like, a scab.
6 And it was big. And it was bleeding, you know. It
7 was -- not profusely, but it was starting to bleed.

8 Q Mm-hmm.

9 A And I just put my shirt back down and asked
10 the officer if I could get my daughter a bottle of
11 milk because I knew that my daughter was freaking out
12 in the living room 'cause I could hear her.

13 And I try -- got her a bottle of milk as
14 quickly as I could, but I couldn't find the top of it.
15 And so they just told me to set it down on the
16 counter. And that's when they walked me out of the
17 house.

18 Q Okay. And were you bleeding from any of the
19 injuries to your hands when you were grabbing the
20 knife?

21 A Yes. I was mainly bleeding from my fingers.

22 Q Okay.

23 A And I hadn't noticed that until I was also
24 out in the living room because I had looked down and
25 seen that my whole hand was drenched in blood. So --

Examination of Amber Stevens

1 yeah.

2 Q Okay. You said that while you were still
3 with -- while Jeb was still holding onto you --

4 A Mm-hmm.

5 Q -- you kind of looked down toward your
6 legs --

7 A Yeah.

8 Q -- and you saw him get shot --

9 A Yeah.

10 Q -- in the leg --

11 A I remember --

12 Q -- or some --

13 A -- seeing his pants almost, like, blow up,
14 you know? Like, if you get -- like, if you shot
15 something, like a piece of fabric, and it kind of
16 frays almost. I saw the initial fray.

17 I didn't see any blood. All I just saw was
18 his pants frayed and I saw it, like, you know --
19 obviously, he got hit. So I didn't see any blood or
20 anything like that. I just knew that he was shot in
21 the leg and he released me.

22 Q Okay. And you didn't have a sense of what
23 he was shot with? You just saw --

24 A No.

25 Q -- something --

Examination of Amber Stevens

1 A I just --

2 Q -- hit him?

3 A Yeah. But I kind of figured it was a bullet
4 considering, you know, non-lethals don't penetrate the
5 skin like that. And so, like, I knew that since I
6 could see almost, like, the hole of -- in his pants,
7 that I knew that he was shot with a bullet, I'm pretty
8 sure.

9 But, you know, I didn't see if it was a
10 non-lethal or not a non-lethal. I just assumed that
11 he was shot with a bullet because his pants, you
12 know --

13 Q Because of what you saw?

14 A Yeah.

15 Q Okay. And when you said you felt his grip
16 kind of relax and you --

17 A Yeah.

18 Q -- were able to get up, if you look at this
19 diagram up here --

20 A Mm-hmm.

21 Q -- the two of you were laying in the bed
22 kind of like this?

23 A Yes.

24 Q With your head --

25 A Yeah, against --

Examination of Amber Stevens

1 Q -- where the pillows --

2 A -- the pillows.

3 Q -- are in this diagram?

4 A Mm-hmm.

5 Q Okay. When the officers came into the room,
6 you said there were three of them?

7 A Yeah.

8 Q And --

9 A And I know that there was more behind them.
10 There was two that was standing by the doorway in the
11 hallway almost, but three officers were actually
12 inside the room.

13 Q Okay. And when you jumped up, where did --
14 where, in the room, did you jump up to?

15 A I jumped up by the edge of the bed and when
16 I heard the second shot go off, I was standing right
17 at the edge of this couch.

18 Q Okay. And, as you said, it's a pretty right
19 space --

20 A Yeah.

21 Q -- in here. I mean, were you, like, right
22 next to the officers?

23 A Somewhat. I was maybe a foot apart from the
24 officers because one was standing at this armrest
25 right here.

Examination of Amber Stevens

1 Q Mm-hmm.

2 A And I was standing more towards the -- the
3 couch cushion at that time. So I didn't get closer to
4 them until they were trying to take me out of
5 the room.

6 Q Okay. And so were they kind of positioned
7 coming into the room, like, one, two, three, from
8 the door?

9 A Yeah. It was more of like -- there was one
10 right here, two behind him, and then three cops were,
11 like, more towards out the door and in the hallway.

12 Q Okay. And you said you heard the first
13 shot, you were down toward the corner of the bed. And
14 then --

15 A Yeah. And I could -- my ears started
16 ringing.

17 Q Yeah.

18 A And I was still standing at that point, but
19 after I heard the first initial shot, that's when I
20 ducked down, covered my ears and that's when the
21 second shot went off.

22 Q Okay. Did Jeb still have the knife in his
23 hand when those things were happening?

24 A When he was shot, yes.

25 Q Okay. You said that when you spun around to

Examination of Amber Stevens

1 look at him, it almost looked like he was lunging or
2 making some kind of movement like that. What -- could
3 you describe --

4 A Yeah. He was --

5 Q -- what you actually --

6 A -- trying to --

7 Q -- saw?

8 A -- like, almost get up, you know? Like,
9 'cause he was laying on his side, so he was trying to,
10 like, get up and sit almost. Like, it looked like he
11 was kind of, like, more towards going towards the cop
12 then, like, you know, actually just sitting up, but it
13 looked like he was trying to get up. So --

14 Q Okay. But he was moving toward the
15 officers --

16 A Yes.

17 Q -- in the direction of the officers?

18 A He was, like, doing more of, like, a
19 lunging-type movement more than just, you know, how
20 you would normally sit up from a bed.

21 Q Okay. And where was the knife when he was
22 doing that?

23 A I'm sure it was still in his hand.

24 Q Okay. Could you actually see, like, how he
25 was holding it or --

Examination of Amber Stevens

1 A He was still holding it like this or it was
2 -- if it was, you know, in a stabbing motion.

3 Q With the blade coming out the bottom of his
4 hand?

5 A Yeah, like this.

6 Q Okay. And do you remember which hand it
7 was in?

8 A I'm pretty sure it was in his right.

9 Q In his right hand?

10 A Mm-hmm.

11 Q Okay. You said early -- early on in this,
12 he actually ripped off your pants --

13 A Mm-hmm.

14 Q -- and underwear. Were you able to get some
15 shorts or pants on?

16 A Yeah. As I -- as the last initial shot went
17 off and I knew that he was dead, I -- there was
18 clothes on the couch and so I grabbed, you know, the
19 closest pair of shorts. Grabbed it, grabbed my purse,
20 which is a Nike backpack that had all of -- my wallet,
21 you know, just a couple of things.

22 And I grabbed those two things. I put on
23 the shorts in the room, grabbed my backpack, climbed
24 over the couch. The officer helped me climb over the
25 couch and got out of the room.

Examination of Amber Stevens

1 Q Okay. When you got out into that living
2 room area -- or is that where you went, into the
3 living --

4 A Yeah.

5 Q -- room area?

6 A I went into the living room.

7 Q What did you see when you got there?

8 A I remember when I first walked out of the
9 bedroom, I could just see a -- a -- a large trail of
10 blood from the hallway to the living room, somewhat in
11 the kitchen, but not very much, you know? Like, it
12 was more the hallway, living room.

13 Q Okay.

14 A So --

15 Q Who was in the living room when you got out
16 there?

17 A Granny, Grandma Betty, and Jon. And Jon, I
18 -- that was when I realized Jon was also hurt --

19 Q Mm-hmm.

20 A -- because he was sitting on the couch
21 groaning in pain saying, "I'm hurt, I'm hurt." I
22 could see the blood trickling down his face and so --
23 and then my daughter was sitting with Betty.

24 Q Okay. And was your daughter hurt?

25 A No. Luckily, no.

Examination of Amber Stevens

1 Q And did you see any injuries to Betty?

2 A No.

3 Q Okay. Were there other police officers in
4 that living room area as well or --

5 A One -- the police officer that shot me with
6 the non-lethal was standing at the kitchen table. And
7 the officer that was guiding me through the house was
8 a woman and she was really the only other officer that
9 was kind of towards out in the living room. The rest
10 were in, like, more the hallway towards the bedrooms.
11 So --

12 Q Okay. And then did you end up coming out
13 the front door?

14 A Yes.

15 Q And what did you see when you got out there?

16 A I didn't see it, but I remember the officer
17 telling me to watch out because there was blood. And
18 I didn't realize that Derrick -- Derrick was severely
19 stabbed at that point, so I didn't know whose blood
20 it was.

21 Q Mm-hmm.

22 A And so I didn't realize that there was
23 actually a large puddle of blood sitting in the
24 driveway. But when I got to the end of the driveway,
25 I could see Derrick's aunt screaming with another --

Examination of Amber Stevens

1 Q Is that --

2 A -- officer.

3 Q -- Lana?

4 A Yeah.

5 Q Okay.

6 A She was screaming and she was asking me what
7 happened, "Where's Dahlia and is Dahlia fine?" And I
8 just told her, "Please, just go get Dahlia. I'll be
9 okay. I don't know what's happening." And that's
10 when the officer guided me to the ambulances.

11 Q And did you go to the hospital?

12 A Yes.

13 MR. JACKSON: Okay. I think that's all the
14 questions I have. Do the grand jurors have any
15 questions?

16 A GRAND JUROR: You said that he was trying
17 to cut his wrists and his --

18 THE WITNESS: Yeah.

19 A GRAND JUROR: -- throat.

20 THE WITNESS: He was --

21 A GRAND JUROR: Was he severely cut?

22 THE WITNESS: Not really. You know, because
23 the body's natural reaction when you're trying to hurt
24 themselves is to give off receptors to not do that.

25 A GRAND JUROR: To not do it, yeah.

Examination of Amber Stevens

1 THE WITNESS: And so -- like, I could
2 obviously see where he was doing the little cuts; but,
3 like, there was nothing major where it was just
4 profusely --

5 A GRAND JUROR: Yeah.

6 THE WITNESS: -- bleeding.

7 A GRAND JUROR: And just to make sure I'm
8 clear.

9 THE WITNESS: Mm-hmm.

10 A GRAND JUROR: You did see him get shot
11 once --

12 THE WITNESS: Yes.

13 A GRAND JUROR: -- and you turned around and
14 then just heard the second one?

15 THE WITNESS: I didn't see the second one.
16 I was --

17 A GRAND JUROR: You saw the first one.

18 THE WITNESS: -- crouched down, but I did
19 see the first shot.

20 A GRAND JUROR: Do you remember where he got
21 shot? Was there any noticeable location?

22 THE WITNESS: I saw it more towards his
23 stomach and rib cage, so --

24 A GRAND JUROR: Do you remember how far away
25 you were when he got shot, from him?

Examination of Amber Stevens

1 THE WITNESS: I was maybe two feet away from
2 the bed where he was laying on, so maybe three --

3 A GRAND JUROR: Okay.

4 THE WITNESS: -- or four feet away from
5 him --

6 A GRAND JUROR: All right.

7 THE WITNESS: -- himself. So --

8 A GRAND JUROR: Okay.

9 MR. JACKSON: Any other questions? Okay. I
10 don't see any.

11 Thank you --

12 A GRAND JUROR: Thank you --

13 MR. JACKSON: -- very much.

14 A GRAND JUROR: -- very much.

15 THE WITNESS: Okay. Yeah, (indiscernible).
16 Thank you, guys.

17 MULTIPLE GRAND JURORS: Thank you.

18 MR. JACKSON: That's okay. If you could
19 stand right here and raise your right hand, we'll
20 swear you in.

21 **DERRICK VINCENT ROGERS**

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

24 ////

25 ////

Examination of Derrick Rogers

1 Q -- kind of talk into it --

2 A Talk into it?

3 Q -- that'd be --

4 A Okay. Perfect.

5 Q Thank you. Okay. And if you could please
6 state and spell your name.

7 A My name is Derrick Rogers, D-e-r-r-i-c-k,
8 R-o-g-e-r-s. And the middle name is Vincent,
9 V-i-n-c-e-n-t.

10 Q All right. And how do you know Betty
11 Littlejohn?

12 A Betty Littlejohn is my great-grandma.

13 Q Okay. And Amber Stevens?

14 A That is my fiance.

15 Q And do you have a daughter with her?

16 A Yes, sir.

17 Q And how old is your daughter?

18 A She's about a year, year and a half almost.

19 Q Okay. And on April 29th of 2019, were you
20 living with Amber and your daughter in Betty
21 Littlejohn's house?

22 A Yes, sir.

23 Q Okay. And who else was living in the house
24 at that time?

25 A My uncle, Jon; my cousin, Delbert; my

Examination of Derrick Rogers

1 grandma and then that was it.

2 Q Okay.

3 A Just me and my girlfriend and my daughter
4 and then them three.

5 Q Okay. And how long had you been living
6 there at that time?

7 A Oh, it was a couple months. I want to say
8 three-ish months, two-ish months. I'm not -- I'm not
9 really sure, you know, off the top of my head.

10 Q Okay. But it wasn't, like, years?

11 A No, no, definitely --

12 Q It was a shorter period?

13 A Yeah, definitely shorter period of time.

14 Q Okay.

15 A Yes.

16 Q And if you look up on the board here, we
17 have a diagram of the house. Is this -- that corner
18 bedroom the one you and Amber and your daughter were
19 staying in?

20 A Yes, yes. And that was the back bedroom
21 that -- yeah. Yeah, you have that all correct.

22 Q Okay.

23 A Yeah.

24 Q Great. So -- and how do you know Jeb Brock?

25 A I hadn't seen Jeb in years, probably

Examination of Derrick Rogers

1 ten-plus years. I hadn't seen him -- the last time I
2 seen him, I think I was a little child, like, maybe
3 five, six years old. I'm now 20 -- 23, 24, so -- and
4 my uncle actually has two sons -- I believe, two sons
5 that are both around about the same age. I think the
6 other one's about my age, to be honest with you. I
7 think Jeb's a little bit older.

8 Q Okay.

9 A So I had no clue that this would -- you know
10 what I mean? I had -- I had no -- that this would --
11 I had no fucking clue.

12 Q Okay.

13 A So --

14 Q You didn't really know Jeb very well --

15 A No.

16 Q -- then?

17 A No, not at all. Not -- I -- I mean, I had
18 played with him maybe when I was a child; but past
19 that, I've never seen him, not heard of him.

20 Q Okay.

21 A Not one time.

22 Q While you were living at Betty Littlejohn's
23 house, did Jeb show up?

24 A Yes. Yes, he did.

25 Q Okay. And when did that happen?

Examination of Derrick Rogers

1 A It was over the weekend. And I'm not sure
2 the exact date, but he -- he had come and I believe
3 that he just came for the day to help my uncle 'cause
4 he was being kicked out at the time. So they were
5 helping him move --

6 Q Is that your --

7 A -- all of --

8 Q -- Uncle Jon?

9 A Yeah, my uncle, Jon, yeah. They were --

10 Q Okay.

11 A -- moving all of the -- his tools from,
12 like, outside to the inside so they wouldn't get
13 rained on when they came to do, like, a -- they're --
14 they're charging my grandma, like, \$500 for all of the
15 garbage that's on the lawn and stuff, all of the stuff
16 that's not supposed to be outside. So he was coming
17 to help him clean it up.

18 Q Jeb was?

19 A Jeb was. I believe so, yes.

20 Q Okay. All right.

21 A 'Cause they were out -- outside all -- all
22 day, you know, cleaning, moving the big refrigerator
23 that was out back and all that stuff. So it was, you
24 know -- you know, you didn't think nothing of it. He
25 even came into my room and was, you know, talking

Examination of Derrick Rogers

1 normally.

2 Like, he sat down, asked me if I could -- he
3 could sit in my chair while I was sitting on the bed,
4 was getting -- getting high with me and was stoned,
5 just smoking weed. You know, asked me for a dab.
6 Furthermore, was, you know, asking, "Hey, what are we
7 having for dinner?" Offering to buy, you know,
8 dessert, stuff like that. It was -- it was completely
9 just -- just -- I -- it was crazy.

10 Q Mm-hmm.

11 A Out of the normal. Not -- it was just nuts.
12 It -- there's -- there's no way I could ever tell --
13 you know what I mean -- told that he was going to go
14 hard and mass -- try to mass murder my whole family,
15 you know what I mean? So --

16 Q Okay. So nothing out of the ordinary or
17 weird about your interactions?

18 A No.

19 Q And it was, like, a couple of days?

20 A Yeah. So he was -- he was there, but I
21 don't believe he stayed that night. Like I said, I
22 wasn't -- it was a normal interaction, so I didn't go
23 out of my way to, you know, think that he's family.
24 You know, I didn't expect any of this to happen, so --

25 Q Mm-hmm.

Examination of Derrick Rogers

1 A Yeah. I believe that he left for that night
2 or what I was told, that he's -- that he left for that
3 night and then had come back the next day. And I
4 believe the next day is when he had --

5 Q Okay.

6 A -- went -- went crazy and stabbed everyone.

7 Q Okay. So let's take you to that night --

8 A Yeah.

9 Q -- then, April 28th into the early morning
10 hours of April 29th.

11 A Yeah.

12 Q Does that sound right?

13 A Yeah, that sounds right.

14 Q Do you remember what time you went to bed?

15 A It was around 10:30, 11 o'clock.

16 Q Okay.

17 A I just got done playing my video game,
18 played World of Warcraft and just ate my Nutty Bar and
19 went to bed, nothing crazy --

20 Q Okay.

21 A -- you know?

22 Q And did -- did you go to bed in the room
23 with Amber and your daughter?

24 A Yeah. So my -- my daughter's crib was
25 sitting kind of --

Examination of Derrick Rogers

1 Q Yeah, go ahead.

2 A Dahlia's crib was kind of sitting right here
3 along the doorway right here. So as the door would
4 open, her crib would be, like, kind of up against the
5 wall right here.

6 Q Okay.

7 A We were both sleeping in the bed. And then
8 this is my -- my Cousin Delbert's room. I woke up to
9 them banging on this wall right here, like, kind of
10 wrestling around. I woke up.

11 My girlfriend said, "Go take care of it" --
12 'cause I'm kind of a bigger guy and I'm, you know, the
13 -- oh, what's -- what's the word? Like, the enforcer
14 or, you know, kind of make everything's okay, like --

15 Q Mediator?

16 A -- separator. Yeah, mediator. That's a
17 good word. So I came from here, went past my
18 daughter's crib and out the door. By the time I got
19 to right here, I heard, "He's stabbing me, he's
20 stabbing me."

21 So I busted open the door and kind of
22 trapped both of the -- them right here up against the
23 desk. Okay. So -- so I had the -- yeah, sorry.

24 Q I'm going to -- I'm going to ask you sit
25 back down just to make that our mics --

Examination of Derrick Rogers

1 A Yeah.

2 Q -- are picking --

3 A So you hear it.

4 Q -- you up.

5 A Yeah.

6 Q What I'll do is --

7 A Sorry.

8 Q -- I'll just grab this diagram and hold it
9 next to you if you want to refer to it.

10 A Yeah.

11 Q So just to recap and make sure we caught it,
12 so you go to sleep. The crib is between the bed and
13 the door here?

14 A Yes, sir.

15 Q You and Amber are sleeping in the bed?

16 A Yes.

17 Q And then at some point in the night, you
18 wake up to sounds of fight coming through this wall --

19 A Through the --

20 Q -- from Delbert's room?

21 A Through the wall, yes, from Delbert's room.
22 And then I get up, I go to this front -- the front of
23 Delbert's door. And I hear, "He's stabbing me, he's
24 stabbing me."

25 So I open the door and kind of trap both of

Examination of Derrick Rogers

1 them up against this wall. I look and there's -- he's
2 at -- he has the knife in his hand -- Jeb has the
3 knife in his hand and he's trying to, like, go like
4 this to, like, poke my cousin in the wrist so he'd
5 kind of let go of him, 'cause he had him like this.

6 So he's trying to, like, get him. So I
7 backed up and I slammed my shoulder harder into the
8 door so it kind of trapped them more and I pulled my
9 Cousin Delbert's shirt as I was doing it, so it would
10 kind of trap one of them and get the other one kind of
11 loose. He went past me.

12 And we -- I followed him out to -- this is
13 the table and there's a back door right here. I
14 followed him to about here. He ran out the back door
15 and I said, "Run, he's going to get you," you know,
16 just thinking that he was -- you know, they were
17 fighting. It wasn't -- I didn't know that he was,
18 like, trying to kill everyone.

19 So by the time that I seen Delbert go out
20 the back door, I turned and he was going into my --
21 Jeb had moved from here to went into my room and was
22 closing the door as I turned my head.

23 Q Now, when you saw Delbert struggling with
24 Jeb, you said you saw the knife in Jeb's hand?

25 A Yeah. And he was --

Examination of Derrick Rogers

1 Q And Delbert was holding that hand up?

2 A Yeah. He was holding him around his wrist
3 like this and then Jeb was trying to, like, inch the
4 knife to, like, poke him to, like -- so he would let
5 go, you know, kind of thing.

6 Q Could you see whether Delbert was injured at
7 that --

8 A Yeah.

9 Q -- point?

10 A Oh, yeah. There was blood on the knife
11 already.

12 Q Okay.

13 A Yeah. Yeah. He had, apparently, sliced him
14 already. I'm not sure. I just was trying to get them
15 separated, you know what I mean?

16 Q Sure.

17 A Thinking that he was just trying to kill him
18 'cause they got in a fight or something, not thinking
19 that he's just snapped and is trying to kill everyone
20 in the house, so --

21 Q Okay. And so you were aware that Delbert
22 was injured, but you couldn't see where he was
23 injured?

24 A No. I could see a little bit of blood from
25 his head and he was limping as he ran out the room,

Examination of Derrick Rogers

1 but --

2 Q Okay.

3 A And there was blood on the knife, so I was
4 just trying to separate the two.

5 Q Okay. Did you see any other weapons that
6 Jeb had --

7 A No.

8 Q -- at that point?

9 A I didn't see anything else. And when --
10 apparently -- so after he went in the room, I turned
11 around and opened -- went to go open the door and
12 instantaneously --

13 Q Okay. This is -- now, we're jumping back
14 to --

15 A Sorry.

16 Q -- he's gone into your room.

17 A Yes. And then so I went from here to the
18 backroom and opened the door. And as soon as I opened
19 the door, he hit me in the nose with what I believe is
20 a sledgehammer or a meat tenderizer. I'm not sure
21 what the police had recovered.

22 But he hit me in the nose and I -- I just
23 remember it crunching like crackers. And, apparently
24 -- he just obliterated my whole nose and I looked down
25 and I -- like, two or three drops of blood came out

Examination of Derrick Rogers

1 and just started just (demonstrative sounds) out of my
2 nose. I looked up --

3 Q Like gushing?

4 A Yeah, like, super -- like, really bad
5 gushing out of my nose. Apparently, he just
6 obliterated -- like, 90 percent of my nose is, like,
7 fake now, so --

8 Q So what do you mean?

9 A Like, the -- he obliterated all the
10 cartilage in my nose with, like --

11 Q And it --

12 A -- with just one hit.

13 Q Did they have to, like, surgically --

14 A Yeah.

15 Q -- recreate it?

16 A Recreate it, yeah.

17 Q Okay.

18 A Yeah.

19 Q Okay.

20 A So then I remember looking up and him having
21 the knife to his own throat. And like I said, my
22 baby's crib is right here. He's here. I'm in the
23 front just gushing blood.

24 Q Was the door wide open?

25 A Yeah. Wide open, yeah.

Examination of Derrick Rogers

1 Q Okay.

2 A And then I remember him having the knife to
3 his throat saying, "I just want to kill myself," and
4 then me thinking like that's the moment and I leaned
5 forward to grab my daughter and that's when he took
6 the knife from his throat and put it in my neck.

7 And then I turned around just, like, holy
8 shit. And apparent -- I don't remember the -- I don't
9 remember this part, but apparently he leaned forward
10 and stabbed me through my bicep and my arm through and
11 through with the knife and then --

12 Q It went all the way through?

13 A Yeah. It went from -- so he stabbed me from
14 the back here and then out through the front there
15 where the knife -- where the knife came out. And I
16 remember running from the hallway out the front door
17 and seeing my Uncle Jon right here. He was just
18 screaming, just laying there just screaming.

19 I was trying to hold my neck. I went out to
20 the front where the Portland Police Bureau -- there
21 was a -- that's where my --

22 Q Mm-hmm.

23 A That's --

24 Q The driveway out here?

25 A Yeah, so the driveway. There's -- right

Examination of Derrick Rogers

1 next to it is a -- a trailer. If you look up here --

2 Q Mm-hmm.

3 A -- there's that big trailer right here.

4 Q Yeah.

5 A And that's where my aunt was staying at at
6 the time. So I just slammed on the door screaming,
7 "Auntie, I'm dying," and then I went out to the front
8 where the -- where the -- the thing came down and just
9 laid on my neck -- or laid on -- my hand on my neck
10 and just pressed as hard as I could. I don't remember
11 anything else until waking up in the hospital with
12 tubes in my throat.

13 Q Okay. So after you're able to break up this
14 fight in Delbert's room, he runs past you, you
15 followed him?

16 A Yeah. I followed him to the -- to the back
17 of the table where -- where this is the table right
18 here and this is the back sliding door. So I --

19 Q And he went out?

20 A -- was just standing -- yeah. I was just
21 standing right here and watched him go out the back.

22 Q Okay. And that's when you -- you turned
23 around and saw Jeb --

24 A I see Jeb closing the door to my room. And
25 then I instantaneously went straight to the door.

Examination of Derrick Rogers

1 Q Okay. When you reached down for your
2 daughter, that's when he stabbed you in the neck?

3 A Yeah.

4 Q And do you still have a mark from it on your
5 neck?

6 A On my -- yeah.

7 MR. JACKSON: Can you folks see that?

8 A GRAND JUROR: Yeah.

9 BY MR. JACKSON:

10 Q Okay.

11 A Yeah. His -- apparently, just the tip of
12 the blade has 12 -- 12-inch laceration. And then,
13 apparently, just the very tip went actually into my
14 lungs. So they had to close up that from the inside.

15 I'm not -- I'm not sure I'm -- I was -- I
16 was out for all of the -- them telling my mom what
17 happened, you know, like, 12 stitches, 13, I don't --
18 I don't know any of that information.

19 But all I do know is the tip of the blade
20 went through my actual lungs and that's why I was
21 having issues breathing, is filling up my lungs with
22 blood as I was going to the hospital.

23 Q Okay. So, I mean, and we can see, just for
24 the record, that the incision appears to be on the
25 right side of your neck just --

Examination of Derrick Rogers

1 A Yeah.

2 Q -- below your jawline?

3 A Yeah. So -- so I think it's like -- did
4 they -- they had to cut open a little -- and you can
5 see further, like, where it's -- they actually cut
6 open and where it was stabbed 'cause it's thicker
7 where he stabbed through it.

8 And they had to cut open a little bit
9 further just to make sure he didn't, like, get me
10 anywhere else that was -- you know, like, anything
11 else that was cut open.

12 But he, apparently, was, like, an inch off
13 of my -- my voicebox and then, like, a half inch off
14 of my -- what, the carotid artery, the one that would
15 make me bleed out in, like, five minutes.

16 Q Right.

17 A So I got lucky.

18 Q Yeah.

19 A I got really lucky.

20 Q And while you were out there in the driveway
21 holding your neck, what did you think was going
22 to happen?

23 A I -- I just thinking -- well, I was just --
24 I slammed on my -- my aunt's thinking that she would
25 help, you know, go get my baby. So all I was thinking

Examination of Derrick Rogers

1 about was my baby and I'm going to die. So I was just
2 -- just make sure my baby is okay. And I'll take a
3 knife -- knife -- knife wound to the neck any day for
4 my child, so --

5 Q Mm-hmm.

6 A I was just hoping she was all right 'cause
7 he was still in the room. Feeling very powerless.

8 Q You were feeling powerless?

9 A Oh, yeah.

10 Q Okay.

11 A Oh, yeah. I mean, my daughter and my baby
12 are still in the room and I just got stabbed in the
13 neck and can't do anything about it.

14 Q Mm-hmm.

15 A So --

16 Q And so your last memory is laying there.
17 And do you remember police officers coming or --

18 A I don't --

19 Q -- anything --

20 A I don't --

21 Q -- about that?

22 A I don't remember anything like that.

23 Apparently, they said I got up and walked to the
24 ambulance when it came, but I don't remember anything.

25 Q Okay.

Examination of Derrick Rogers

1 A I don't remember anything --

2 Q And -- and what --

3 A -- until waking --

4 Q -- is your next --

5 A -- up.

6 Q -- memory?

7 A Waking up in the hospital --

8 Q Okay.

9 A -- with tubes in my throat. I had a tube
10 in -- like a feeding tube in through my -- in through
11 my nose down the back of my throat and I puked it up.
12 And it, like, went like a loop like this and I could
13 put my hand through the loop.

14 It -- and then, apparently, they had to take
15 it out and I just said, "Pimping ain't easy," and then
16 was out like a light. I don't remember anything past
17 that until I woke up further in the hospital.

18 Q Okay. And do you know how many days you
19 were in the hospital?

20 A About a week and a half and then left for a
21 day and a half. And then that secondary night, I went
22 back because I was coughing up blood, like,
23 continuously. And it was quite -- quite a bit. Like,
24 I just -- I could probably fill this whole thing up
25 twice with the blood that I was coughing, so --

Examination of Derrick Rogers

1 Q Okay. So you went back into the hospital?

2 A Yeah. I went back to the hospital and they
3 put me on, like, just a watch for -- for about 24
4 hours. So just made sure everything was -- they had
5 to spray this weird stuff in -- in my throat that was
6 like a -- like a mist that, like, coagulates
7 everything, so that way, I would stop bleeding 'cause
8 I was on blood thinners.

9 Q Okay. At any point during this whole
10 incident or episode, do you remember Jeb saying
11 anything?

12 A Just the only point where he had the knife
13 to his throat saying, "I want to kill myself," and I
14 had no clue why or what anything was happening, so --

15 Q And that was then you -- you jumped down to
16 try to get --

17 A Yeah.

18 Q -- your daughter?

19 A To grab my daughter and -- and I --

20 Q Okay.

21 A -- just got -- I remember getting stabbed in
22 the neck and it was like -- I don't know if you ever
23 cook, like, roast beef. And, like, you have to stab
24 the -- the temperature thing in there, you cut it open
25 in the middle.

Examination of Derrick Rogers

1 Like, when you stab the knife in and it kind
2 of gives you that play as you pull the knife out, that
3 was probably the -- the worst part, like, was just
4 thinking about that as I'm leaving the room, was --

5 Q You could feel that happening --

6 A Oh, yeah.

7 Q -- with your --

8 A Oh, yeah. It was insane. It was like a --
9 it was -- yeah. It gives me anxieties now just
10 talking about it. Like, it was, like, literally like
11 grabbing a piece of meat. And, like, going to pull it
12 out and it doesn't come clean out, it just kind of
13 (demonstrative sounds) yeah, just, like, out and then
14 back.

15 Q Okay.

16 A It was pretty fucking crazy.

17 Q Yeah. And you actually don't have any
18 memory of the --

19 A Of the arm? No.

20 Q -- arm stabbing?

21 A I don't -- I don't remember -- as soon as he
22 hit me in the neck, I just remember blood squirting
23 out of my neck like it was a -- like, literally like a
24 scary movie. It was -- it was, like, (demonstrative
25 sound) like this -- yeah. Everywhere I'd go, I --

Examination of Derrick Rogers

1 apparently, my whole house was just covered in blood.

2 I don't know. My grandma and them wouldn't
3 let me go back the next day when they were cleaning
4 it, so --

5 Q Okay. They wouldn't let you in to see it?

6 A Yeah, no. They --

7 Q Yeah?

8 A -- wouldn't let me come.

9 Q Okay. Okay.

10 A And then by the time I got out of the
11 hospital, they had cleaned up pretty much everything
12 at the house. Everything was in a trailer out front
13 that they just threw everything out of the bedroom
14 into a trailer.

15 MR. JACKSON: Okay. Derrick, I think that's
16 all the questions that I have for you.

17 Do the grand jurors have any questions?

18 A GRAND JUROR: Thank you.

19 THE WITNESS: Thank you.

20 A GRAND JUROR: One.

21 MR. JACKSON: Yes.

22 A GRAND JUROR: You said that you hadn't
23 heard of Jeb, like, since you were --

24 THE WITNESS: No.

25 A GRAND JUROR: -- really young.

Examination of Derrick Rogers

1 THE WITNESS: No, not --

2 A GRAND JUROR: Do you -- do you know if he
3 lives in Portland or --

4 THE WITNESS: I have no clue. I know --

5 A GRAND JUROR: No?

6 THE WITNESS: -- that he's got richer family
7 that's my uncle's side of the family; but, like I
8 said, my uncle, like, lost his -- his medical degree
9 or something like that and then they just kind of
10 kicked him out. Like, he's just been at my grandma's
11 house, like, bootlegging it for the last ten years.
12 So --

13 A GRAND JUROR: And that's Jon?

14 THE WITNESS: And that -- that's Jon. Yeah.
15 That's where -- I believe Jeb is his son, so he came
16 over to help him move out to (indiscernible). And
17 that's when all this crazy stuff happened. And if I
18 would have known that anything -- you know what I
19 mean?

20 That -- that there was some kind of before
21 that he got -- apparently, he had --

22 MR. JACKSON: Wait, wait.

23 THE WITNESS: -- had to --

24 MR. JACKSON: Let's stop --

25 THE WITNESS: Yeah.

Examination of Derrick Rogers

1 MR. JACKSON: -- there.

2 THE WITNESS: So --

3 BY MR. JACKSON:

4 Q Let me ask a follow-up question. If -- if
5 you had known --

6 A I --

7 Q -- he was going to do something like this --

8 A I would have fucking left.

9 Q -- I -- I imagine, yeah, you would have
10 taken your family --

11 A Oh, yeah.

12 Q -- somewhere else?

13 A Are you serious? My daughter is in the
14 house. There's no way in hell I would have stayed
15 anywhere close to that.

16 Q Right. Okay.

17 A I have multiple places that I could go that
18 would not put my daughter in danger.

19 Q Okay.

20 A Yeah. No. Fuck, that's nuts.

21 Q And --

22 A That's crazy.

23 Q -- fiance --

24 A Yeah.

25 Q -- of course.

Examination of Derrick Rogers

1 A Yeah, and my fiance. Yeah. And my life,
2 you know what I mean? Like -- right. Like, no way I
3 would -- I even had a clue. I didn't even have a
4 clue.

5 I didn't even -- I -- my big knife that my
6 uncle gave me from the Army is sitting in my room.
7 And, I mean, if I had known something, I would have
8 grabbed my knife instantly and -- and it would have
9 been a whole different story or at least tried to be
10 a whole different story, you know what I mean?

11 Q Mm-hmm.

12 A But, no, I didn't. I just thought they were
13 fighting, man. I came in the other room thinking, you
14 know, just separate them so he doesn't kill him. And
15 then as soon as I turned around, he's in my daughter's
16 room with my girlfriend, so -- it was -- it was like
17 a --

18 A GRAND JUROR: You -- you thought --

19 THE WITNESS: -- scary movie, man.

20 A GRAND JUROR: -- it was a specific
21 argument between --

22 THE WITNESS: Be --

23 A GRAND JUROR: -- Delbert --

24 THE WITNESS: Between Delbert and him, yeah.

25 A GRAND JUROR: Okay.

Examination of Derrick Rogers

1 THE WITNESS: I did. 'Cause there's -- it's
2 -- you know, the house is kind of -- kind of brutal.
3 Like, it's like a kind of ghetto house and people get
4 in fights all the time there, you know what I mean?

5 So it's like -- my girlfriend woke me up and
6 was like, "You know, go take care of it," not thinking
7 anything, you know what I mean? So it -- it was just
8 -- it was just crazy. It was crazy.

9 And it was my family member, so even more --
10 you don't think that your family member, even if you
11 haven't seen them for 10, 15 years, is going to kill
12 you and your whole freaking family. I mean, you'd
13 think that -- I mean, no offense, you think that he'd
14 want to take someone else out, not his own.

15 BY MR. JACKSON:

16 Q Mm-hmm.

17 A It -- it just -- it doesn't really -- it
18 doesn't even compute to me, so --

19 MR. JACKSON: Okay. Are there any other
20 questions for Mr. Rogers? Yes.

21 THE WITNESS: Thank you, guys.

22 MR. JACKSON: I don't see any.

23 Okay. Thank you very much, sir.

24 A GRAND JUROR: Thank you. Go hug your
25 family.

Examination of Delbert Littlejohn

1 THE WITNESS: Yeah. Yeah, I know. I --

2 A GRAND JUROR: Thank you.

3 THE WITNESS: -- I'm just happy to be here,
4 guys.

5 MR. JACKSON: Okay. And I -- with that, why
6 don't we take our lunch break, so we'll go off the
7 record.

8 * * *

9 (Noon Recess taken at 1:06 p.m.)

10

11 ***AFTERNOON SESSION***

12 (The following proceedings were held before
13 Grand Jury No. 3 at 2:09 p.m.):

14 MR. JACKSON: Okay. We're back on the
15 record following our lunch break. We have our next
16 witness.

17 If you could raise your right hand, sir.

18 **DELBERT LITTLEJOHN**

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

21 **EXAMINATION**

22 BY MR. JACKSON:

23 Q Okay. You can have a seat.

24 And could you please state and spell your
25 name.

Examination of Delbert Littlejohn

1 A My name is Delbert, D-e-l-b-e-r-t; last name
2 Littlejohn, L-i-t-t-l-e-j-o-h-n.

3 Q Okay. And sir, how do you know
4 Betty Littlejohn?

5 A She's my aunt.

6 Q Okay. And do you live in the house
7 with her?

8 A Yes, I do.

9 Q And is that house here at 111 --

10 A 13136 Southeast Center Street.

11 Q Okay. And how long have you lived there?

12 A I'd say going on probably six, seven years.

13 Q Okay. So quite a while?

14 A Yes.

15 Q And over that time period, have people kind
16 of come and gone living in the house or has it been
17 pretty steady?

18 A It's mainly just a bunch that lives there,
19 but there's been a lot of in and out traffic through
20 the years.

21 Q Okay. And on April 29th, 2019, were you
22 living there?

23 A Yes.

24 Q Okay. And who else was living in the house
25 at that time?

Examination of Delbert Littlejohn

1 A My aunt, of course. Derrick, his girlfriend
2 Amber and their baby, me and Littlejohn. And that's
3 what's pretty much living there.

4 Q Okay. And if you look at this diagram we
5 have here of the house, we have these rooms marked.
6 And the one labeled Delbert Littlejohn --

7 A That's me.

8 Q -- is that the room that you say in?

9 A That's the one I was staying in. Was.

10 Q And then next to you, is that --

11 A That's my cousin Derrick's room, Derrick and
12 Amber.

13 Q Okay. And your aunt --

14 A That's my Aunt Betty's.

15 Q Okay. And then where was Jon staying?

16 A He would be -- he would be in the family
17 room. He'd be on the couch, down that -- I believe,
18 that couch, I believe. This one.

19 Q Okay.

20 A The light was off in the front room, so I
21 don't know just who it was and whether it would have
22 been -- excuse me, Jeb or my cousin, Uncle Jon.

23 Q Okay. And he was living, though, like he
24 would sleep in this front room?

25 A Yeah.

Examination of Delbert Littlejohn

1 Q Would he also sometimes sleep in the garage?

2 A Yes.

3 Q Okay. And previous to that, was he living
4 out of a trailer that was in the back of the house?

5 A Yes, he was.

6 Q And when did that end? When did he stop
7 living back there?

8 A Oh, ah, I'd say that was maybe a week --
9 maybe a week or two, three weeks prior.

10 Q Okay. Okay. And you mentioned Jeb Brock.
11 How do you know him?

12 A He's my -- he's my cousin. That's my
13 uncle's side.

14 Q Okay. John's son?

15 A John's son, yes.

16 Q Okay. And was he living there at the time
17 as well?

18 A Not Jeb. He was -- I was coming back from
19 Madras and that's how I knew he was there, 'cause when
20 I came back from Madras that afternoon or morning,
21 they were out back. Him and his father both were.

22 Q Okay. And was that the 28th?

23 A Yes, I believe.

24 Q April 28th, Sunday?

25 A Yes. Yes, that's right.

Examination of Delbert Littlejohn

1 Q Okay. And so you come back to house from
2 Madras. How long were you gone?

3 A Two days. I think, about four or five days,
4 maybe a week.

5 Q Okay. Jeb wasn't around when you left?

6 A No.

7 Q Okay. So you get back to the house. Jeb's
8 there. Had you seen Jeb in a while?

9 A Oh, the last time I saw Jeb was, I believe,
10 around the end of summer of last -- I mean, winter of
11 last year.

12 Q Okay. So it had been a while since you'd
13 seen him?

14 A It had been a while, yeah.

15 Q Okay. And when you got back to the house,
16 were the rest of the folks that live there, were they
17 there as well?

18 A Yes.

19 Q Okay. And did everything seem normal and
20 fine?

21 A Everything was perfect. Everybody was
22 out -- well, I shouldn't say everybody. It was just
23 me, Jeb and Jon were out back, just, you know, smoking
24 and enjoying the sunshine, laughing, giggling. And
25 then --

Examination of Delbert Littlejohn

- 1 Q Okay.
- 2 A -- what conspired then was, here we are.
- 3 Q Yeah, okay.
- 4 A Yeah.
- 5 Q So that was during the day.
- 6 A During the day.
- 7 Q And you went to bed that night?
- 8 A Yeah.
- 9 Q Everything seemed normal, fine?
- 10 A Everything was fine. Everything was fine.
- 11 Q Do you remember what time you went to bed?
- 12 A Oh, I'd say it was probably around -- oh,
13 probably around 6:30, 7:00. I don't know. I think
14 closer to 7:00ish.
- 15 Q Okay. In the evening?
- 16 A Yes.
- 17 Q Is it normal for you to go to bed that
18 early?
- 19 A Yeah. You know -- you know, I -- I don't
20 get much sleep, so I, generally, sleep more during the
21 day than I do at night, you know. Of course, now with
22 this incident that happened, I hardly don't get any,
23 but --
- 24 Q Sleep?
- 25 A Yeah.

Examination of Delbert Littlejohn

1 Q Okay. So you went to bed around 7:00. And
2 then when do you remember waking up?

3 A Oh, I woke up. Everything was still fine.
4 I woke up around, I'd say it was probably closer to
5 2:00 or a little after 2:00. Made my first cup of
6 coffee. Put a load of laundry in. And this is where
7 it starts to go from laundry to where we are now.

8 Q Okay. So let me just ask you, did you wake
9 up just naturally or did you set an alarm for --

10 A No, I just woke up naturally.

11 Q You just woke up?

12 A I just -- I just wake up, you know.
13 Sometimes I can sleep. Sometimes I can't. If I feel
14 like I got to get up, I get up.

15 Q Okay.

16 A I stay up. I can't go back to sleep.

17 Q Okay. So you get up early in the morning
18 and you went out -- you made a cup of coffee and then
19 you went to the garage to do laundry?

20 A I put my cup of coffee down, grabbed my
21 clothes up out of the bedroom and proceeded to go out
22 through the kitchen in the garage, put my laundry in.

23 Q Okay.

24 A That's where --

25 Q And when you went out, were any lights on or

Examination of Delbert Littlejohn

1 was it all dark?

2 A I -- I turned the light on.

3 Q Which -- which light, do you remember?

4 A The garage -- the garage lights. There's
5 two light switches next to the refrigerator. One's
6 for the kitchen light and one's for the garage.

7 Q Okay. What about in the house? Were any
8 lights on in the house?

9 A No.

10 Q Dark?

11 A Oh, that -- yeah, yeah it was dark. Yeah.
12 I remember it was dark.

13 Q Okay. And so while you're in the garage,
14 did you see anybody in there?

15 A No.

16 Q Okay. And if you look at this diagram here,
17 there's a chair. So is this the garage door at the
18 north -- north end of the garage?

19 A That's the garage door.

20 Q And then this chair --

21 A That would be -- that's the chair in the
22 middle of the garage, closest to the door. That would
23 be the one that reclines.

24 Q Is that the one that Jon will sleep
25 sometimes?

Examination of Delbert Littlejohn

1 A Yes.

2 Q Okay. And so where in here are the laundry
3 machines or the washing machine and dryer?

4 A Well, if I may stand?

5 Q Yeah. Go ahead.

6 A Here, this would be -- this would be the
7 door into the -- into the garage. And just to the
8 right of that would be the washer and dryer.

9 Q Okay. And can you see from the washer and
10 dryer back to this chair or is there a bunch of stuff
11 kind of in the way?

12 A There was pretty much -- there was pretty
13 much a clear view from -- from the washer and dryer to
14 there.

15 Q Do you remember looking to see if Jon was
16 sleeping in the chair?

17 A No. I -- there wasn't no -- anybody in
18 there.

19 Q Okay. You can have a seat. Thank you very
20 much.

21 A GRAND JUROR: I didn't hear that last
22 answer.

23 THE WITNESS: There wasn't nobody in there.
24 It was just me.

25 BY MR. JACKSON:

Examination of Delbert Littlejohn

1 Q Okay. Just you by yourself?

2 A Just my -- by myself.

3 Q Okay. What happened then?

4 A Well, I was putting my clothes in the
5 washing machine and getting ready to turn it on. Then
6 that's when my cousin Jeb came in and -- so fine. He
7 didn't seem, you know, to be an issue.

8 He went to light a cigarette and I went back
9 in the house, finished the last little bit of my first
10 cup of coffee, started to make another one, 'cause I
11 have little --

12 Q Did -- did you talk to him at all while you
13 guys were in the garage?

14 A No, no. No, I didn't. I -- only thing I --
15 was said to him was when he opened my door and started
16 with the, you know, the bashing and stabbing, you
17 know, and stuff, so --

18 Q So he came out and just lit up a cigarette.
19 You didn't really say anything to him and just went
20 back in?

21 A No. No.

22 Q Did you notice anything about him? Did he
23 seem --

24 A No, he didn't. He didn't seem -- he
25 didn't --

Examination of Delbert Littlejohn

1 Q -- different or --

2 A -- seem like he was off or anything. He
3 didn't look like he was on any type of, you know,
4 substance or anything, you know.

5 MR. JACKSON: Okay.

6 A GRAND JUROR: He was coming from the
7 house, like from the kitchen?

8 THE WITNESS: I was coming -- I was coming
9 up out of the garage. I was coming up out of the
10 garage back down the hallway to --

11 BY MR. JACKSON:

12 Q Well, let me -- so it is your room here,
13 door, hallway --

14 A Okay, yeah. This -- this --

15 Q -- kitchen and then into the garage here?

16 A Right. Here's the hallway bathroom. Okay,
17 yeah, my room's right -- I was coming down, so --
18 yeah. so I'm just nervous.

19 MR. JACKSON: That's okay.

20 A GRAND JUROR: Where was he when you --
21 when you -- you just saw him with the cigarette?

22 THE WITNESS: I was in the garage. I was --

23 A GRAND JUROR: Where was he?

24 THE WITNESS: He was coming -- he was coming
25 into the garage as I was --

Examination of Delbert Littlejohn

1 BY MR. JACKSON:

2 Q That was the back door. Okay.

3 A From -- from inside the house, yes.

4 A GRAND JUROR: From inside.

5 A GRAND JUROR: Okay. Thank you.

6 BY MR. JACKSON:

7 Q So this door?

8 A Yeah.

9 Q This door into the garage?

10 A Oh, that -- okay.

11 Q Yeah. Okay. Got it. And you just kind of
12 walked past him, went back to your room, finished your
13 coffee?

14 A Well, I -- yeah, I walked past him and went
15 back to my room and started work on my second cup.
16 And then I hear a thump, thump.

17 And I'm, you know, my aunt, she's had two
18 strokes and sometimes she walks with a cane and
19 sometimes she hangs onto the wall or something. And I
20 hear this thump and I think it's her. But --

21 Q Could you tell where it was coming from?

22 A Ah, it sounded like it was coming from her
23 room or that distance of the house, but it wasn't her.
24 It was Jeb.

25 Q Okay. And so did you go out to check on her

Examination of Delbert Littlejohn

1 or did you stay in your room?

2 A No. No, I -- when I hear her she goes to
3 the bathroom. It's about the only time she gets up,
4 you know, to use the bathroom. So like I said, I
5 was -- I was thinking it was her.

6 Q Mm-hmm. Okay. And then what happened?

7 A Then I'm sitting there on the -- on the edge
8 of my bed, starting to work on my second cup of coffee
9 and then the door just flies open. Well, I wouldn't
10 necessary say it kicked open, but it just flew open.

11 Q Your door was closed then?

12 A Yes. I had my door shut.

13 Q Okay.

14 A And I see him coming in, coming in like
15 this. He was like this and he had a hammer down,
16 five-pound sledgehammer. So I don't know what he had
17 here. Could have been a gun, knife, whatever. I
18 didn't really know until he couldn't use this no more
19 and then he was like this.

20 Q Okay. So just for the record, you're
21 holding your left arm behind your back.

22 A He was like this --

23 Q And your right arm down at your side with
24 a --

25 A With the hammer, right.

Examination of Delbert Littlejohn

1 Q Okay. And it was Jeb that was in the
2 doorway?

3 A Jeb. Jeb.

4 Q Was anybody else near or around him?

5 A No. It was just me and him in the bedroom.

6 Q Okay.

7 A Nobody else -- nobody else knew what was
8 going on 'til the second time I got whacked in the
9 head is when I picked up Jeb and threw him up against
10 the wall. That's what woke up my cousin --

11 Q Okay.

12 A -- in the previous bedroom, next -- next
13 wall over.

14 Q Okay. When he opened the door, did he say
15 anything to you?

16 A My cousin?

17 Q Yeah, Jeb.

18 A They said -- they said I -- I was yelling,
19 "I'm getting stabbed." I don't remember. Maybe I
20 did. Maybe I did say I was getting stabbed.

21 Q I mean, you said the door flies open. He's
22 standing there. He's get his left arm behind his back
23 and his right arm down with a hammer in it. Did he
24 say anything to you?

25 A No, he didn't. Just walked up to me and

Examination of Delbert Littlejohn

1 smacked me in the head with a hammer. And that's --
2 and then when I stood up, that's when he smacked me
3 again.

4 Q Did he -- did his face look different than
5 what you had seen when you saw him in the garage?

6 A Oh, yeah. It was definitely -- it was
7 definitely, definitely a change.

8 Q What was different about it?

9 A He didn't look -- how should I say this --
10 human. As far as eyes, it almost looked black.

11 Q Okay. His eyes looked like black?

12 A Yeah. I was hit in the head twice with a
13 hammer, so my vision wasn't all quite, you know.

14 Q Mm-hmm.

15 A I don't want to be funny, but, you know,
16 it's just --

17 Q But his -- his face did look different to
18 you?

19 A Yeah, it just looked off from that following
20 day.

21 Q Okay. And so he walks in and he hits you.
22 Do you remember where he hit you with the hammer?

23 A Yeah, hit me here.

24 Q Okay. And you're pointing to the top left
25 of your head?

Examination of Delbert Littlejohn

1 A Head, right. And then just after he hit me
2 the first time, I stood up. And that's when he
3 smacked me a second time.

4 And I'm almost in the middle of my room.
5 That's when he smacked me a second time. Well, I
6 managed to get the hammer. I mean, not grab the
7 hammer, but block -- grabbed ahold of his wrist and
8 got the hammer.

9 Q Mm-hmm.

10 A Well, then he started -- he couldn't use
11 this no more, so he started doing -- doing this and I
12 guess that's how I got this. And this -- this
13 happened as I was leaving the bedroom.

14 Q Okay.

15 A My Cousin Derrick pushed the door open just
16 enough for me to get this part of me out, but this
17 part of me was still hanging in there, but he got
18 this.

19 Q Okay. And so just to kind of step back
20 through that, so he hits you in the head. You stand
21 up. He hits you again. You throw him against the
22 dresser?

23 A Right. Well, the wall with the dresser,
24 yeah.

25 Q Or the wall? Okay. And you're holding the

Examination of Delbert Littlejohn

1 wrist that is holding onto the hammer. And are these
2 overhand swings?

3 A Oh, yeah. Well, this -- yeah, an overhand
4 swing with the hammer.

5 Q Okay. So are you kind of like -- are you
6 pinning his wrist against the wall or is it kind of
7 out and you're just holding it?

8 A Oh, no. It's -- I wouldn't necessarily say
9 up against the wall, but I'll -- no, pretty much to
10 the wall. But he had -- he was getting free range of
11 motion with this. That's how, you know, this and
12 this.

13 Q Okay. And so for the record, you're
14 indicating your left hand. And when did you realize
15 what was actually in his left hand?

16 A When I got stuck.

17 Q Okay. That's when you realized it was --

18 A 'Cause that was here. 'Cause that's --
19 that's when he -- 'cause when he couldn't -- realized
20 he couldn't use the hammer no more, that's when he
21 started coming out with this.

22 Q Okay. And was it --

23 A And he got me here first.

24 Q And so here is behind your left shoulder?

25 A He got me here first.

Examination of Delbert Littlejohn

1 Q Okay.

2 A And then when he couldn't, you know -- I was
3 blocking here, then he was trying to get me in the
4 ribs here. And then when that wasn't working, that's
5 when I got just that much feet or inches, door coming
6 open for me to get out. And that's when this part of
7 me was out, but this was still out -- in the room.

8 Q Okay. So your upper half was able to get
9 out of the room?

10 A Was out, but this half was still -- 'cause
11 he was -- he was trying to keep the door shut, keep me
12 from going out.

13 Q Mm-hmm.

14 A But Derrick -- Derrick had it --

15 Q Okay.

16 A -- you know, just -- just wasn't very much,
17 but apparently enough for me to get out, but yeah.

18 Q Okay. And so it sounds like as you're
19 holding him against the wall, Derrick pushes the door
20 open?

21 A Right.

22 Q And then did you just let Jeb go and run out
23 the --

24 A Well, I really necessarily let him go. I
25 mean, at this point, he -- he -- he laxed his hand

Examination of Delbert Littlejohn

1 with the hammer. I heard the hammer fall to the
2 ground.

3 Q Okay.

4 A I wasn't going to pick it up. I'm still
5 trying to -- but when the door came open just enough,
6 I --

7 Q Were you crawling out or were you --

8 A No. I was literally trying to get out,
9 was --

10 Q Like running?

11 A I wasn't on the ground on my knees. I was
12 just going. I didn't realize this happened till they
13 cut me by the ambulance.

14 Q Okay. And so the calf -- and you're
15 pointing to your calf. That was stabbed.

16 A Yeah, my left calf 'cause -- it was -- cut
17 me open.

18 Q Okay. And would you mind stepping to the
19 side of the table so the grand jurors can see your
20 calf there. Were you able to see that, sir?

21 Okay. Okay. And so was that more of a -- a
22 cutting injury across your calf or was it a stab into
23 your leg?

24 A Well, it felt like -- it felt like it got
25 stabbed. I mean, just straight in, pull out.

Examination of Delbert Littlejohn

1 Q Okay.

2 A I -- I really didn't know. My adrenaline
3 was so -- was so high. I knew I was bleeding here and
4 here. I felt the pain. I just didn't know. I
5 thought this was worser than this.

6 Q Your head?

7 A Right. Yeah.

8 Q Your head was worse?

9 A I thought my head was worser than my calf.
10 Well, I -- like I said, I didn't realize how bad my
11 calf was until I got to the back of the ambulance and
12 the nurse -- the med tech there cut my pant -- the
13 pajama pants and --

14 Q Okay.

15 A -- it was -- wasn't a stab. It was a gash.

16 Q Yeah. Okay. So you make your way out of
17 the room. Where did you go?

18 A Well, when Derrick -- when Derrick got me
19 out, he helped me to the back porch, like this.

20 Q Okay. Holding your head --

21 A Really didn't care about my leg, 'cause like
22 I said, I thought I was just stabbed.

23 Q Mm-hmm.

24 A And then -- and then when -- I'm still like
25 this. And I said, well, I got to -- I got to go in

Examination of Delbert Littlejohn

1 the house. I got to get a rag, 'cause this -- this
2 hand ain't working -- isn't working.

3 So I go and I -- and by the time I put my
4 right foot in the -- over the threshold of the back
5 door, I see Derrick coming down the hallway going like
6 this and pulling his --

7 Q Pulling his neck?

8 A Yeah. Holding it and blood just --

9 Q Squirting out of him?

10 A Yeah. He was -- it sounded like he was
11 dying. He was gurgling. It was just --

12 Q Okay. When -- when, if ever, did you
13 realize that Derrick was no longer with you out in
14 the -- I mean, you leave your --

15 A Well, when he --

16 Q -- bedroom and you come out the back. You
17 said he was with you. Did he go back --

18 A Well, he -- he --

19 Q -- in or --

20 A Well, yeah. His -- his daughter and his
21 girlfriend was in the backroom, so, of course, he's
22 going to go back into that backroom. And that's why
23 he got all those injuries he did is 'cause, you
24 know --

25 Q Okay. And did you actually see Jeb come out

Examination of Delbert Littlejohn

1 of your room?

2 A No, I didn't. I was -- I was --

3 Q You were outside?

4 A He just got me out and Derrick got me into
5 the backyard and he went back down the hallway and --

6 Q Okay.

7 A The incident after me was towards Derrick
8 and Amber and his daughter.

9 Q Right. Okay. So you're standing out back.
10 Your holding your head with your hand and you decide
11 you need to get a rag?

12 A Mm-hmm.

13 Q Okay. And then so you went back in and
14 that's when you saw Derrick coming down the hall --

15 A Yeah. Just before I put my --

16 Q -- holding his neck?

17 A Just as I was just put my foot into the
18 threshold of the back sliding glass door, I see
19 Derrick coming down just going like this.

20 Q Mm-hmm.

21 A And he literally collapsed.

22 Q Okay. When you were outside in the
23 backyard, did you make any phone calls?

24 A I -- I -- I made a phone call to 9-1-1.

25 Q Okay.

Examination of Delbert Littlejohn

1 A I believe I was just coming in, 'cause I
2 went back out with the rag. I was just coming back in
3 as I had -- was talking to dispatch.

4 Q Okay. When you saw Derrick?

5 A No. This was after.

6 Q Oh, okay. So could you take us through,
7 you're outside, you're on the phone with 9-1-1.

8 A Mm-hmm.

9 Q You step in. You see Derrick. He
10 collapses. And then what -- what happened? What did
11 you do?

12 A That's when -- that's when the officers
13 showed up, 'cause they wouldn't let -- they weren't
14 going to let the EMTs come in when we've got somebody
15 with a knife, you know, going crazy, so --

16 Q Okay. And you were still on the phone with
17 9-1-1?

18 A Not long. I -- I -- I think dispatch heard
19 them. They were in the background, 'cause they were
20 quite loud. So yeah.

21 Q The police?

22 A Yes.

23 Q Okay.

24 A He says, I'm going to -- I'm just going to
25 hang up from you. I said okay.

Examination of Delbert Littlejohn

1 Q Okay.

2 A Said, as long as -- as long as help is
3 there, then we'll let you go. Well, they were there.
4 It didn't take them long to get there.

5 Q Okay. Did you see where -- you said you
6 went back outside the back door --

7 A The sliding --

8 Q -- once you got the rag -- the rag.

9 A The sliding door, backyard, yes.

10 Q Okay. How long did you stay out there?

11 A Not long, 'cause the second time -- the
12 second time I came in after I -- after I got the rag
13 is when I saw, like I said, saw my cousin Derrick like
14 this and collapse. I didn't go down the hallway. I
15 was fixing to go out front, 'cause that's -- I saw the
16 lights coming and --

17 Q Uh-huh.

18 A I was fixing to go out front and get out of
19 that house.

20 Q Yeah.

21 A And I wanted to go back and -- but --

22 Q You were injured.

23 A I couldn't. I couldn't, so --

24 Q Yeah.

25 A And --

Examination of Delbert Littlejohn

1 Q Okay. So just to make sure we're totally
2 clear here on the sequence of events. You're in the
3 bedroom, Derrick pushed the door in and then you're
4 able to make your way out. Derrick comes out with
5 you, but then goes back to the back.

6 A Right. He helps me -- he helps me to the --
7 he literally had to hang onto me. I was -- felt like
8 I was going to pass out, but yeah, he literally walked
9 me to the patio, helped me sit down and he said to
10 stay here.

11 Q Mm-hmm.

12 A I just -- I wanted to, but I couldn't. I
13 couldn't. I was just --

14 Q And then you went back in to get a rag
15 and --

16 A And that's when --

17 Q -- came back out.

18 A And that's -- well, when I came back in,
19 that's when I saw Derrick. I already had -- yeah.

20 Q Did you already have the rag at that point?

21 A No.

22 Q No. Okay. So you go back in to get the
23 rag?

24 A I went back in to get the rag.

25 Q And that's when you saw --

Examination of Delbert Littlejohn

1 A And that's when I saw Derrick.

2 Q -- Derrick. And so then you got the rag and
3 you went back outside?

4 A Yes.

5 Q The back?

6 A Right.

7 Q Okay. And then when did you come back into
8 the house?

9 A When I heard sirens.

10 Q Okay. And was Derrick still there in the
11 hallway?

12 A I believe he was outside. I think -- I
13 think he was -- sorry, bash in head.

14 Q That's okay.

15 A He might have been still in the house, but
16 then again, he might have been outside. I really
17 don't know.

18 Q Okay. Did you make your way straight out
19 the front of the house?

20 A I walked -- I walked to the front of the
21 house, family room, to the front porch and walked out
22 to the street.

23 Q Okay. And what did you find when you got
24 out the front of the house?

25 A Officers everywhere. Here, there.

Examination of Delbert Littlejohn

1 Q Police were all out there?

2 A Right. Well, the -- I don't know just how
3 much officers was in the house. Could have been one.
4 But --

5 Q Okay.

6 A -- I don't know. Just --

7 Q Did you see Derrick out there?

8 A Oh, yeah. He was outside.

9 Q He was out there. Okay.

10 A Yeah. He was on the -- on the ground by the
11 mailbox beyond the -- beyond the Jeep, just --

12 Q Okay. Okay. What about Lana? Was she out
13 there?

14 A She -- she was -- you know, she was within
15 sight, but she was nowhere on the property. She was
16 across the street.

17 Q Oh, she was across the street when you came
18 out?

19 A Yes.

20 Q Okay. At any point during this, did you see
21 Jon or Betty?

22 A Only time I saw Betty is when she heard the
23 ruckus, 'cause when Derrick was trying to get in the
24 door, that's what woke her up.

25 Q Okay. And you actually saw her?

Examination of Delbert Littlejohn

- 1 A Yeah. She was -- she was --
- 2 Q Where was she?
- 3 A She was getting out of bed.
- 4 Q Okay. Was she down the hall by her bedroom
- 5 door or --
- 6 A She was -- she was -- I believe she was --
- 7 she was -- as I was walking -- walking out the door,
- 8 she was -- she was just coming up to the bird cage.
- 9 Q Okay. And --
- 10 A That's --
- 11 Q -- this bird cage, the big bird cage --
- 12 A -- right.
- 13 Q -- right here?
- 14 A Yeah.
- 15 Q Okay.
- 16 A She was just coming up to the bird cage.
- 17 Q So she had made her way all the way down the
- 18 hall?
- 19 A Right.
- 20 Q Okay. And that's when you were making your
- 21 first exit?
- 22 A Right.
- 23 Q Okay. And what about Jon Brock? Could you
- 24 see him ever?
- 25 A No.

Examination of Delbert Littlejohn

1 Q Don't remember ever seeing him?

2 A I didn't -- I didn't see Jon 'til -- 'til
3 the lights came on. He was covered in blood and --

4 Q When -- when did the lights come on?

5 A I don't know who just turned them on, but
6 they were on --

7 Q Was it before or after the police got there?

8 A It was after.

9 Q After the police arrived?

10 A So apparently, yeah. Someone turned them
11 on, 'cause it was -- it wasn't on -- when I was out
12 back or coming in, they weren't on.

13 Q Okay. Okay. So once the lights were on and
14 the police were already there, that's the first time
15 you saw Jon?

16 A Right.

17 Q Did he appear injured?

18 A Oh, yeah. He looked -- he looked like he'd
19 been ran through the mill, yeah. He thought he was
20 going to die. That's actually how he put it. Says,
21 I'm going to die.

22 Q Okay. And did his injuries look like that
23 was possible?

24 A Oh, man, he -- I really didn't pay much --
25 see, really, but he -- he looked bloody. I just know

Examination of Delbert Littlejohn

1 how bad it was until he got back from the doctor and
2 they --

3 Q Okay.

4 A You know.

5 Q Yeah. Okay. While you were on the front
6 porch and you said the police had -- had got there,
7 could you hear them as they went through the house?

8 A Oh, yeah. It's kind of hard not to.

9 Q Okay. What -- what did you hear them doing?

10 A Well, it's like I said, it was either
11 officer or officers, was down there. I believe I saw
12 one of them had the baby in his arms and set her on
13 the couch.

14 Like I said, officer, officers went back
15 down the hallway and I'm standing on the front porch,
16 you know, just standing there like this. Hadn't went
17 to the ambulance yet. Standing there like this.

18 And all I hear is, "Put the knife down,
19 you're going to get shot." Well, at that point, I
20 just said, well, I'm not going to stick around. I
21 went back downstairs, heading out toward the street.
22 Saw a female officer approach me and then I heard this
23 pop. And that's -- ended that.

24 Q Okay. All right. Was there -- was there a
25 delay or a gap between when you heard the command and

Examination of Delbert Littlejohn

1 the pop or was it on top of each other or were they
2 right --

3 A I -- I would say -- I was probably standing
4 at the front porch, probably three, four minutes tops
5 before I heard that "Drop the knife or you're going to
6 get shot." And I don't know just how long it took for
7 the shot to occur after I hit the street.

8 Q Okay.

9 A But it wasn't very long after that.

10 Q But were you on the porch when you heard the
11 command, "Drop the knife or you're going to get shot"?

12 A Yes.

13 Q And you'd made it out to the street when you
14 heard the pop?

15 A I made it out to the street.

16 Q Okay. All right. At any point, could you
17 hear what was happening inside of Derrick and Amber's
18 room?

19 A All I -- I heard Amber screaming.

20 Q You could hear her screaming?

21 A Yes, I could hear her --

22 Q Where were you when you heard that?

23 A I was outside.

24 Q In the back or in the front?

25 A That was in the front.

Examination of Delbert Littlejohn

1 Q You were in the front?

2 A Right.

3 Q What did you hear her screaming?

4 A I really couldn't make it out. She's
5 totally hysterical. She's just screaming. Well, she
6 did -- I did manage to hear, "My baby, my baby."

7 So --

8 Q Okay.

9 A That's what I thought that -- yeah.

10 Q Okay. And the rest was just screaming,
11 hysterical screaming?

12 A Hysterical screaming, yes.

13 MR. JACKSON: Okay. I think that's all the
14 questions I have for you, sir. Do the grand jurors
15 have any questions?

16 I don't see any.

17 Thank you very much.

18 THE WITNESS: Yep. Thank you. You're
19 welcome.

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

23 **LANA EIDE**

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

Examination of Lana Eide

1 A Yes.

2 Q By the driveway?

3 A Right. Yes.

4 Q Okay. And who was staying there with you,
5 if anybody?

6 A My boyfriend was there that night with me.

7 Q Okay. How long had you been living in
8 that RV?

9 A I've been in the RV probably a year. Little
10 over a year, maybe.

11 Q Okay.

12 A Couple years.

13 Q At that location?

14 A Yes.

15 Q Does it run, drive --

16 A Yes.

17 Q -- or is it just -- does it stay there all
18 the time?

19 A No, it runs. It drives. Just -- yes.

20 Q Okay.

21 A But it stays there.

22 Q Okay. And so if Betty Littlejohn is your
23 grandma, are you related to Derrick Rogers,
24 Delbert Littlejohn and Jon Brock?

25 A Derrick is my nephew and Jon is my uncle and

Examination of Lana Eide

1 Delbert is my cousin by marriage.

2 Q Okay. And do you know Jeb Brock?

3 A Yes.

4 Q And --

5 A I don't know him well, but yes.

6 Q Okay. Is Jeb Brock Jon Brock's son?

7 A Yes. So he's my cousin.

8 Q Okay. And if you've been living at the
9 house for a year, have the other folks that were
10 living there on the 29th, been living there most of
11 that time or --

12 A No. My nephew just moved in like a month
13 before that.

14 Q Okay. Derrick?

15 A Yeah, Derrick. Sorry.

16 Q That's okay. Okay. But Betty and Delbert,
17 they've been living there?

18 A Yes.

19 Q And Jon as well?

20 A Yes.

21 Q Okay. And so we'll take you to April 28th,
22 that night, into the early morning of April 29th. Do
23 you remember coming home on April 28th?

24 A Yes. My boyfriend and I came back to the
25 house. There was a car in the middle of the street,

Examination of Lana Eide

1 like just parked in the middle of the street, so we
2 went around it and parked.

3 And, usually, I go in the house, but I
4 didn't go in the house, 'cause I just felt like there
5 was something eerie. So I went in to the -- my -- my
6 motor home and just went to bed. And then --

7 Q I'm sorry. You said there's something eerie
8 about the house?

9 A Yeah, it was just weird. It was just that
10 car made us kind of -- it was just out of place, like
11 there was just a car in the middle of the street. It
12 was weird.

13 Q Okay.

14 A But the cops came and got the car. We heard
15 the cops come and take the car way anyways.

16 Q When -- when was that?

17 A Oh, probably 1:00, 1:30.

18 Q In the morning?

19 A Yeah, because I was at -- we were at his
20 mom's house before we had -- came to my house, we were
21 at his mom's house and fell asleep. And I wanted to
22 come home, so we came to my house. It was about -- he
23 probably woke me up about midnight. So, yeah, about
24 1:00, 1:30, somewhere in there.

25 Q I mean, did -- did you call the police about

Examination of Lana Eide

1 the car?

2 A No.

3 Q Oh, okay.

4 A No.

5 Q Do you know who did?

6 A I have no clue.

7 Q Oh, okay.

8 A No idea.

9 Q But the police came and took the car away?

10 A The police came and took the car away. And
11 we went to sleep. And then do you just want me to --

12 Q Well, so this car, I mean, where -- where
13 was it?

14 A It's next door. So the car -- so our house
15 is on the corner and that's our house. So the next
16 door neighbor's house. Okay, yeah. It's right in
17 front of his house.

18 Q The middle of the street right here?

19 A Yep, just in the middle of the street.

20 Q And just for the record, we're looking at
21 the overhead view of 132nd and Center in southeast.

22 Is this the --

23 A Yes.

24 Q -- RV that you were living in?

25 A Yes.

Examination of Lana Eide

1 Q Okay. And so just something about that car
2 creeped you out a little?

3 A It was just weird. It was just weird.
4 Things like that just don't happen. Just it --

5 Q Okay.

6 A It wasn't running. It wasn't nothing. It
7 was just in the middle of the street.

8 Q Okay. So went into the RV, went to sleep?

9 A Went to sleep.

10 Q And then what happened?

11 A The next thing I remember is my nephew -- I
12 heard pounding on the side of the motor home and I
13 thought I was dreaming at first, and so I just ignored
14 it for probably a good minute, 'cause I just thought I
15 was dreaming.

16 And then I -- it -- it clicked that I wasn't
17 dreaming. And I, like, heard the urgency in his voice
18 and he was pounding on the side of the motor home.
19 "Auntie, help me. I'm dying. He stabbed me. Help
20 me, dying -- I'm dying. Help me."

21 And I couldn't get the door open fast enough
22 to get out to help him. And when I opened the door, I
23 looked out and he wasn't anywhere. And I said,
24 "Derrick, where are you? Derrick, where are you?"
25 And he just kept saying, "Help me, please. I'm

Examination of Lana Eide

1 dying."

2 Q Did you find him?

3 A I went down the stairs and went to the back.
4 There's a Cadillac parked in the driveway and my
5 grandma's Jeep. And I went to the -- like, there's
6 like a walkway between the two of them.

7 And I went to it and I got to the end of it
8 and I just saw him on the -- I saw him, like, in a
9 ball, like just hunched over. The blood was bigger
10 than him and he was holding his neck.

11 And I went to him, and I said, "What
12 happened to you?" And he said, "He stabbed me.
13 Please help me. He stabbed me." And so I turned
14 around to go in the house to get him some towels to
15 put on his neck because he was bleeding.

16 Q There's tissues here, ma'am, if you'd like
17 one.

18 A I raised Derrick, so he's like my kid. And
19 so it's really hard. I haven't even -- I've only been
20 back to the house one time.

21 Q Mm-hmm.

22 A So I turned around to go back in the house
23 to get him some towels or something to put over his
24 neck, because his hand wasn't cutting it. And I knew
25 I had to get it to stop a little bit before, you know,

Examination of Lana Eide

1 and to tell my grandma to call 9-1-1.

2 And I turned and I went to go in the house
3 and my Uncle Jon was standing in the doorway and he
4 wouldn't let me go in. Now I understand why, but I
5 didn't understand why then. And I just yelled at my
6 grandma. My grandma was in the front room.

7 And I said, "I don't know what's going on,
8 but call 9-1-1 right now. He's dying. Call 9-1-1."
9 Well, so I turned back around because my uncle
10 wouldn't let me in the house, so I turned back around
11 to go hold my nephew and help him.

12 And I got to the end of the Cadillac, almost
13 to him, and the cops were there. And said -- and
14 started screaming at me, "Where is he? Where is he?"
15 And I didn't -- I had no clue what was going on in the
16 house. I had -- I just saw my nephew on the ground,
17 bleeding to death.

18 And -- and I said, "I don't know what you're
19 talking about." And I went to go to my nephew and
20 they wouldn't let me. They made be go across the
21 street. So I went across the street and my boyfriend
22 came out of the motor home to go across the street and
23 gave my nephew a towel for his neck so that it could
24 help a little bit.

25 And then there was just cops everywhere and

Examination of Lana Eide

1 the ambulances finally came. And it took them
2 forever, it felt like, to get my nephew out of the
3 situation. And when I was standing across the street,
4 alls I remember hearing was the gun fires. And then
5 right after that, my cousin came out.

6 Delbert came out of the house and he went to
7 the ambulance. Well, my uncle and my nephew were out
8 of the house already and they went to the ambulance
9 first.

10 Q Jon?

11 A Yes, Jon.

12 Q Jon Brock?

13 A Yes.

14 Q Okay.

15 A They were -- he and my uncle was standing in
16 the door. And when he saw the cops coming, I'm
17 thinking that he came out, because he was already out.
18 So they took my nephew and my uncle in the ambulance.
19 And then all of a sudden, I saw my cousin come out,
20 Delbert come out, holding his leg, I think it was. I
21 was very distraught --

22 Q Sure.

23 A -- to say the least. And then I saw my
24 niece, which is Derrick's girlfriend, come out of the
25 house and she didn't have the baby. And I didn't

Examination of Lana Eide

1 think about it then.

2 Q Is that Amber?

3 A Yes, Amber. I didn't think about, Oh, my
4 God, the baby. And -- you know, because I just saw my
5 nephew dying. And she -- she left, went in the
6 ambulance and told the officers to leave the baby with
7 me. And we were out there for another probably hour
8 and a half before I got the baby and my grandma came
9 out of the house.

10 Q Okay.

11 A I don't know what happened in the house.
12 I --

13 Q Sure. Now, when you went back up to the
14 house and Jon was standing in the doorway, did you
15 notice anything about him?

16 A I did not notice anything. My blinders were
17 on. I don't know like -- I don't know how I would not
18 noticed him, because I'm -- from what I'm
19 understanding, he was beaten very badly.

20 I mean, he might lose his eye, I guess.
21 Like I said, I don't know. My -- all's I could think
22 about was my nephew on the ground, dying.

23 Q Okay.

24 A And I looked at my grandma. I looked over
25 my uncle at my grandma that was standing in the living

Examination of Lana Eide

1 room. And I just told her, "Call 9-1-1." And I
2 turned around and I went back to my nephew. I
3 didn't -- I don't know how I didn't see it. I don't
4 know. My -- my mind was just on my nephew.

5 Q Sure. Okay.

6 A I didn't even think about Jeb being in the
7 house either, like he's never there, so I didn't even
8 -- it didn't even dawn on me that he was the one that
9 was -- that could have done this. You know, I just --
10 I didn't know what was going on.

11 Q Okay. And when you had left that day,
12 was -- was Jeb there?

13 A No.

14 Q Okay.

15 A No. I hadn't been there all weekend. I had
16 my daughter. I have my daughter every other weekend
17 and I had her that weekend. And so we were at my
18 mom's because I didn't have her Easter.

19 And my mom lives in Washington, so we were
20 at my mom's. And then Saturday, we came home and my
21 daughter wanted to stay the night at her friend's
22 house, one of my friend's mutual -- they have kids
23 together, anyways.

24 And so we stayed there Friday -- yeah --
25 Saturday all day. I was there until Saturday night.

Examination of Lana Eide

1 And then I went -- no, I was even there Saturday
2 night. Anyways, and then Sunday, I took my daughter
3 back home and I went to my boyfriend's house and then,
4 didn't come back until that evening.

5 Q Okay. So you'd been away from the house for
6 a few days?

7 A Right.

8 Q And you hadn't seen Jeb --

9 A I had no clue that he was there.

10 Q -- at all?

11 A Oh, no, wait. Yes, I had, 'cause I had came
12 back for a minute and he was there. And I looked at
13 him and he said something to me and I just went in the
14 house, shut the door and locked it. And I was only
15 there for a couple minutes and then I left to go to my
16 boyfriend's house.

17 Q When you say the house, do you mean the
18 house or the RV?

19 A No, my motor home. I'm sorry.

20 Q The motor home. Okay.

21 A My home, my motor home.

22 Q Sure. Okay. Did he -- do you remember what
23 he said to you?

24 A He said something about drugs or something.
25 And I looked at him, I said, "I don't know what you're

Examination of Lana Eide

1 talking about." And I turned around and went in the
2 house. I said, "Don't talk to me," 'cause I don't
3 talk to him. I don't have -- I don't like him.

4 Q Okay.

5 A He --

6 Q Well, okay. That's fine.

7 A Anyways, and so I just shut the door and
8 locked it. And --

9 Q Okay.

10 A -- went about my business. And then I left
11 and --

12 Q Okay. And when you say that you went across
13 the street, do you mean you went across Center Street
14 or you went across 132nd?

15 A Center Street. Across the street to the
16 neighbor's house, yes.

17 Q Okay. And so you were standing over here --

18 A We were in the driveway.

19 Q -- watching --

20 A We were actually in that driveway, but yeah,
21 yeah.

22 Q Over here?

23 A Yeah, yeah.

24 Q Okay. Kind of watching what was happening?

25 A No. I was crying.

Examination of Lana Eide

1 Q Okay.

2 A So I really wasn't watching too much. I was
3 just worried about my nephew.

4 Q Sure. Do you have a sense of how long it
5 was once the police got there before you heard the
6 shots or --

7 A It was not very long.

8 Q -- anything?

9 A It wasn't very long at all. I would --
10 five, 10 minutes, maybe, if that.

11 Q Okay.

12 A But like I said, time was -- sense of time
13 was going to be real --

14 Q Sure.

15 A I don't even -- I -- I don't even know how
16 long the whole thing, process was.

17 Q Mm-hmm.

18 A It was a long day.

19 Q Yeah. Okay. And so ultimately, the baby
20 was given to you --

21 A Yes.

22 Q And -- and Amber was taken away to the
23 hospital?

24 A Yes. Amber -- all four of them were taken
25 to the hospital, pretty much right after each other.

Examination of Lana Eide

1 And then like in -- I would say I -- before I got the
2 baby, it was probably a good hour, because I guess
3 they had to secure everything or whatever. And then
4 once I got the baby, we got --

5 Q But Betty -- Betty was inside with the baby?

6 A Yes. Oh, yes.

7 Q Okay.

8 A Yes, my grandma was inside with the baby.

9 Q Okay.

10 A Yes.

11 MR. JACKSON: Okay. All right. Well,
12 that's all the questions that I have. Do you folks
13 have any questions?

14 A GRAND JUROR: Did you hear any shouting
15 from inside the house or were you too far away?

16 THE WITNESS: No. I didn't hear -- I didn't
17 even hear Amber screaming or -- I didn't hear
18 anything. But like I said, my -- my blinders were to
19 my nephew.

20 A GRAND JUROR: Of course, of course.

21 THE WITNESS: He's like my kid. And -- and
22 to see that is --

23 MR. JACKSON: Sure. Okay. Any other
24 questions?

25 I don't see any.

Examination of Betty Lou Littlejohn

- 1 A Sure do.
- 2 Q How long have you lived there?
- 3 A 60 years, about, almost.
- 4 Q Six-zero, 60?
- 5 A 60.
- 6 Q Okay.
- 7 A 50, I know.
- 8 Q Okay. And who lives in the house with you?
- 9 A At that moment or now?
- 10 Q Yeah, on April 29th of 2019.
- 11 A On April 29th, my number one son, Jon Brock
- 12 and Delbert Littlejohn and Derrick Rogers and his
- 13 girlfriend and the baby.
- 14 Q Okay.
- 15 A And me.
- 16 Q And you. Okay. And in the days leading up
- 17 to April 29th, did Jeb Brock come over to the house?
- 18 A Yes, he did. He came over. I think this
- 19 happened on a Thursday night. I'm not positive on
- 20 that date. But the next day, he came over 'cause my
- 21 son Jon -- he -- Jeb don't live -- I'm not close to
- 22 him like -- he's my grandson, but I don't see him very
- 23 often.
- 24 Q Mm-hmm.
- 25 A And he -- excuse me. He -- Jon asked him to

Examination of Betty Lou Littlejohn

1 come over and help him do a lot of things for him.

2 Q Around the house?

3 A Yeah, like his tools. He had them all in my
4 shed and he took them out. Silly kid. And he -- so
5 then they're setting here.

6 Q Okay.

7 A And they -- Jon asked him to come and help
8 him put things back away and have to clean up my yard.

9 Q Okay. And --

10 A And next, he went home that night.

11 Q Jeb did.

12 A I thought he did. Under my estimate, he
13 went home. And he's a -- I said to him -- and he came
14 back the next morning to do the same thing.

15 And I said -- that night, I said, "Jeb,
16 you're homeless. Why do you want to go and sleep on
17 the sidewalk like you say and -- and no place to be?
18 Stay all night with grandma and help Jon finish
19 this up."

20 Q Mm-hmm.

21 A And so I guess he decided to do that.

22 Q Okay.

23 A And we were all sleeping when this happened.

24 Q Okay. So when you went to sleep the night
25 before, was there anything strange going on?

Examination of Betty Lou Littlejohn

1 A Not a bit. In my house, people just live
2 like we always done, our family. That's all my
3 family --

4 Q Mm-hmm.

5 A -- that was here.

6 Q Okay. And so you went to sleep?

7 A What?

8 Q You went to sleep?

9 A I went to sleep.

10 Q Do you remember what time that was?

11 A Oh, no, not rightly, but probably I go to
12 bed between 8 o'clock and 10:00.

13 Q Okay.

14 A And I went to bed. And I figured I just let
15 everybody do their own thing, you know. They're big
16 people.

17 Q Mm-hmm.

18 A And so I went to sleep. At a quarter to
19 3:00, I got up to go potty and I still didn't hear a
20 thing going on.

21 Q Okay. Everybody seemed to be sleeping?

22 A Well, I have a hard time hearing, but I can
23 hear people talking. I can hear you talk, but I can't
24 understand what you say.

25 Q Mm-hmm.

Examination of Betty Lou Littlejohn

1 A So I didn't hear anything. And so I went
2 back to bed, turned on my television, 'cause I usually
3 wake up that time of morning. I don't get out of bed
4 always until 7:00.

5 Q Okay.

6 A But I'll watch TV and all of a sudden, I
7 heard all kinds of noise. I got up to see what was
8 happening and I saw -- and my house is like this and
9 there's a bedroom and there's a bedroom and there's a
10 bedroom.

11 And then there's a hall and then the front
12 room. And I come out to this little hall. And, "Oh,
13 my God," I said, "Jeb, what are you doing? What are
14 you doing?" He's in Delbert's bedroom. He has that
15 little bedroom.

16 And he was pushing the door. They were in
17 there fighting or something. I can't see through the
18 door, but I can see him in there. 'Cause I guess
19 Delbert said, I don't know, picked up --

20 Q Well, don't tell us what you've heard, just
21 what you saw.

22 A Oh, well, this is what he -- he said he had
23 thrown him against the wall in there. And when I got
24 up --

25 Q Did that look like what was happening?

Examination of Betty Lou Littlejohn

1 A -- I could hear them pushing the door back
2 and forth. They're shutting it, he's opening it.
3 They're pushing in that -- in that little hall.

4 Q So -- so Derrick's at the door trying to
5 open it?

6 A He's trying to open it to help Delbert.

7 Q Uh-huh. And Jeb was in there?

8 A And they're -- they're both in there. And I
9 said, "Jeb, Jeb, what in the world are you doing?"
10 Jeb, I'm trying to quiet him down, you know, whatever.

11 Q Mm-hmm.

12 A And so they went back and forth. I'd hear
13 that noise, in door, slam, in door, slam, all night.

14 Q Mm-hmm.

15 A No, not all night, just while I was standing
16 there.

17 Q Uh-huh.

18 A And --

19 Q Okay. What happened then?

20 A The -- I remember him -- Derrick popped the
21 door open and Derrick come and -- I mean, of -- so
22 many Ds in my house.

23 Q Yeah. Was it Delbert?

24 A Delbert getting out and Derrick is a-pushing
25 down the hall out to the backyard. "Get out, get

Examination of Betty Lou Littlejohn

1 out," he says. "Get out of -- go out to the backyard.
2 Get out of here." And while he's a doing that, Jeb
3 got into --

4 Q One of the other bedrooms?

5 A Derrick's bedroom.

6 Q Derrick's bedroom. Okay.

7 A Into Derrick's bedroom.

8 Q And were you still standing in your doorway?

9 A I was still there.

10 Q Okay?

11 A And so I -- and now, Derrick just goes out
12 of his head. He says, "Grandma, my baby's in there,
13 my baby's in there." I says, "I know. We're going to
14 tend to this." I'm on the phone all the time trying
15 to call the policeman.

16 Q Okay.

17 A I -- I don't know what -- I said, "Help,
18 help, help, help. Some maniac is going crazy in this
19 house."

20 Q Mm-hmm.

21 A I -- I --

22 Q And were you still standing there?

23 A And they came quick. Well, anyway, I don't
24 exactly know when this all happened, but I'm standing
25 in there watching this door go back and forth, 'cause

Examination of Betty Lou Littlejohn

1 now --

2 Q With Derrick? Trying to go into Derrick's
3 room, you mean?

4 A No, 'cause Derrick is on the outside pushing
5 and Jeb is in the inside trying again on this door.

6 Q Okay. What happened then?

7 A Well, I saw Derrick -- you know my house is
8 just getting full blood. Blood, blood, blood. And
9 they -- and I hadn't gone out to the front room yet.
10 And I had stayed in the hall when I heard this pushing
11 back and forth of doors and all that.

12 And the next thing I know is Derrick's got
13 his throat cut and blood coming out. And so we went
14 outside and that's when he went over to where Lana was
15 at that trailer.

16 Q Mm-hmm.

17 A And he says, "Lana, help, help." You know,
18 gosh, there's Derrick all mess of blood. And I saw
19 him set down on the back of my -- of my Jeep on the
20 curb.

21 Q Mm-hmm.

22 A I saw the policeman a-coming at that time.
23 They came so quick, thank God. And then I come back
24 in the house and the policemen are following me,
25 moving me out of the way.

Examination of Betty Lou Littlejohn

1 And he says -- I have no idea what happened
2 after that, because I -- he made me -- he wanted to go
3 to the garage. He pushed me down trying to get out
4 there. He helped me up and -- and set me down on my
5 couch.

6 Q Mm-hmm.

7 A On the couch.

8 Q Mm-hmm.

9 A And the baby -- shortly, I'm setting there
10 just -- the policeman is standing -- I have a
11 parrot -- and he was standing right by the parrot --

12 Q Mm-hmm.

13 A -- the one that was trying to get to the
14 garage, but didn't. I don't know what happened after
15 all of that. A policeman must have went in to quiet
16 Derrick, try at -- Jeb down or what happened in there,
17 I don't know.

18 Because I'm a-talking to this policeman
19 that's standing there. He says, "You set right
20 there." And, of course, I do. I don't get around
21 fast.

22 Q Okay.

23 A And pretty soon, the girl -- I can't think
24 of her name right now.

25 Q The baby?

Examination of Betty Lou Littlejohn

1 A No, the baby -- not the baby, the mama.

2 Q Oh, Amber?

3 A Amber.

4 Q Yeah.

5 A Yeah. She come out and set the baby right
6 down beside me. And the policeman had already left my
7 front door wide open and it was in the morning.

8 Q Mm-hmm.

9 A And so after that, I pushed -- I grabbed
10 whatever I have there, a blanket that I lay over my
11 lap at night or day, all the time. Hundred degree out
12 and I'll leave the blanket over me.

13 Q Mm-hmm.

14 A But anyway, I picked it up to put around us,
15 'cause the baby was cold and so was I.

16 Q Mm-hmm.

17 A And that's the last I remember 'til they
18 picked me up and moved me next door to the people over
19 there.

20 Q Okay.

21 A And the ambulance came in. Oh, then I saw
22 my son was setting -- Jon --

23 Q Mm-hmm.

24 A -- was the one that -- a bloody mess. He
25 was a bloody mess.

Examination of Betty Lou Littlejohn

1 Q Mm-hmm. Where did you see him?

2 A When I -- by the time I got out of that
3 little hall and the policeman set me down out there on
4 the couch.

5 Q Where was --

6 A Jon was setting on the couch right over
7 there. So he had to go past Jon before he got -- and
8 what happened, I don't know what made him all go that
9 way. I have no idea.

10 Q Mm-hmm.

11 A I can't even put it in my head --

12 Q Mm-hmm.

13 A -- at why he would do such a thing.

14 Q Yeah.

15 A Can you -- I can't imagine anybody. I would
16 think that if it was you, something would have to set
17 you off. Right?

18 Q Yeah. I -- I don't know. Yeah.

19 A And I would think so. And what had
20 happened, I don't know. Delbert decided he wanted to
21 wash clothes about 2:30 or 3:00 in the morning and so
22 he had to go out and wash. I don't know what, if they
23 said something that made him mad or what. I don't
24 know --

25 Q Okay.

Examination of Betty Lou Littlejohn

1 A -- what happened, but now it's happened. I
2 thought the policeman would come and -- I had to get
3 him to stop that. I don't call the police too much,
4 but something like that is -- had to be -- I couldn't
5 handle.

6 Q Sure.

7 A I have eight boys of my own and so I can
8 control them and tell them by talking to them, but Jeb
9 and all these -- I don't know what -- my grandkids,
10 not my own.

11 Q Okay.

12 A It's always my grandkids or my great
13 grandkids.

14 MR. JACKSON: All right, ma'am. Well, thank
15 you very much. That's all the questions I have.

16 Do you folks have any questions?

17 I don't see any.

18 Okay. Thank you very much.

19 THE WITNESS: Thank you.

20 A GRAND JUROR: Thank you.

21 THE WITNESS: And my -- my son, Jon.

22 MR. JACKSON: Yes. Need a hand?

23 THE WITNESS: Oh, I made it.

24 MR. JACKSON: Okay. Any time.

25 THE WITNESS: Thank you.

Examination of Jon Brock

1 MR. JACKSON: Sure. All right.

2 Why don't you have a seat.

3 We'll bring you back in in just a sec.

4 THE WITNESS: Okay.

5 MR. JACKSON: And we can go off the record
6 while we take a quick --

7 (Recess taken, 3:04 p.m. - 3:07 p.m.)

8 MR. JACKSON: All right. We're back on the
9 record following our bathroom break and we're ready to
10 proceed with our next witness.

11 Right here. If you could stand there and
12 raise your right hand.

13 **JON L. BROCK**

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

16 BY MR. JACKSON:

17 Q Okay. You can have a seat.

18 And could you please state and spell your
19 name.

20 A Jon, J-o-n; Brock, B-r-o-c-k; middle
21 initial L.

22 Q Okay. And, Mr. Brock, would it help you if
23 I move to your other side so you could hear me better?

24 A No. This is the ear I can't hear from. So
25 just if I could turn.

Examination of Jon Brock

1 Q Okay.

2 A Who asked the question?

3 Q I did, sir.

4 A Yeah, if I can just turn.

5 Q Would it help if I moved over there?

6 A No, I can hear you.

7 Q You can hear me? Okay.

8 All right. So could you please state and
9 spell your name? Oh, you did already. I'm sorry.

10 Okay. So if you see this residence here on
11 the screen, 13136 Southeast Center Street?

12 A Yes, I recognized it.

13 Q Yeah. Is that where you live?

14 A I am -- I was, yes.

15 Q How long were you living there?

16 A I've been there a couple of years now, a few
17 years.

18 Q Okay. And who lives at the residence with
19 you?

20 A Well, I had a trailer, so I wasn't really in
21 that residence. It changed. Depends on what
22 grandkids were around.

23 Q Okay.

24 A But mom was there and Delbert, generally,
25 and then a variety of kids.

Examination of Jon Brock

1 Q And is your mother Betty Littlejohn?

2 A Yes.

3 Q Okay.

4 A I'm the oldest of her nine kids.

5 Q Of her -- nine kids. Okay. The trailer
6 that you were living in, is that in the front of the
7 house or the back of the house?

8 A In the backyard.

9 Q Backyard.

10 A It was in the back of the house.

11 Q Okay. On April 29th of 2019, were you still
12 staying in that trailer or were you living inside the
13 house at that point?

14 A I think at that point, I had moved into the
15 house.

16 Q Okay. And in the days leading up to
17 April 29th, do you remember Jeb Brock coming over to
18 the house?

19 A The only thing I have a memory of is he was
20 helping me pick up tools. I was trying to straighten
21 up in the backyard. The wind had blown the tarp and
22 knocked things about and he was helping me pick up
23 tools. And -- and I can't even tell you what day that
24 was, particular. And I -- that's the only thing I can
25 remember.

Examination of Jon Brock

1 Q Okay. And was it common for him to come
2 over to see you?

3 A No, it was not.

4 Q Okay.

5 A I think he had been over the last time about
6 Thanksgiving of the last --

7 Q Of the year before?

8 A Yeah.

9 Q Yeah. Okay. And so you have this memory of
10 Jeb coming over to help you with the tools?

11 A Well, he just came by. He didn't come for
12 that purpose. It just I had asked him to help a
13 little while he was there. And I don't even know
14 exactly why he had come by.

15 Q Okay. And is Jeb your son?

16 A Yes, my oldest.

17 Q Your oldest son? Okay. What is your next
18 memory?

19 A My next memory was waking up in the hospital
20 and the -- my daughter was there and the detective
21 telling me that they had shot my son.

22 Q Okay.

23 A I don't remember what led up to it. I don't
24 remember what transpired. I don't remember how I even
25 got to the hospital.

Examination of Jon Brock

1 Q Okay. When you woke up in the hospital, do
2 you remember what condition you were in?

3 A Confused. I mean, I really still didn't
4 even realize what had happened.

5 Q Mm-hmm.

6 A I felt it, though.

7 Q Yeah. Were you injured?

8 A Yeah. I guess somehow, I got a 10-pound
9 hammer in the face.

10 Q Okay.

11 A It broke me up pretty good.

12 Q Okay. And we can see today you have a patch
13 over your --

14 A Well, I can't close my eye, so I have to put
15 lubrication on it and keep it covered for -- 'til they
16 -- the surgeon -- I think they said plastic surgeon
17 would put a little tuck in the corner so that I could
18 close it.

19 Q Okay.

20 A I can't hear out of this ear. It's not
21 about wax or anything, but it -- and they put a metal
22 plate here in my face. I thought at first maybe he
23 had cut me because I heard something about he cut
24 someone else, just, I heard.

25 Q Mm-hmm.

Examination of Jon Brock

1 A But actually, the surgeon told me this is
2 where they had cut me to -- to get in to repair my
3 jaw.

4 Q Oh, okay.

5 A I didn't even know --

6 Q On your -- on your neck?

7 A Yeah. I didn't even know what was what.

8 Q What had happened?

9 A Yeah.

10 Q Okay. And how are you doing today?

11 A Well, I lose track of things pretty good. I
12 mean, I'm all right. I'm getting better. But my face
13 is still numb from about all this. I drool all over.

14 Q Do the doctors expect that to come back?

15 A The doctor said the facial nerves were
16 impossibly damaged and the swelling, so just watch it
17 for another few weeks and see. But as far as my -- I
18 had no dentures. They were broken. And -- and I have
19 to wait like eight weeks more, about for them to
20 settle down 'til I can get new dentures.

21 Q Okay.

22 A So I'm pretty slow on that.

23 Q Yeah. And were you wearing dentures at the
24 time?

25 A Yes.

Examination of Jon Brock

1 Q And complete set?

2 A The bottom -- yeah, upper and lower. The
3 bottom one is, I have half of. I don't know where the
4 other piece went. And I've been wearing my upper
5 ones, because the bottoms don't (indiscernible).

6 Q And was it common for you to take your
7 dentures out, like at night to go to sleep?

8 A I never -- no, no, never even. I take them
9 out and brush them, put them right back.

10 Q Okay.

11 A I always -- ever since I've had them, 12, 15
12 years, I never took them out at night.

13 Q Okay.

14 A And I don't even know where any of this
15 happened, if I was outside or -- I mean, I don't -- I
16 didn't even know where I was.

17 Q Mm-hmm. Okay. Let's see.

18 A That's confusing, good or bad. It's good
19 for some things, but I would have liked to -- well --

20 MR. JACKSON: Okay. All right, sir. Well,
21 I think that's all the questions that I actually have
22 for you.

23 Do the grand jurors have any other
24 questions?

25 A GRAND JUROR: No.

Examination of Aaron Rizzo

1 A GRAND JUROR: No.

2 THE WITNESS: Yeah. If I could tell you
3 more, I would.

4 MR. JACKSON: Okay. Well, thank you very
5 much, sir.

6 THE WITNESS: You guys have a blessed day.

7 A GRAND JUROR: Take care.

8 THE WITNESS: And be safe. We're here for
9 understanding. I mean, not -- I mean the world. You
10 guys have a blessed day.

11 MR. JACKSON: Thank you very much.

12 Okay. If you could stand right there and
13 raise your right hand.

14 **AARON RIZZO**

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

17 **EXAMINATION**

18 BY MR. JACKSON:

19 Q Okay. You can have a seat.

20 Would you please state and spell your name.

21 A My first name is Aaron, A-a-r-o-n. My last
22 name is Rizzo, R-i-z-z-o.

23 Q And where do you work?

24 A I'm employed as an officer with the Portland
25 Police Bureau.

Examination of Aaron Rizzo

1 Q And how long have you been a Portland police
2 officer?

3 A Two-and-a-half years.

4 Q What's your current assignment?

5 A I am assigned to east precinct, which is
6 East Portland, night shift, which is 10:00 p.m. to
7 8:00 a.m.

8 Q And were you working that shift on
9 April 29th of 2019 or the 28th into the 29th of 2019?

10 A Yes, sir, I was.

11 Q Okay. And when you're working, are you in
12 full uniform, badge displayed?

13 A Yes, sir, I am.

14 Q And are you in a partner car or are you by
15 yourself?

16 A I am by myself.

17 Q Could you describe the patrol vehicle that
18 you operate?

19 A I was -- that night, I was in a 2017 -- it's
20 a Ford Explorer. We call them FIUs. Fully marked,
21 says Portland Police on the side, lights on the top,
22 big push bumper, any -- typical of any Portland police
23 car that you see out there.

24 Q Okay. And you said two-and-a-half years
25 with Portland police?

Examination of Aaron Rizzo

1 A Yes.

2 Q Did you have law enforcement experience
3 before?

4 A Yes, I did.

5 Q Where was that and for how long?

6 A I was a patrol deputy with the Hillsborough
7 County Sheriff's Office down in Tampa, Florida for
8 six-and-a-half years.

9 Q Okay. Do you remember what district you
10 were working that night?

11 A Every night, I work the -- we call it the
12 70s district. My unit number was 977. So I work the
13 971 district. They pair the odd numbers together.
14 So -- and that area is typically like 122nd, the
15 western side, north side being Division, the east side
16 being 136th and the south side being Holgate.

17 Q Okay. That was your district?

18 A Yeah, that's the rough parameters of my
19 district.

20 Q And you guys would refer to that as the 70s?

21 A Yes.

22 Q Okay. And you've been working that district
23 for how long?

24 A Over a year and a half.

25 Q Okay. Were you by yourself in that

Examination of Aaron Rizzo

1 district? Are there other officers that work that
2 district with you?

3 A Yes. There's one other officer working
4 with me.

5 Q Okay. Who was that?

6 A Officer Andrew Young.

7 Q Okay. And do you guys stay together or are
8 you in different parts of -- of that area you just
9 described?

10 A Yep. Different parts, just kind of doing --
11 there's -- the larger part of that district is all the
12 way to 82nd, so it just kind of extends out westward.
13 So we just -- we have a lot of real estate to cover,
14 but we just kind of stay separate unless it's a bigger
15 call where they'll dispatch both of us at the same
16 time.

17 Q Okay. And so on your kind of typical shift,
18 you would just be responding to calls for service --

19 A Yep.

20 Q -- throughout the night?

21 A Yes, sir.

22 Q Okay. And it's just the two of you for that
23 whole area?

24 A Yes.

25 Q Okay. Do you recall on April 29th of 2019

Examination of Aaron Rizzo

1 around 4:15 in the morning, a call for service coming
2 out for 13136 Southeast Center Street?

3 A Yes, sir, I do.

4 Q Do you remember where you were when that
5 call came out?

6 A Yes. I was actually getting like a water
7 and a bathroom break at a contact office we have on
8 117th and Market, which is just north of Division.

9 Q And is that address in your district?

10 A I think it's Officer Young's district, but
11 it's all part of 70s, yes.

12 Q Okay. And so being Officer Young's actual
13 patrol district, did you respond or not?

14 A I was dispatched, yes, and I responded.

15 Q Okay. What was your understanding of the
16 call as you -- as you began responding?

17 A The call came out as a stabbing in progress,
18 which is -- obviously sounded pretty serious. I go to
19 my car, immediately started running lights and sirens.
20 I knew very roughly where this was, so I'm not really
21 looking at my computer so much as I'm just trying to
22 get there as fast as I can.

23 And dispatch is kind of giving us updates
24 that we have multiple callers now saying that there's
25 multiple people that have been stabbed, that there was

Examination of Aaron Rizzo

1 a baby inside the house, and that the stabbing was
2 ongoing.

3 Q Okay. What's going through your mind at
4 that point as these updates are coming in?

5 A The biggest concern for me was that it
6 wasn't -- the information was that there's active
7 stabbing going on, which is like an active threat, so
8 no different than if you had, unfortunately, like a
9 mall shooter.

10 If somebody's actively harming somebody,
11 you want to get there and your first order is to stop
12 that threat, whether it's somebody with a knife or a
13 gun or a baseball bat.

14 There had been some talk on the radio prior
15 to my arrival of like staging, like kind of maybe
16 north and kind of getting all our resources together,
17 but --

18 Q What does that mean, staging?

19 A So staging would be like on, say, 132nd here
20 where the house is, we'd stage maybe like a block
21 north in a not dynamic scenario like this, get some --
22 get a bunch of cars together, hey, okay, this our
23 plan, this is what we're going to do.

24 Somebody's going to go cover the backyard.
25 Somebody's going to go -- this will be a contact team,

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1 this will be the arrest team. However, in this
2 situation, I made the decision to say, hey, this is
3 active. We're not staging.

4 We're going to get as many officers to the
5 front of the house as possible and as soon as we get
6 three or four of us, which is like a good contact
7 team, we're going to go inside and -- and stop this
8 threat.

9 Q Okay. That's what's going through your mind
10 as you're coming in?

11 A That's what I voiced over the radio, too.

12 Q Okay. And did you receive any pushback from
13 other officers, hey, no, we really ought to stage
14 and -- and get a plan together?

15 A No. Officer Gonzalez had arrived about
16 probably 20 seconds before me, and he was walking up
17 to try to get eyes on. And I made that decision
18 probably a hundred yards from the house as I'm like
19 screaming down 132.

20 So it was all within probably a 10-second
21 time area of me saying, we're not staging. Go to the
22 front of the house and then me arriving. So it was
23 all really, really close. There was no pushback.

24 And I think me voicing that, okay, yeah,
25 this is like -- this kind of a different situation.

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1 This is dynamic. This is happening right now. People
2 are still being hurt by whoever's doing the hurting.

3 Q Okay. You said Officer Gonzalez got there
4 ahead of you?

5 A Yes, sir.

6 Q And did you hear an update from him once he
7 arrived at the scene?

8 A He -- the only thing I heard was that he's
9 like, "Hey, I parked and I'm walking up on foot." And
10 I was probably 10 seconds out from that. So as I'm
11 pulling up, he's kind of turning the corner.

12 Q If you want to come up to the screen.

13 A Okay. I'm sorry.

14 Q That's okay.

15 A When I came up, I was coming down -- south
16 on 132nd, I saw Officer Gonzalez kind of right here on
17 the corner. And then I knew this was the house, so I
18 came and parked like maybe right here. So me and
19 Officer -- I pulled up in my car at the same point as
20 Officer Gonzalez is walking up on foot.

21 Q Okay. And you jump out of your car?

22 A Yes.

23 Q And what did you take with you?

24 A I'm certified and trained to carry a
25 40-millimeter less lethal launcher. I don't know if

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1 anybody's ex-military in here, but it is a -- thought
2 maybe you had a picture.

3 Q Just give me one sec here. How many
4 millimeters did you say?

5 A It's 40-millimeter.

6 Q Okay. What do we see on the screen here?

7 A So this is -- this is what I carry during my
8 patrol shifts. I carry it every patrol shift by
9 policy and by training. It's a 40-millimeter less
10 lethal launcher. It holds two rounds, which are
11 2-ounce blue-tip sponge rounds. They fire at
12 approximately 225 miles an hour.

13 I can only load up one at a time here.
14 There's a red dot sight and then there's a light on
15 it. Those are the only things on the -- on this
16 contraption. Before my shift, I check -- I check the
17 less lethal launcher, because we share them, so we
18 take out different ones each shift, depending on
19 what's available. I check all my rounds as well.

20 Q Okay. And the two on the butt stock, is
21 that the only two rounds you have?

22 A No. I also carry an additional five on a
23 scabber on my left-hand side, so I have a clip that
24 clips around my leg right here. So it's got an
25 additional five rounds. The way our training is is

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1 that whenever I deploy my less lethal munitions, the
2 first round comes out of my leg holster.

3 I'll load that up first and then the next --
4 as you deploy your next rounds, you want to come from
5 the ammunition holder on the -- the butt stock,
6 because you're quicker to get there. But that first
7 one, they want you to come from there.

8 And then your two additional rounds would be
9 from there and then any additional from your -- your
10 leg holster.

11 Q Okay. And when you are driving around in
12 your patrol shift and you have this weapon system with
13 you, is it loaded so when you grab it and go or is it
14 you have to load it before you can --

15 A I have to load it before I go. I keep it
16 unloaded in my car and I keep the sight off. When I
17 get out of my car, I'll turn the sight on, 'cause it's
18 battery powered.

19 And then I'll load up a round from my leg
20 holster first if I'm going to deploy it. That being
21 said, I've -- when I take it out of the car on a
22 call -- if I -- even if I don't look -- even if I
23 don't use it, I always load up a round in preparation
24 of using it, but I don't always take it out of my car
25 on every call.

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1 Q Okay. So when you're actually going to
2 deploy the 40-millimeter, you said it's one round
3 loaded --

4 A Yes.

5 Q Appears from this photograph, it's a breach
6 loading system?

7 A Yes.

8 Q And so can you take us through the process
9 of actually loading, firing, taking out the expended
10 cartridge, putting the new one in and firing again.

11 A Sure. Let me just use this.

12 Q Sure.

13 A When I get out of the car, I'll usually kind
14 of get myself situated. I'll sling it. I'm
15 right-handed, so I sling it over my shoulder so I
16 can -- it can rest and I can have my other hands free.

17 I'll take a single round out of my -- the
18 holster on my left leg. There's a breach loading
19 system, so there's like a little push button. It's a
20 very simple device. It's just like a push. You push
21 it with your thumb and then it opens up like an old
22 shotgun.

23 I can load in one single around at a time.
24 It can't take more. One round is the maximum it can
25 take. Once it's loaded up, I close it up and I'll

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1 turn on the -- the sight.

2 And I usually just click it to, like, four.
3 So -- my vision's fine, so it's just a red dot sight.
4 But it makes it extremely accurate. Once I'm loaded
5 up, it's a -- it's a double-action trigger, so it's
6 like -- it's -- there's a trigger back here. And so
7 it's in a long pull, right?

8 It's not like a -- when you pull the
9 trigger, it's probably maybe -- maybe a half an inch
10 or an inch of actually like moving your finger, so you
11 can't really accidentally deploy it. When you're
12 pulling that trigger, it's deliberate and it's -- it's
13 a strong pull.

14 Q Okay. And then once you've deployed it, how
15 do you then reload it for another shot?

16 A What I'll do is I'll use the same latch
17 opening system. I'll pop it open with my left hand.
18 I'll usually take out the expended cartridge. For the
19 next round, I'll pull it right out of here.

20 You can kind of see the tip of the back of
21 the -- what I'll do is you can actually see where I
22 pulled it out of here and then load it up into the --
23 into the 40 mill for an additional shot.

24 Q And so in order to do that, you actually
25 have to take -- take the 40 mill off target, breach

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1 it, take out the round, put the new one in, close it
2 and then reacquire the target?

3 A Yes, sir.

4 Q How long does that process take, do you
5 know?

6 A Under pressure, I mean, it's five to seven
7 seconds.

8 Q Okay. So essentially, you can only fire one
9 round every five to seven seconds then?

10 A Yeah, max.

11 Q Max.

12 A There's probably people who can do it
13 faster, but that is where I think my comfortable --
14 without dropping a round or kind of fumbling with it,
15 just five to seven seconds.

16 Q Okay. All right. Thank you.

17 A You're welcome.

18 BY A GRAND JUROR:

19 Q Officer, when you said you put the sight on
20 four, could you explain that.

21 A Yes, sir. So on the very, very top, you can
22 kind of see, it's marked. They're actually marked
23 with numbers. One and -- so one and two are kind of
24 low.

25 The light -- the lights, the dot on the red

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1 dot is not very bright. Three is turned off. Why
2 they make three to turn off -- I didn't design it.
3 But when I turn it to four, that turns the red light
4 on and it's good for me to see.

5 Q It's maximum?

6 A To nine.

7 Q Nine maximum?

8 A To go brighter. The red dot on the sight
9 can be brighter at nine. Four works for me. Four is
10 what I've always trained with, so that's what I'm
11 comfortable using.

12 Q So it's not altering the focus. It's --

13 A Just altering the -- the brightness of
14 the dot.

15 BY MR. JACKSON:

16 Q And what is the range of the 40-millimeter
17 launcher?

18 A It's good 'til probably 35, 40 yards to get
19 any kind of good strike.

20 Q Accuracy?

21 A You definitely lose some accuracy. There's
22 only -- right, it's -- the power behind it's going to
23 lose over -- over that distance, it's going to lose
24 power.

25 A GRAND JUROR: Lose impact?

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1 THE WITNESS: Definitely going to lose
2 impact. But it's got far -- its -- its range is far
3 better than anything else that we have to reach out
4 and touch somebody beyond a taser or pepper spray.

5 MR. JACKSON: Okay. You -- oh, was there
6 another question?

7 A GRAND JUROR: What's the ideal distance?

8 THE WITNESS: No ideal distance, but if
9 you're using it, I mean, seven to 15 yards is going to
10 be really good. It's -- when I trained with it, I was
11 shocked at its accuracy.

12 I mean, it is extremely accurate. You can
13 point and shoot. So -- but obviously at a greater
14 distance, the accuracy is going to diminish by just
15 your delays and the round maybe losing its air -- it's
16 not -- the round's about this big.

17 A GRAND JUROR: Right.

18 THE WITNESS: It's going to lose some
19 aerodynamic -- there's going to be changes in the
20 wind, but that is what it looks like. And the -- the
21 black and blue part are the parts that come off.

22 A GRAND JUROR: And fire down range?

23 THE WITNESS: Yeah, and fire down range.
24 The -- the silver part at the bottom is just the
25 propellant behind it and the loading cartridge.

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1 A GRAND JUROR: Is there a point on the
2 other end of the range where you don't want to deploy
3 something like this because you're too close?

4 THE WITNESS: Absolutely. Yeah, you don't
5 want to -- you want to avoid using it anything closer
6 than five or seven feet, 'cause again, you're still --
7 it's still two ounces and it's still -- it's a heavy
8 duty impact. So --

9 A GRAND JUROR: It becomes not so less than
10 lethal?

11 THE WITNESS: It can be, yes. So the
12 desired -- the desired striking points are -- so
13 desired striking points are going to be sternum to the
14 tops of the knees, avoiding the groin area.

15 Anything else could be considered -- like if
16 I -- if you hit somebody in the head, it would be
17 lethal force no matter the distance. So when we
18 deploy it, we specifically deploy it to strike those
19 areas of the body that are within our policy and
20 within our training.

21 BY MR. JACKSON:

22 Q Okay. And so I was going to ask actually,
23 why you've been referring to this as a less lethal
24 weapon system as opposed to a nonlethal weapon system,
25 right?

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1 A Yes.

2 Q It does have lethal capabilities, but if
3 used properly within training, it would not be lethal
4 or less lethal?

5 A That is correct.

6 Q Okay. And your training would be as you
7 described to only strike somebody between the sternum
8 and the knees and avoiding the groin?

9 A Yes.

10 Q Head shots would be lethal force?

11 A Yes.

12 Q Chest, upper chest?

13 A Could be lethal force, yes.

14 Q Okay. Are there any questions about that?

15 Okay. When you got out of your car and grabbed this
16 40-millimeter launcher, why did you do that? Why did
17 you think that was an appropriate thing to do?

18 A The fact that the call involved somebody
19 with a knife. This would be -- this is a perfect tool
20 for that. Somebody with a knife that would have to
21 move towards you.

22 I could keep them away if I needed to deploy
23 it. In another situation, somebody with a knife, I
24 can -- we can keep our distance, right, 'cause
25 distance is our friend. Distance gives us more

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1 options.

2 So if I'm able to keep somebody away from me
3 or other officers at 10 or 15 yards, that gives us
4 more times to come up with more plans, more options,
5 use other tools, negotiate, but it keeps that
6 stand-off distance increased.

7 And hearing somebody with a knife call, I
8 felt that this tool was definitely -- could be used or
9 might be appropriate. And rather have it and not need
10 it than, you know, not have it and need it.

11 Q Is part of the training for the utilization
12 of a 40-millimeter launcher also to be used as a pain
13 compliance tool?

14 A Yes.

15 Q And what does that mean?

16 A Like -- like any tool that we carry, our
17 goal is to get compliance or take somebody into
18 custody if they're not being compliant. That is what
19 this tool is used for.

20 Somebody's not being compliant, but
21 presenting an active threat or threatening to hurt
22 somebody or actively hurting somebody, this is a
23 really good tool to use.

24 I've never been shot by it, but I've seen
25 the force behind it and it -- it looks like it's going

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1 to hurt. And pain compliance makes people comply.
2 It's -- that's an unfortunate part of our jobs, but
3 that's -- that's our goal here.

4 Q One of the ways that it can be used to
5 actually end an active threat --

6 A Yes.

7 Q -- and effectuate an arrest?

8 A Yes. It's been used successfully before.
9 Not by me, but I have seen it. It's been used and it
10 is successful.

11 Q Okay. And how long have you been certified
12 as a less lethal launcher operator?

13 A March of this year. March 3rd or 4th, I
14 went to the class. So I went to the training class
15 very recently.

16 Q Okay. So you get out of the car and you
17 grab your 40-millimeter launcher. What did you do
18 then?

19 A I load up. Officer Gonzalez was -- came up
20 next to me. Also, I'm seeing -- as -- as I pulled up,
21 I can see that there's a male in the driveway. He's
22 bleeding profusely from his head and neck area.
23 Within about five seconds, Officer Young and Sergeant
24 Mooney had also pulled up.

25 And I think I'd even voiced over the radio

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1 that I wanted, like, three or four people with us
2 before we started to -- to go towards the house, but
3 like I said, within the time it took me to get out of
4 my car and, like, load up was the time that we had all
5 four people there, so a very, very, very short amount
6 of time before we made -- before we went in.

7 Q And who were the officers that were
8 with you?

9 A Officer Gonzalez, Sergeant Mooney and
10 Officer Young.

11 Q Okay. And yourself?

12 A And myself.

13 Q And were there any other less lethal
14 operators among those four or just you?

15 A Just me.

16 Q Okay. And when you bring your 40-millimeter
17 launcher, do you also have your side arm or handgun?

18 A Yes. I'm loaded up with my taser, my baton,
19 my OC spray and my firearm.

20 Q And OC spray, is that --

21 A Pepper spray.

22 Q -- known as pepper spray?

23 A Yes.

24 Q Okay. What was the plan?

25 A Well, the first thing that was difficult to

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1 do was we had to bypass the injured person. Like I
2 said, the first step in any kind of active threat call
3 is stopping the threat.

4 And that does mean bypassing injured people,
5 because imagine what can be done in two minutes or
6 three minutes or even 30 seconds by a motivated and
7 dangerous person.

8 Q You mean were you to stop and render aid?

9 A Yes. So we did not stop and render aid. As
10 I'm walking -- as we -- we're like hey, this is the
11 house that we need to go to. This is the house that
12 the 9-1-1 call is coming from.

13 Multiple 9-1-1 calls. This is also the
14 house where there's an injured person and now there's
15 like an elderly lady kind of standing in the driveway.
16 Just to kind of paint a picture, the driveway was
17 pretty narrow.

18 There's two cars parked side by side, so for
19 us to actually get to the front door of the house, we
20 had to kind of walk in a single-file line and this
21 elderly lady was standing, like right there. So we
22 were trying to like kind of get -- move her nicely so
23 we could actually get to the front door of the house,
24 which was wide open. And there's blood on the ground
25 and blood trailing.

Examination of Aaron Rizzo

1 Q Into the house?

2 A Yes. Or by the front door as we walked up.

3 Q Okay. Were there any other people around
4 the driveway area that you were aware of?

5 A Just the elderly lady and then the injured
6 male --

7 Q Okay.

8 A -- that I remember.

9 Q Okay. When you got up to the door, were you
10 guys still in single file or had you kind of grouped
11 up?

12 A We got to the door. The door was open and
13 we just kind of -- I don't think we're ever lost
14 momentum. We just went straight into the house.

15 Q What did you see once you got in that door?

16 A Once we got into the door, it opened up to a
17 living room. There was blood -- I could see a lot --
18 quite a bit of blood on the floor, fresh blood. There
19 was a male sitting on the couch to my right, which
20 would be like the west side of the room. He appeared
21 pretty injured.

22 He wasn't -- couldn't give a lot of
23 information. Just maybe -- he was trying just to kind
24 of stay conscious. So at this point, the last update
25 we had had from dispatch or the 9-1-1 callers, really,

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1 was that somebody was being stabbed, there was a baby
2 in the house.

3 People were still being stabbed and now
4 we're in the house. So this gentleman, clearly
5 injured, just wasn't able to give us any information,
6 so we know now that we have to kind of -- we have to
7 clear this house, find out -- figure out what's
8 going on.

9 Q And what does that mean when you say clear
10 the house?

11 A So we're going to methodically and safely
12 kind of go through the house room by room, door by
13 door, trying to find the threat and then if it's gone,
14 we can control the scene from there or stop the threat
15 if it's still active and ongoing.

16 Q Okay. How did you guys do that?

17 A To give you an idea, so the living room --
18 we're in the living room, which opens up -- it's one
19 big room that opens up into the kitchen area. And
20 then there's just one single hallway on the left. So
21 you can only move south through the house, directly
22 towards the -- oh, perfect. May I use this?

23 Q Of course, yeah. I was just going to say
24 there's a line diagram up here if that would help.

25 A I appreciate that. So we came -- we moved

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1 into the house in here. So now it's myself,
2 Sergeant Mooney, Officer Gonzalez and Officer Young.
3 Officer -- or Sergeant Mooney gave out -- he yelled
4 out, "Portland police" or something to that effect to
5 let people know that we were -- the police were here
6 and we're in the house and they need to come out.

7 Q Is that standard procedure?

8 A Yes.

9 Q Okay.

10 A So we -- this is basically our, hey, the
11 police are here. If you're going to give up, give up,
12 but we're coming to come and find you. No surprises
13 on their part. We don't want there to be any
14 confusion about who's in the house, who's opening
15 doors.

16 Q Did somebody come out after that warning?

17 A No response, nothing. The house is actually
18 quiet, which was unnerving. So since I'm using --
19 both hands are using my less lethal and this is
20 somebody with a knife, Sergeant Mooney and Officer
21 Gonzalez are going to move -- were going to move down
22 the hallway together and then I'm going to have
23 Officer Young -- this back, sliding glass door was
24 open, right, to a backyard, which was unknown at the
25 time. So --

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1 Q You mean nobody had looked back there for
2 threats or people?

3 A No, no. And typically, what you want to do
4 is you want to contain your search areas, right? So
5 if we want to do the house first and then if the house
6 was clear, then we're going to move to the backyard.

7 But we -- we don't want people in two
8 different places, right, 'cause in a -- in a bad -- in
9 a different situation, say, that there was cops in the
10 backyard here searching and the bad guy was here and
11 we shot out the window, we could hit one of our own,
12 so we want to know where all our officers are at the
13 same time and we want to make sure that where we're
14 searching isn't -- there's nobody in a dangerous
15 backdrop.

16 So I asked Officer Young, I said, "Hey, hold
17 that back door." Which, there was also a door to the
18 garage here, which was also unknown.

19 Q What does that mean, hold the door?

20 A So I had him just kind of stand in this area
21 right here with his firearm out. So basically he's --
22 if, say, the threat was in the backyard or the threat
23 decided to come back into the house, he could address
24 that threat and he's protecting us as we're moving
25 away, right?

Examination of Aaron Rizzo

1 Q Down the hall?

2 A Down the hall. There was more officers
3 coming into the house or moving into the scene, but
4 again, this is -- everything from beginning to end is
5 under a minute-and-a-half, so it's a lot of -- a lot
6 of movements and a lot of thinking, but in a
7 compressed amount of time.

8 We move as three, Sergeant Mooney, Officer
9 Gonzalez and myself third. They clear -- so
10 they're -- we're opening doors that are closed. We're
11 not sure what's in these doors.

12 We don't know if it's a bedroom, closet. We
13 don't know the layout of the house. The -- the --
14 this is kind of hard -- weird, but the hallway's
15 longer than this.

16 But these first two doors on the left are
17 closets, empty -- or closets filled with clothes. And
18 then we get down to basically it's like a T
19 intersection, so it's bathroom -- bathroom door
20 closed, bedroom door open, bedroom door closed,
21 bedroom door open.

22 Q Just for the record, you're indicating the
23 room that's labeled on this diagram, Betty
24 Littlejohn --

25 A Yes.

Examination of Aaron Rizzo

1 Q -- door open.

2 A Yes. Also bathroom door closed, Betty
3 Littlejohn, door open. Derrick Rogers, Amber Stevens,
4 door closed. Delbert Littlejohn, door open.
5 Bathroom -- Sergeant Mooney, to my recollection, opens
6 the bathroom door. It's just a bathroom. Cleared
7 very, very quickly, seconds.

8 This door, also open. Kind of move --
9 Sergeant Mooney, I think before Officer Gonzalez moved
10 in, cleared the bedroom. Right. It's dark. It's
11 clearly an empty bedroom.

12 There's nothing jutting off of it or any
13 sounds from people inside these bedrooms. When you're
14 clearing a house, you want to work -- you want to work
15 the open door first, right? We can cover a closed
16 door, right?

17 Okay, the door's closed and if we can leave
18 it closed for now and then we'll get to the closed
19 door last. This door right here, Delbert Littlejohn's
20 room, open, cleared very quickly.

21 We're standing right here in this hallway,
22 we hear -- I hear or we hear a, like a single yell
23 coming from this bedroom, Derrick Rogers and Amber
24 Stevens.

25 Q What is a male voice, female voice?

Examination of Aaron Rizzo

1 A Couldn't tell. Just a yell.

2 Q Words?

3 A No. Just --

4 Q Just sound?

5 A Just a loud yell.

6 Q Okay.

7 A So based upon everything that we have seen
8 now, okay, there's people in this room. There's
9 people, actively stabbing, we need -- we need to make
10 sure everybody in this room is okay.

11 Sergeant Mooney, I believe, goes to open the
12 door. So now it is Officer Gonzalez is kind of
13 standing to his left, Sergeant Mooney and then I'm
14 kind of tucked back a little bit closer to the
15 bathroom here, because again, that's my -- I don't
16 have a lethal weapon this time.

17 Easy accessible, like they -- they have
18 their firearms out. Sergeant Mooney opens the door,
19 six, 10 inches, maybe 12. Door stops. My first
20 thought is -- I'm a parent. I see a Pack 'n Play. I
21 immediately, oh, that's a Pack 'n Play and I see
22 there's a baby inside the Pack 'n Play.

23 I tell Gonzalez, "Hey, he's close." I mean,
24 he's like -- Pack 'n Play is like probably this high
25 and he's standing on top of it, right, but he's -- I

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1 can tell that he's looking into the room.

2 Baby is like down by his feet. So I say,
3 "Hey, Gonzalez, grab the baby." Lightning quick, he
4 grabs that baby and he disappears out of my sight for
5 ten seconds. I don't know where he goes with the
6 baby.

7 I know he hands it off to somebody safe,
8 because he came back, but he was able to get that
9 baby. Now, the door that -- the room is very -- very
10 cluttered. The Pack 'n Play was all the way open, and
11 so --

12 Q You mean it was set up into a playpen?

13 A It was fully set up open and it wasn't like
14 it could slide out of the way. It was stuck against
15 something. Like we couldn't just push it out of the
16 way. It was stuck.

17 So I know that -- so Sergeant Mooney now, I
18 can see that he's addressing -- he's yelling at
19 somebody in the room, "Show me your hands." I -- I am
20 able to kind of -- I tell him, "Hey, let me get my
21 less lethal up."

22 I look in the room. There's two people
23 laying on the bed. What I first see is a -- there's
24 a -- their heads are here on the pillows with their
25 feet down by the end and they're facing towards the

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1 door, which would be north.

2 I see a female and then I see a male behind
3 her. Now, the male is -- he's got her like wrapped up
4 in his arms and he's also holding a full-size butcher
5 knife to her chest. He's screaming, "Kill me. I'm
6 going to kill her." He's got -- I mean, he's got the
7 knife against her chest.

8 Very, very intense situation. As soon as I
9 look in, I could see that -- and the female's very
10 petite. I could see that his left leg is exposed
11 probably from here to here.

12 So I tell -- I lean in and I fire one round
13 with my 40-millimeter, 'cause my goal right now is --
14 he's clearly already harmed people and he's clearly
15 intending on harming her.

16 We can't get into this room right this
17 second because of this barricade. So I want to get
18 pain compliance, I want him to drop the knife and I
19 want to buy us some time. The first shot struck him
20 in the leg, 'cause I saw him, you know, pull his leg
21 back and he kind of hunkered down.

22 I didn't give him any warnings. I didn't
23 let anybody know I was firing off a round except for
24 Sergeant Mooney. So he doesn't accidentally think
25 that I'm firing my service weapon.

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1 He knows -- 'cause I said, "Less lethal up,"
2 but I didn't give him, the bad guy, a warning, because
3 I don't want him to be able to conceal himself or
4 conceal himself any better or use her as a shield.

5 So that was my major concern at the time,
6 because he's already using her as a shield. He's
7 already got the knife to her throat. He's already
8 making stabbing motions against her and telling her
9 that he's going to kill her and wants us to kill him.

10 So I wanted to tip the scales in my favor as
11 much as I could without giving any warnings to him.
12 So I fire off that first round, strike him in the leg.

13 Q Let me just ask a quick question.

14 A Yep.

15 Q So you've described that at this point, the
16 door could only open six to 12 inches?

17 A Yes.

18 Q Which is not very big.

19 A Not very much.

20 Q You guys are in full uniform with tactical
21 vests on?

22 A Yes.

23 Q And so there's quite a bit of equipment on
24 the tactical vests, right?

25 A Yes.

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1 Q If you were to lean in through that gap in
2 the door, could you have actually entered the room
3 through it or was it too -- too narrow?

4 A Too narrow. I -- if I remember correctly,
5 I -- 'cause I'm not very tall. Sergeant Mooney's
6 taller than me.

7 I had gotten -- kind of gotten into a
8 crouch, so he was actually, I think, able to even stay
9 on point and I was able to kind of get down and under
10 him as I leaned in; but, no, it was not -- it would
11 not have been wide enough for even me, who's not very
12 big, to get through that door.

13 Q Okay. And you described there were three of
14 your at the doorway?

15 A Yes.

16 Q Officer Gonzalez, you and Sergeant Mooney?

17 A Yes.

18 Q How -- how were you positioning or
19 repositioning yourselves to allow that to happen, you
20 to get up to the doorway to fire that round?

21 A Yeah. It's super tight. It's really,
22 really, really tight over here. And I know that
23 Sergeant Mooney's, like, I could feel him against me.
24 And then Officer Gonzalez is to my left.

25 And he's kind of between this doorway and,

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1 like, my back as I'm using -- as I'm telling Sergeant
2 Mooney, "Hey, I'm going to deploy my less lethal." So
3 we're super tight in this spot and even when I'm
4 deploying and Sergeant Mooney might have to come off.

5 Like we're only kind of one of us in the
6 doorway at a time. He might be looking over me. I
7 can't speak to that, but it's extremely tight.
8 Tight fit.

9 Q Okay. So are the lights on in the room?

10 A Lights are on in the room.

11 Q The overhead lights?

12 A Yeah.

13 Q Okay.

14 A So the room is bright.

15 Q No problem seeing?

16 A No problem seeing.

17 Q Okay. Did you guys have -- so you said the
18 less lethal launcher has a flashlight attachment?

19 A Yes.

20 Q Was that on?

21 A No.

22 Q You didn't have it on?

23 A I don't think so.

24 Q Okay.

25 A So I deploy --

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1 Q Let me ask you this.

2 A Yes.

3 Q Were the lights on in the rest of the house?

4 A I believe the lights off -- lights were off
5 here and in Littlejohn's room, in Betty Littlejohn's
6 room. But like, lamps. It's four o'clock in the
7 morning, so just kind of like smaller house lights.

8 Q Okay.

9 A Lamps are on. But this room was light.

10 Q Okay.

11 A Okay. So during this time, Sergeant
12 Mooney's giving commands. He's telling, "Drop the
13 knife, let her go." And Sergeant Mooney's very calm,
14 very, very cool, very calm, giving authoritative
15 commands, but there's no -- no screaming on his part.
16 He's just giving him clear, concise, drop the knife,
17 let her go commands.

18 I -- after I fire my first round, I step out
19 of the doorway so Sergeant Mooney can get a much more
20 clear picture. Now he's kind of sucking up that
21 space. I take out the spent cartridge. I take out a
22 round from the butt stock, which -- as I'm trained and
23 I load it back up.

24 And load it back up, close the breach and I
25 tell Sergeant Mooney, "Hey, I'm going to take another

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1 shot." So we're still not able to get into this room.
2 They're messing with the door, but it's just -- it's
3 stuck. It's a really messy room. The Pack 'n Play's
4 wedged up against stuff.

5 And it's not like it can be -- the stuff's
6 like high, 6 feet high. So I lean back in. The guy,
7 the person who I shot the first time clearly knew what
8 I was going to do this time. He -- he'd covered
9 himself with the female. He was hugging her still
10 tight and nothing's changed, right?

11 Q Still had the knife?

12 A Still had the knife. Nothing has changed
13 about his demeanor and what he's doing. While the
14 first strike did maybe buy us time, it didn't change
15 his attack on her. And at this point, like, I mean,
16 he's -- he's clearly intending to kill this person or
17 hurt them as much as he can.

18 I do the same thing. I get low. I lean
19 back in. I was aiming for his left hip, which was
20 exposed. I fire off a round and it looked like I had
21 struck the female in the stomach when I fired it,
22 because like I said, he's got her pulled in tight.
23 When I do pull the trigger, I had a shot on his left
24 hip, but things had changed in that microsecond
25 between them moving on the bed. But it was a shot I

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1 felt confident taking at the time and I'd do it again.

2 Q But it hit her?

3 A It did hit her. I could see her flinch.

4 Q Okay.

5 A It's hard to see the direct hit, but I could
6 see the -- from how her body kind of convulsed, I felt
7 that I had hit her.

8 Q Did it appear to you that she was trying to
9 fight him or moving around or trying to get away
10 from him?

11 A She was definitely moving around, but he had
12 her. She's petite and he was a bigger guy and he had
13 her tied up pretty good in like a bear hug around her
14 upper body and had -- like they were kind of -- and
15 they were, like, wedged against this area of the bed.
16 I mean, he was -- and they were at the back end of
17 this bed.

18 Q By the wall, you mean?

19 A By the wall. Excuse me.

20 Q Okay.

21 A So I step out again and I reload a third
22 round now into my 40 mill. Sergeant Mooney gets down
23 low and he's able to get his hands -- I don't know how
24 he did it, but he was able to like flip the Pack 'n
25 Play into the room.

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1 How he did it, I don't know. He -- but
2 looked like he got really low and then flipped it up
3 high and it kind of like tumbled into the room. This
4 gave way to the door being able to open up more so
5 that the three of us could make entry.

6 Officer Gonzalez -- so I'll call this like
7 the hard corner. So he takes the first spot into this
8 bedroom. He's hugging the wall. He moves right up to
9 the bed. Sergeant Mooney moves up next to him and
10 then I move up third.

11 I'm on the -- this far side of the bed,
12 sitting next to Sergeant Mooney. I'm still staying
13 married to my less lethal. I didn't want to change to
14 my firearm or a different tool. I still felt this was
15 the best and most accurate tool I had and the best for
16 the situation. And --

17 Q Would it take time for you to change away
18 from the less lethal at that point to a different
19 tool?

20 A Yes, it would. I mean, I'd have to -- I
21 mean, I could sling it and pull my taser out, but I
22 didn't feel the taser was accurate enough. It was
23 actually not accurate enough, but it wouldn't be the
24 tool for the job. OC -- or the pepper spray can kind
25 of go either way.

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1 Again, I'm looking for like immediate
2 compliance. I want to stop the threat. That can
3 still take five or 10 seconds to kind of get going.
4 It could also affect the rest of us in the room.

5 So that's the last thing I want to do is
6 deploy something that's going to affect my vision,
7 other officers' vision or what's going on.

8 Q And you already had lethal cover from
9 Officer Gonzalez and Sergeant Mooney.

10 A Yeah. Sergeant Mooney and -- sorry,
11 Officer Gonzalez. They had the firearms. They're
12 providing lethal cover.

13 Again, with the 40-millimeter, my thought
14 process is, if something changed, right, I've got this
15 tool right here. Say he lets her go, but he still has
16 a knife. I've got my tool ready to go.

17 If another -- another shot for me to take
18 appeared, I'd have my tool ready to go. So I didn't
19 want to, like, take it out -- take it out of the fight
20 when I still had two officers for lethal cover.

21 And I didn't feel that any other tool on my
22 belt could give me the kind of advantage that the
23 40-millimeter gives me.

24 Q All right.

25 A As we're in the room 10 seconds, five to 10

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1 seconds still giving commands, suspect is -- I mean,
2 he's got the knife. I mean, I can see the knife,
3 like, poking.

4 This is one of those things you remember.
5 But, like, I could see it, like, causing a divot in
6 the skin from it being pushed against her chest plate,
7 up against her throat.

8 I thought he was going to kill her. Like,
9 this is it, like he's going to -- he's going to kill
10 her. Within five or 10 seconds, I just hear one loud
11 bang. I see the suspect go limp and I see the female
12 kind of like roll off the bed. We kind of pulled her
13 off the bed.

14 The -- I clearly knew it was a gunshot. I
15 was like deaf, stone deaf for like 10 seconds. I just
16 couldn't hear anything. I know I got on the radio and
17 I was like, "Hey, shots fired, suspect's down. We're
18 getting the victim out," something along those lines.
19 I don't -- I asked Gonzalez, "Did you fire?" And he
20 said yes.

21 And then Sergeant Mooney said, "I also
22 fired." So they must have fired at the same time,
23 because, to me, what I only heard was one loud bang.
24 I could see that the suspect that was holding the
25 knife, there was blood and brain matter against the

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1 back wall. And it appeared to be a lethal wound.

2 Sergeant Mooney, once the female was off the
3 bed and out of the room, the suspect was still holding
4 the knife. Sergeant Mooney leaned onto the bed and
5 just pulled the knife off, out of his hand and onto
6 the floor. Just out of training, we just don't
7 want -- we don't want him holding a weapon.

8 And it appeared lethal to me; but, again,
9 wounds can look different. Don't know. Knife goes to
10 the floor, Sergeant Mooney and Officer Gonzalez kind
11 of exit the room. In my head, I'm like, okay, this
12 is -- he appears deceased. This is a pretty serious
13 situation. So I'm kind of going into like crime scene
14 mode.

15 Like okay, so Officer Sarah Burns was in the
16 hallway as I'm like, oh -- she -- I don't know how
17 long she was standing there for, but she was standing
18 right in the hallway in the doorway. When I turn
19 around, I tell her, "Hey, hold this room. Like this
20 is a crime scene, like stay here.

21 Don't let anybody in or out that's not a
22 detective or somebody that needs to be here." I
23 didn't see Sergeant Mooney or Officer Gonzalez more
24 than them sitting in their cars.

25 I didn't talk to them. As I'm walking out

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1 the hallway, I see Officer Livingston and she's with
2 the female who was just being held or attempted to be
3 murdered.

4 And I could see -- she lifted up her shirt
5 and I could see a bruise or a welt like kind of on her
6 stomach by her belly button. And I said I was sorry,
7 'cause I'm going to own up for my actions and what
8 decisions I made.

9 So I said, "Hey, I'm really sorry about
10 that." She said it was -- I can't remember, it's okay
11 or -- crazy. So I tell a sergeant that -- a different
12 sergeant, Sergeant Searle that I was in the room and
13 what my involvement was and he told me to wait to be
14 interviewed and talked about. So everybody was out.
15 People were transported.

16 Officer Burns relayed to me that she felt --
17 she thought that the suspect that had been shot was,
18 like, agonal breathing. I don't know how else to
19 refer. But, basically, his brain's -- it's just
20 automatic body responses to breathing, but he's not
21 actually, like, living.

22 He's just kind of breathing, death
23 breathing. I told -- I knew that EMS was going to be
24 coming in, so I think they -- EMS, I guess, would come
25 in and check him. I wasn't there for that and I

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1 didn't render any aid that I felt that would be
2 pertinent to my training.

3 Q Okay. And were you separated off?

4 A Yep. I was separated off and I sat in my
5 patrol car 'til I was interviewed.

6 Q Okay. All right. When you guys -- when the
7 door is just barely open --

8 A Yes.

9 Q -- and you're leaning in and looking, were
10 you able to see her face?

11 A Yes.

12 Q Okay. And what did it look like?

13 A Fear, terror, absolute terror. Yeah, I
14 think -- can't explain it any other way than the face
15 that somebody would have if somebody was actively
16 holding a butcher's knife to their chest and stabbing.
17 So I'm -- yeah. Absolute, abject fear.

18 Q Could you hear him saying anything other
19 than what you previously described when you guys first
20 encountered him or engaged him, I'm going to kill her,
21 kill me? Any other statements you heard him make?

22 A Nope. Just the, "I'm going to kill her,
23 kill me."

24 Q And were those statements ongoing? Was he
25 repeating them or did he just say it once and that

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1 was it?

2 A I think it was ongoing. He'd said it
3 multiple times during this encounter, which again,
4 only lasted 30 to 45 seconds. I mean, maybe it's
5 even -- it's hard to describe time in an event like
6 this, but 30 to 45 seconds.

7 And, I mean, I'm enhanced -- I'm ECIT.
8 Sergeant Mooney's ECIT. I was a hostage negotiator
9 for two years at my old agency.

10 Like I've been on fairly critical incidents
11 prior to this, but this -- this was not a negotiating
12 situation. This was not a talk-our-way-out-of-it
13 situation. This person was intent on -- he had
14 already caused extreme harm and he was intent to -- to
15 cause harm to the female.

16 Q Okay. When you say ECIT, what is that?

17 A So myself and Sergeant Mooney are both
18 enhanced crisis intervention officers, so we went
19 through a 40-hour class detailing everything of kind
20 of street diagnosing mental health issues, but also up
21 to negotiating in -- in a prior to like a -- a
22 call-out, but teaching us how to work as a team, as
23 like a -- to talk to a barricaded person or a hostage
24 situation to give us the confidence and the skills
25 to -- to pick up the phone and try to work -- work out

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1 these things before they get worse, I guess.

2 Q Okay. Now, you said that this was not a
3 situation where negotiating would have been
4 appropriate or kind of talk your way out of it I think
5 is how you put it.

6 A Yes.

7 Q You did, though, describe that Sergeant
8 Mooney was calmly giving commands and orders --

9 A Yes.

10 Q -- to drop the knife and let her go.

11 A Yes.

12 Q How would -- how's that different than what
13 you're describing in terms of negotiations or talking
14 your way out of it, that kind of thing?

15 A Yes, absolutely. So Sergeant Mooney just --
16 he's giving commands, right? He's telling somebody
17 what he wants them to do. Upon us opening that door
18 to the room and his screaming, "Kill me, I'm going to
19 kill her with the knife," the -- it's already
20 elevated, right? It's as high as it goes.

21 This is like as dangerous a situation as it
22 gets. We're just trying to get compliance. That's
23 why I, within seconds, deployed my less lethal and
24 wanted to deploy it again. He'd already, based upon
25 what we had seen coming on arrival and injured people,

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1 like he'd clearly done harm.

2 And this wasn't a -- this wasn't a time to
3 sit back and we couldn't -- there was no ability for
4 us to slow things down. By slowing things down, would
5 have gotten somebody killed, would have got her
6 killed. And the mood wasn't like a, hey, like just
7 talk about this, you know, tell me what's going on
8 today.

9 No. This was dynamic. This was happening
10 right now. I mean, he's holding the knife. He's
11 gesturing with it. He's stabbing her in the chest.
12 He's poking her. He's got it to her throat. She
13 looks absolutely terrified.

14 There just -- there's no time. It was -- it
15 was happening right then and there and there was just
16 no -- I just -- I keep going back to it, but there was
17 just no time to even slow things down. All we could
18 do was just try to get compliance by giving commands
19 and deploying less lethal.

20 And then once we were in the room and things
21 aren't changing and he's still using the knife against
22 her and he's still making threats to kill her and
23 then, for us to kill him, that it didn't lead -- there
24 was no other option. We'd exhausted -- we exhausted
25 all the options and we tried them.

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1 Q Okay. And ultimately, lethal force?

2 A Yes.

3 Q Okay. When you came into the room, you've
4 described that there was stuff everywhere --

5 A Mm-hmm.

6 Q -- even to the point that this Pack 'n Play
7 couldn't even slide enough out of the way to get the
8 door open.

9 A Yeah.

10 Q How much space was there next to the bed
11 where the three of you were lined up?

12 A Not three feet. I mean, we were like
13 sucked -- I mean, we were touching each other. It is
14 hard to go back and remember, but I feel like that
15 like -- Officer Gonzalez was like either like, where
16 this pillow is.

17 I mean, we were all like within probably --
18 if this is the bed from -- I mean, we're probably
19 taking up as much space as this desk, just kind of
20 keeping ourselves kind of bladed, but we're all --
21 we're on top of the bed. I mean, we're as close as we
22 can get. And they're sucked up against this wall over
23 here.

24 Q Were you close enough actually to reach out
25 and touch the bed from where you're standing?

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1 A Yeah, I felt the -- yeah. I could feel it
2 against my legs just --

3 Q Oh, so you're right against the bed?

4 A Yeah, we're right against the bed. We're
5 like touching the bed, but he is just -- I mean, he's
6 got her -- I mean, they're in the far corner of the
7 bed by this back top corner. And I mean, he's just
8 got her all tied up.

9 MR. JACKSON: Okay. How --

10 A GRAND JUROR: Two of them are like right
11 here?

12 THE WITNESS: Sergeant Mooney and Officer
13 Gonzalez?

14 A GRAND JUROR: Yeah.

15 THE WITNESS: Yeah. They are right up here
16 next to the bed. And then I'm --

17 A GRAND JUROR: And you're kind of under,
18 through, behind?

19 THE WITNESS: No. I'm -- I was able to
20 get -- I was on the farthest, so --

21 A GRAND JUROR: Okay.

22 THE WITNESS: Officer Gonzalez here,
23 Sergeant -- I don't know if you guys can see --
24 Sergeant Mooney right here and then me, third. We're
25 all against the side of the bed, but we're all right

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1 next to each other.

2 Now, we're all -- we're not spread out. I
3 mean, we are like -- it's tight. It's really, really
4 tight. And with all our gear on, I mean, we're all
5 just kind of -- and the room was very -- like, there
6 was just stuff everywhere.

7 BY MR. JACKSON:

8 Q Do you remember, is that a twin bed,
9 queen bed?

10 A I think, queen bed. It seemed relatively --
11 it looked like a queen sized bed.

12 Q Okay.

13 A That's what I have. I mean, it looked the
14 same size as my bed.

15 Q Okay. And they're on the back side of the
16 bed?

17 A They are -- yes. They are into the corner.

18 A GRAND JUROR: His back is against the back
19 wall?

20 THE WITNESS: Yeah, they're very, very, very
21 close to that -- that back wall.

22 BY MR. JACKSON:

23 Q So is the bed big enough that even with your
24 legs kind of touching the sides of the mattress as you
25 described, you couldn't reach out and touch him or the

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1 female?

2 A I -- not safely, no. I don't think I could.
3 It never -- never occurred to me. I don't think we
4 happen close enough to touch.

5 Q Okay. So yeah. It wasn't a twin bed then.
6 It was -- it was a larger bed?

7 A Yeah.

8 Q Okay. All right. I think that's all the
9 questions I have.

10 Yes.

11 A GRAND JUROR: Did the lady say anything,
12 the woman say anything? Do you remember her saying
13 any -- yelling anything?

14 THE WITNESS: During the event?

15 A GRAND JUROR: Mm-hmm.

16 THE WITNESS: No, sir, I do not.

17 A GRAND JUROR: Now, you hit him in the leg
18 first?

19 THE WITNESS: Yes.

20 A GRAND JUROR: And then the second shot got
21 her in the stomach?

22 THE WITNESS: Yes.

23 A GRAND JUROR: Prior to the firearms going
24 off, did he move so that you guys had -- had a
25 decision to take a shot?

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1 THE WITNESS: I don't know. I mean, they
2 were moving around on the bed. I can't speak to what
3 Officer Gonzalez and Sergeant Mooney saw, 'cause
4 they're standing in different places and they're also
5 holding -- and holding firearms, but he obviously
6 clearly exposed his head enough that they felt
7 confident to take the shots.

8 BY MR. JACKSON:

9 Q But, I mean, what you described when you
10 were trying to just acquire a target with your less
11 lethal launcher, was that -- even that was difficult
12 because he had her laying basically covering his whole
13 body?

14 A Yes.

15 Q Did that change once you got into the room?
16 Were you able to see more of his body exposed or was
17 he still effectively using her as a shield?

18 A He's still using her as a shield, but I
19 think that he had -- he -- he lifted his head up and
20 exposed his head. 'Cause now -- where before, we were
21 kind of relegated to that look -- basically, if you
22 think about it, we were opening the door, he's kind of
23 looking at us through the door.

24 So his point of what he's looking at now has
25 changed drastically now from him looking at the six to

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1 10 inches of three cops trying to get through the door
2 is now three cops around the bed.

3 So I can't -- I can't speak to his -- his
4 thought process, but obviously, things were changing
5 for him rapidly.

6 Q Now, your point of view is different.
7 Instead of looking that way, now you're looking down?

8 A Yes. Now I'm looking down and I'm still not
9 seeing any --

10 A GRAND JUROR: And you're more toward his
11 feet?

12 THE WITNESS: I'm more toward his feet -- or
13 more toward their feet, but I'm not seeing any part of
14 his body from my end, like exposed, but again, for
15 five to 10 seconds, I'm just kind of looking now for
16 any opportunity.

17 A GRAND JUROR: And your training with the
18 less lethal, you're trained not to go for a head shot?

19 THE WITNESS: That is my training. However,
20 in this situation, it by policy would have been
21 allowed, right, because it's a deadly force situation,
22 but my training is no, do not, unless the -- meets the
23 requirements for deadly force, which this did, but I'm
24 still not taking -- I did not take a head shot, but it
25 would have been allowed.

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1 A GRAND JUROR: But -- but through your
2 training, you're probably looking for other targets?

3 THE WITNESS: Yeah. I'm still looking to
4 hit those big body shots.

5 A GRAND JUROR: Can you remind me what they
6 were? Sternum and then what? Was it the full leg or
7 just knees up or --

8 THE WITNESS: No. I mean, the area you want
9 to hit most is from knees to sternum. These are like
10 your big muscle groups.

11 A GRAND JUROR: And where did you hit him on
12 the leg?

13 THE WITNESS: I struck him -- it looked like
14 I struck him somewhere above the knee, kind of like in
15 this knee area, 'cause I saw kind of like pull his leg
16 back. But, again, at that distance, I mean, it's
17 still firing out.

18 It's almost you can't see it, but just,
19 that's what I was aiming at and that's what it looked
20 like I struck. But -- and then the second shot did
21 strike her when I was aiming for his hip.

22 A GRAND JUROR: When you -- after this was
23 all over and you were -- you were the last to leave
24 the room, it sounds like?

25 THE WITNESS: Yes.

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1 A GRAND JUROR: The other two left. And you
2 looked at Jeb, you saw the head shot with -- or did
3 you see -- and did you see shots in a particular spot
4 or did you just see the blood?

5 THE WITNESS: I just saw the blood.

6 A GRAND JUROR: So the brain splatter you
7 did see a head shot of some kind?

8 THE WITNESS: Yes.

9 A GRAND JUROR: And you didn't see any
10 other --

11 THE WITNESS: No.

12 A GRAND JUROR: -- shots?

13 THE WITNESS: No. To do that, I would have
14 had to like climb onto -- I didn't want to disturb --

15 A GRAND JUROR: Got it.

16 THE WITNESS: There was no investigative
17 value for me at that point to climb onto the bed.
18 From what appeared to be brain matter on the wall, it
19 appeared to be head shots and there's no -- no medical
20 I could give to him and I didn't -- at this point,
21 it's a crime scene and I didn't want to disturb
22 anything else for my morbid curiosity.

23 BY MR. JACKSON:

24 Q And he still had the knife in his hand,
25 right?

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1 A Still had the knife in his hand until
2 Sergeant Mooney removed it. So since I never went
3 onto the bed, I never got like a up close and personal
4 view.

5 A GRAND JUROR: And you heard the gunshot
6 before you saw her move off the bed?

7 THE WITNESS: Yes.

8 BY MR. JACKSON:

9 Q Okay. And I know it's difficult to really
10 put this into words, but how fast are these things
11 happening? I mean, as you describe it for us, it
12 seems like a pretty clear kind of sequence of events,
13 right? But, I mean, how fast is this happening?

14 A It's extremely fast. It's even hard to put
15 into words, 'cause at that point, you're just relying
16 on your training. So I've been a police officer now
17 for nine years.

18 I've been involved in critical incidences
19 before and I've been on special units. I've served
20 dynamic search warrants where we've kicked in doors
21 and done search warrants on houses. But there was no
22 slow down.

23 From the second that call got dispatched to
24 the second I pulled up was -- running lights and
25 sirens, pulling up, seeing somebody critically injured

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1 and then making entry to a house. From the second I
2 pulled up to the second those shots were fired is --
3 got to be between one and two minutes.

4 And it -- it -- there was no slow down. I
5 mean, it was just so dynamic and happening so, so very
6 fast that all we could do was just go based on the
7 training we have and use the tools that we were given
8 and, you know, to the best of our ability, try to help
9 these people. And from the second we opened that
10 door, there was no indication from the person holding
11 the knife that there was any intent on giving up.

12 Even after force was applied by me using a
13 40-millimeter, nothing changed. So I don't know what
14 it feels to be shot by that, but I know it has to
15 hurt. And it didn't change anything about his
16 behavior or demeanor.

17 I like to think it bought us time, but it
18 didn't change what he was actively doing to the
19 female, which was trying to kill her.

20 MR. JACKSON: Okay. Any other questions?

21 Okay. Thank you much -- thank you very
22 much.

23 THE WITNESS: You're very welcome.

24 MR. JACKSON: All right. Why don't we take
25 just a few minute break here. So why don't we go off

Examination of Andrew Young

1 the record.

2 (Recess taken, 4:12 p.m. - 4:16 p.m.)

3 MR. JACKSON: Okay. We're back on the
4 record following our afternoon break. We'll go with
5 our next witness.

6 Stand here and raise your right hand.

7 **ANDREW YOUNG**

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

10 BY MR. JACKSON:

11 Q Okay. You can have a seat.

12 Q Could you please state and spell your name.

13 A Andrew Young, A-n-d-r-e-w, Y-o-u-n-g.

14 Q Where do you work?

15 A Portland Police Bureau.

16 Q What do you do for the Bureau?

17 A I'm a police officer.

18 Q How long have you been a police officer?

19 A Since May 25th of 2017.

20 Q Okay. And did you have any law enforcement
21 experience before that?

22 A No.

23 Q All right. And what precinct are you
24 assigned to?

25 A East Precinct.

Examination of Andrew Young

1 Q And what shift?

2 A Night shift, E shift.

3 Q Okay. And what are the hours of night
4 shift?

5 A 10:00 p.m. to 8:00 a.m.

6 Q Were you working on April 28th into the
7 morning of April 29th, 2019?

8 A Yes.

9 Q As a patrol officer?

10 A Yes.

11 Q Do you remember what your district
12 assignment was?

13 A I was in 970s.

14 Q Okay.

15 A So 977 if I remember correctly.

16 Q Okay. Or 978 --

17 A 978.

18 Q -- is that right?

19 A Yeah --

20 Q Okay.

21 A -- that could've been it.

22 Q And what is your -- what does that mean?
23 What -- what are you assigned to when you're the
24 978 car?

25 A It's an area of -- sorry. I get moved

Examination of Andrew Young

1 around an awful lot as far as districts, so keeping
2 track of exact boundaries is kind of -- so it's, like
3 -- I believe it's about Division to Holgate and 70s
4 goes from 8 to -- out to, I believe, 136th.

5 Q Okay. And so you would be responsible for
6 responding to any calls for service within that
7 geographical area?

8 A Correct.

9 Q Okay. Do you remember where you were when a
10 call came out, a stabbing call, for this address,
11 13136 Southeast Center Street?

12 A I do.

13 Q Where were you?

14 A I was on -- sitting in a parking lot to the
15 south of Powell just west of 136.

16 Q Okay. And is that address actually in your
17 patrol district?

18 A Yes.

19 Q Okay. Was it your understanding that you
20 would be responding and that other officers would also
21 be responding or were you thinking you were responding
22 by yourself?

23 A Myself and others.

24 Q Okay. What did you do when you first got
25 the call?

Examination of Andrew Young

1 A I first got the call. I had to figure out
2 exactly where it was in relation to where I was, which
3 was not very far. I heard them start dispatching,
4 giving -- giving us information about what was going
5 on. And Officer Rizzo was dispatched along with me
6 and he started asking right away for resources.

7 Q What does that mean, asking for resources?

8 A Officers with -- with different trained
9 skill sets. You know, we had a -- he asked for a
10 rifle operator --

11 Q Mm-hmm.

12 A -- for a canine officer.

13 Q Mm-hmm.

14 A And then I made sure I knew Officer Rizzo is
15 a less-lethal operator, so I made sure that he was
16 going to be operating in that capacity.

17 Q Okay. And so all officers are not trained
18 necessarily to use those different weapon systems
19 you described?

20 A No.

21 Q Okay. And -- but all officers are trained
22 to utilize a handgun, right?

23 A Absolutely.

24 Q Okay. So as these requests for additional
25 resources are going out, it's to bring in those

Examination of Andrew Young

1 officers with specialized training?

2 A Correct.

3 Q Okay. And then being that this address was
4 in your patrol district, was it your call?

5 A Yes.

6 Q Okay. And so what did you do? What -- what
7 does that mean for it to be your call?

8 A So I'm dispatched as the primary officer, so
9 I'm responsible for getting people set up; getting --
10 making sure that we are getting the right resources
11 that we need for the call.

12 And I also picked a staging area, which
13 means that -- one specific area for all officers who
14 are coming to respond to so that -- especially when we
15 have somebody that has a weapon, that we can move in
16 together and safely. So I picked a -- a staging area
17 to start.

18 Q And do you remember where that was?

19 A It was on 132 just south of Powell.

20 Q Okay. As you are responding to the scene,
21 did that change --

22 A Yes.

23 Q -- or the situation change? What changed
24 it?

25 A Officer Gonzalez went closer to the scene to

Examination of Andrew Young

1 get eyes on so that he could see what was going on
2 because we were still getting calls in giving us more
3 information. But those calls have to go through a
4 call taker and they have to go through a dispatcher
5 and it takes -- there's a time delay.

6 So getting an officer with eyes on the
7 scene, it helps us get information quicker because
8 then it's just one step onto the radio and we know
9 what's going on.

10 So we were getting -- still getting more
11 information from the dispatcher, multiple people
12 calling in saying there were multiple victims and that
13 this was still an active situation, as well as
14 Officer Gonzalez showed up and he could see that there
15 were -- and he was getting more information that there
16 were multiple victims and that the person was still
17 inside the house.

18 Q Okay. And so was he putting that
19 information out over the radio? Is that how you
20 were --

21 A Yes.

22 Q -- hearing it?

23 A Yes.

24 Q And why was it that that information changed
25 your initial plan, which was stage off -- south of

Examination of Andrew Young

1 Powell, move in -- move in together?

2 A Because, for one, if he was in the house, if
3 everybody had vacated the house and he was in the
4 house alone, then there's nobody else that's in
5 danger -- immediate danger, I should say. The other
6 option that happens a lot is a suspect will find out
7 that 9-1-1's been called and they'll leave the area.
8 They'll try to take off.

9 So if we can get people together, at -- at
10 that point, we don't know where the threat is if
11 they've -- if they've left or if we do know where the
12 threat is and they -- it's in the house, then we can
13 move together and make it more safe for us as well as
14 responding, at the same time, being able to take care
15 of victims and address the threat at the same time.

16 Q But when Officer Gonzalez is putting out,
17 "Hey, this is still -- this is an active situation.
18 The guy's still here. People are still in jeopardy,"
19 how does that change the approach plan?

20 A So it changes the situation because then it
21 basically moves us towards what our response would be
22 like if it was more like an active shooter situation.
23 So people are still in threat -- in threat of danger.

24 We've got potentially more victims and the
25 more time that we wait, the potential for more people

Examination of Andrew Young

1 to be injured and/or killed goes up. So we knew that
2 we had to respond a -- a lot more quickly.

3 Q Okay. And so was a decision made to just go
4 straight to the house and not stage --

5 A Correct.

6 Q -- away?

7 A Yes.

8 Q Okay. When you got there, who was on scene?

9 A So I -- Officer Gonzalez was there and I
10 arrived directly behind Officer Rizzo.

11 Q Okay. And do you remember where you guys
12 parked?

13 A On Center Street just west of 132.

14 Q Okay. Walked up on foot?

15 A Yes.

16 Q What did you see?

17 A So the -- you can see the house here. I
18 could see the driveway and I was coming from the east
19 looking towards the west, so I saw the driveway. And
20 then outside of the driveway was Officer Rizzo and
21 then Officer Gonzalez.

22 In the eastern -- east-most part of the
23 driveway on the sidewalk was one of the victims
24 sitting there asking for help, bleed -- excuse me --
25 bleeding profusely from his neck and coughing, so it

Examination of Andrew Young

1 seemed like he was also coughing up some blood. And I
2 could see the blood pooling around him and starting to
3 run into the street.

4 There was also an elderly lady that was
5 outside amidst the cars in the front driveway and
6 they -- right after we arrived, somebody got out of
7 the RV that was sitting in the driveway as well. So
8 we were trying to get them to move away from the house
9 toward -- toward safety.

10 Q And where was safety? Where were you trying
11 to get them to move to?

12 A We were trying to get them to move over to
13 132nd where other officers were going to be responding
14 quickly.

15 Q Okay. Did you guys stop and render aid or
16 address these things or were your attention -- or was
17 your attention elsewhere?

18 A Our attention was on the threat since it was
19 still an active threat. If we stop and render aid --
20 again, we know more resources are coming. We know
21 that medical has been called and they're on their way.

22 And if we don't address the threat, that
23 increases the likelihood that this -- this suspect
24 could either hurt somebody else inside the house or
25 come out and -- and try to attack those of us that are

Examination of Andrew Young

1 there trying to help. So we needed to address the
2 threat first and foremost.

3 Q How did you guys go about doing that?

4 A We decided that we were going to enter the
5 house and go through and clear the house.

6 Q And you've described yourself, Officer Rizzo
7 and Officer Gonzalez there.

8 A Mm-hmm.

9 Q As you're coming up to the house, were other
10 officers coming into the area or on scene or was it
11 still just the three of you?

12 A So we were the first three to enter the
13 house and other people were -- were coming up. I
14 could hear -- I could hear sirens, but my -- my focus
15 was on the house. So I couldn't -- I couldn't tell
16 you who else had arrived at that time.

17 Q Okay. When you went into the house, crossed
18 the threshold, what did you see?

19 A There was the -- the elderly lady that had
20 been outside had made her way back into the house.
21 Against our urging for her to get to safety, she
22 had gone back into the house.

23 And on the right -- right-hand side when we
24 entered -- so there's a -- a living area with a couple
25 of couches. And to the right-hand side was an elderly

Examination of Andrew Young

1 gentleman who was sitting down holding his face saying
2 he was hurting.

3 He appeared to be -- have his face bruised.
4 He was bleeding from somewhere. I don't recall
5 exactly where. And he was sitting there. Other than
6 that, there was blood all over the floor.

7 It -- I could tell that, you know, the --
8 whatever had happened had started in there, basically,
9 'cause there was blood all over the floor and -- and
10 on things.

11 Q Okay. And let's see. So you guys get
12 there. It's about 4:20 in the morning. Does that
13 sound right to you?

14 A Yes.

15 Q Okay. Still dark outside?

16 A Mm-hmm.

17 Q How were you able to see once you came into
18 the house? Were the lights on?

19 A Lights were on.

20 Q Did you have flashlights?

21 A Lights were on.

22 Q Lights were on.

23 A Yeah.

24 Q Okay. Talking overhead lights like we have
25 in this room or was it, like, lamps or was it, like,

Examination of Andrew Young

1 dim, very bright?

2 A It --

3 Q Do you remember?

4 A I mean, it wasn't terribly bright, but it
5 was bright enough to see. I -- as far as what kind of
6 lighting, I'm -- I'm not sure.

7 Q Okay. So you move into the house. What
8 happened then?

9 A So we decided that Officer Rizzo, since he
10 was a less-lethal operator, he was going to act in
11 that capacity. And Officer Gonzalez and I were lethal
12 cover, so we had our handguns out. We moved into the
13 house over to -- we made our way through the living
14 area.

15 And we came to where -- to the left, it
16 turns in -- there's a small hallway area back to
17 bedrooms. And to the -- to the right -- well,
18 straight ahead, there was an open back door. And to
19 the right, it went to -- into the kitchen.

20 But we couldn't see right around that
21 corner, so it had been Officer Gonzalez and
22 Officer Rizzo in front. But at that time, since we
23 didn't know what was beyond both corners, we had to
24 switch it up. So Officer Rizzo moved behind me and
25 Officer Gonzalez and I moved up at the same time.

Examination of Andrew Young

1 Officer Gonzalez was -- was going to take
2 and hold the -- the hallway, so that he could see any
3 threats coming that way. And I was going to address
4 the open back door as well as the -- what was around
5 the corner in the kitchen.

6 Q Okay. Did you look down into the kitchen?

7 A Yes.

8 Q And what did you see?

9 A There was another door that was cracked
10 open, so -- and I -- but I couldn't see beyond that.

11 Q When you say, "cracked," I mean, was
12 it literally cracked or was it open a number of
13 inches or --

14 A I -- if I recall, maybe a couple inches.

15 Q Okay. Any people or sounds coming from down
16 in there?

17 A No.

18 Q Okay. So what did you do then?

19 A So that was -- that became my
20 responsibility, as I didn't know if there was anybody
21 in the back or anybody through that door. I didn't
22 know what was beyond the door.

23 So that was my area of responsibility, was
24 just making sure that nobody came through the back
25 that was either going to be a threat or try to be

Examination of Andrew Young

1 involved; nobody came through the other door that was
2 either going to be a threat or try to be involved.

3 At the same time, I also had that front room
4 that I just still needed to make sure that the -- the
5 folks that were in the front room didn't try to come
6 back to where everyone else was.

7 Q Okay. I think you described there was the
8 elderly gentleman who appeared injured sitting on the
9 couch right by the door --

10 A Mm-hmm.

11 Q -- and then the elderly lady --

12 A Mm-hmm.

13 Q -- who had come in.

14 A Yeah.

15 Q And was she standing, sitting?

16 A At first, she was standing, trying to make
17 her way, basically, over into the kitchen area. And I
18 had to -- I had to get her to leave and go back in --
19 at least into the living room. And she ended up going
20 in there and, I think, sitting -- sitting down if I
21 remember correctly.

22 Q Okay. In that living area?

23 A Mm-hmm.

24 Q Okay. So you're holding the kitchen and
25 then the door there plus the open back door?

Examination of Andrew Young

1 A Correct.

2 Q What happened then?

3 A I could hear -- so the information that we
4 got was that -- from the people on scene was that the
5 suspect was in a room with a baby.

6 Q Mm-hmm.

7 A I didn't hear -- if -- if -- if anybody else
8 heard, I don't know. But I didn't hear at the time
9 that there was also a female in the room. And I heard
10 a female scream. It was a very bloodcurdling scream
11 and I could hear it coming from those rooms behind us
12 down the hall like I described.

13 Q Okay. And was Officer Gonzalez and
14 Officer Rizzo still -- and there's a line diagram here
15 if that would help. But were they still kind of in
16 this area holding the hall or had they proceeded down
17 the hall toward the rooms at that point?

18 A So once we were established at -- at that --
19 the -- where we could see both directions, they said
20 that they were going to go start clearing rooms. So
21 they started moving down and clearing different rooms
22 that were down that way.

23 Q And you stayed over here in this area?

24 A I was -- I was right about in -- in here,
25 so I -- I was backed up to the -- right up to

Examination of Andrew Young

1 the hallway --

2 Q Okay.

3 A -- pretty much.

4 Q So from that point, you could see, if you
5 turned around, down the hall, but also the front room,
6 back door and into the kitchen?

7 A Correct.

8 Q Okay. Were they down the hall when you
9 heard that scream?

10 A I think the first time I heard the scream
11 was -- was when we were getting established there,
12 so --

13 Q Still in this area --

14 A Correct.

15 Q -- here? Okay. And then you said the first
16 time, so did you hear another scream?

17 A Yeah, I -- I heard a few screams. I don't
18 know exactly what the timing was as far as when it --
19 when they happened. I know the first scream was
20 basically when we were -- like I said, when we were
21 getting established in there.

22 Other screams came. I don't know if they
23 were -- you know, at what time frame they were in them
24 clearing the different rooms and whatnot.

25 Q Okay. Could you tell, female, male voice?

Examination of Andrew Young

1 A Female.

2 Q Female voice? Okay. Was it words or
3 just noise?

4 A I remember a bloodcurdling scream. I think
5 I remember hearing, "Help." But other than that, I
6 couldn't tell you.

7 Q Okay. Was there any other loud noises
8 happening? I mean, if you could describe for us
9 what -- what the house was like while you were
10 standing there.

11 A Well, the -- the older gentleman continued
12 to ask for help. I could tell he wasn't in as bad of
13 condition as the person who was outside. I knew that
14 he could wait. So, basically, other than making sure
15 that he stayed where he was, I wasn't terribly
16 concerned about him.

17 But he did continue to ask for help the
18 entire time we were in there. The elderly woman
19 seemed confused and was almost kind of asking what was
20 going on, so there was that --

21 Q Did -- did she appear injured?

22 A No.

23 Q Okay.

24 A Hm-mm, she did not. And then I could hear
25 from behind me the -- Officer Rizzo and Officer

Examination of Andrew Young

1 Gonzalez going through the rooms and saying that they
2 were clear.

3 Q Okay. At any point, do you remember seeing
4 Sergeant James Mooney in the house or on scene?

5 A I do remember -- I don't remember exactly
6 when he came in. I remember him coming past me at --
7 at some point. And he and Officer Burns also came --
8 came in. And they both came past me at some point.
9 At what point in time, I -- I can't tell you exactly
10 'cause I was really focused on what I said, the -- the
11 area of responsibility that I had.

12 But I know -- I do know when I -- I -- if
13 memory serves right, I think they -- they showed up
14 at -- at about the time that they started trying to
15 push the bedroom door open that had the suspect, the
16 female and the baby in it.

17 Q Okay. So you hear this scream, they're down
18 there. Did you end up going down the hall or did you
19 stay out in that --

20 A I stayed.

21 Q Okay. What do you remember happening then?

22 A So I -- I -- I remember hearing them trying
23 to force the door open.

24 Q Could you actually see the door from where
25 you were?

Examination of Andrew Young

1 A I could see the door. I couldn't see into
2 it other than a small crack. I never actually had
3 eyes on the suspect.

4 Q Mm-hmm.

5 A But I could see a little bit into the door.

6 Q Okay. And what happened then?

7 A So they were forced -- they had to force the
8 door open and they were trying to get into the door
9 the best they could. Continued to hear the female
10 scream. I heard somebody say, "Get the baby," and
11 Officer Gonzalez, I believe, was the one that grabbed
12 the baby, ran him out into the living area, set him
13 down on a couch and ran back to where he had been.

14 I could hear Officer Mooney trying to talk
15 to the suspect. He stayed very calm the whole time.
16 That really sticks in my brain how -- how calm he was,
17 trying to tell the suspect, "Just put the knife down.
18 You don't have to do this. We can talk about this.
19 You don't have to do this. We can talk about this."

20 The female continued to scream. I remember
21 hearing the suspect yell at one point something to the
22 effect of, "You're just going to have to kill me,"
23 and, "Just kill me."

24 Officer Rizzo, I heard him discharge his
25 less lethal. And then I heard him step out -- step

Examination of Andrew Young

1 away and say he was reloading it. Still,
2 Officer Mooney continued to talk very calmly to the
3 suspect trying to deescalate the situation, trying to
4 get him to give him a chance to give up, basically.

5 Officer Rizzo, again, got in and discharged
6 his -- his less lethal in an attempt to get the
7 suspect to give up. He stepped out again; and, again,
8 nothing but calm try -- attempt -- attempts at
9 deescalation from Sergeant Mooney. And the next thing
10 I remember hearing is two gunshots.

11 Q Okay. Could you see from where you were
12 them actually get the door open? You described
13 earlier that they had the door open --

14 A They --

15 Q -- a small amount, but --

16 A They -- they never had it open all the way.
17 They were the officers -- so Officer Rizzo, Officer
18 Gonzalez, Sergeant Mooney, when they were in the room,
19 from what I saw -- 'cause I -- I glanced back a couple
20 of times.

21 From what I saw, they basically had to lean
22 in through -- to get beyond the threshold. They never
23 were able to get the door completely wide open from
24 what I saw.

25 Q Okay. And did you become aware at some

Examination of Andrew Young

1 point that they had actually entered the room and were
2 inside of it?

3 A Like, fully?

4 Q Yeah.

5 A No.

6 Q Not that you saw?

7 A Not that I -- not that I saw. Not that I --

8 Q Okay. And your attention was focused, as
9 you said --

10 A Correct.

11 Q -- more back toward the front door, the back
12 door and the kitchen area?

13 A Correct.

14 Q Okay. Once you heard the two shots, what
15 went through your mind?

16 A Well, I knew what had happened. I -- like I
17 said, I never saw the suspect. So -- but I knew that
18 he had a knife, but you never know what else is in a
19 room. So one of my thoughts was instantly making sure
20 that all of the officers were safe.

21 I could hear the female scream still, so I
22 assumed that she hadn't been hit. And I heard
23 somebody say that the suspect still had the knife in
24 his hand, so I knew that there was possibly still a
25 threat there.

Examination of Andrew Young

1 I don't recall ever hearing the suspect
2 after the gunshots. And I know that I heard them say
3 that the suspect was down, but I didn't know to
4 what -- to what capacity.

5 Q Mm-hmm. Or to what extent?

6 A To what extent, right.

7 Q Yeah. You said your first thought was
8 making sure that all the officers were okay. Were you
9 able to confirm that?

10 A I looked back and -- and everybody --
11 everybody was still standing there. Nobody seemed
12 like they had been hurt or -- in any way.

13 Q Okay. All right. You said you heard the
14 female scream both before and after --

15 A Mm-hmm.

16 Q -- the shots.

17 A Yes.

18 Q I mean, was that kind of continuous or
19 ongoing screaming on her part or --

20 A It -- it was --

21 Q -- what was it?

22 A -- pretty much. I mean, there'd be little
23 breaks I -- in the screaming, but --

24 Q Mm-hmm.

25 A -- it was -- it was pretty continuous from

Examination of Andrew Young

1 what I recall.

2 Q And what about him? Was he also yelling
3 throughout or --

4 A I just -- I just remember hearing him here
5 and there. And everything that he yelled was -- was
6 very on the side of, "You're going to have to kill
7 me," basically.

8 Q Okay. Once you heard the shots and then,
9 you know, you glanced back, verified --

10 A Yeah.

11 Q -- everybody's okay, did people start coming
12 back out of the hallway or out of the room?

13 A I -- I looked back. I did see through --
14 what I could see of the door, I saw the female had
15 gotten up and they were directing her out of the room.
16 So I went and helped her get out of the room -- excuse
17 me -- walked her over to the living area.

18 She was very frantic. I could see there was
19 blood on her hands and she asked for something that
20 she could wipe her hands with so she could hold
21 her baby.

22 Q Mm-hmm.

23 A So I found -- I went into the kitchen and I
24 found some paper towels so that she could wipe her
25 hands so she could go and hold her baby.

Examination of Andrew Young

1 Q Mm-hmm. Did she do that?

2 A Yes.

3 Q Okay. Do you recall seeing how she
4 was clothed?

5 A I don't recall. I know she had a shirt
6 and -- I don't recall other than that --

7 Q Okay.

8 A -- no.

9 Q What about the officers? Did they start
10 coming back down the hallway?

11 A Not right away. Sergeant Searle showed up
12 on scene and walked in and grabbed Officer Gonzalez
13 and then looked at me and said, "Take him outside.
14 Put him in the car."

15 Q Okay. Did you do that?

16 A Yes.

17 Q And did you understand why you were being
18 asked to do that?

19 A Yes. Because I -- I assumed at that point
20 that he was one of the officers who had shot.

21 Q Okay. And that's standard procedure --

22 A Correct.

23 Q -- following a shooting?

24 A Yes.

25 Q Once you put him in the car, did you stay

Examination of Andrew Young

1 with him or did you assign another officer to stay
2 with him?

3 A I -- I stayed with him until the -- the
4 scene had calmed enough that another officer took
5 over.

6 Q Okay. And were you also identified as
7 a witness --

8 A Yeah.

9 Q -- officer?

10 A Correct.

11 Q So were you separated off and held in a
12 patrol car as well?

13 A Yes.

14 Q Okay. When you described Officer Gonzalez
15 bringing the baby out -- well, actually, first, you
16 said you heard somebody say, "There's a baby," or,
17 "Get the baby," or something --

18 A Yeah.

19 Q -- like that, right?

20 A Yeah.

21 Q Could you hear, like, a baby crying or
22 anything like that?

23 A I recall hearing a baby crying at some point
24 before the baby was taken out, but the -- the timing
25 of the -- the cry, I -- I'm not entirely positive when

Examination of Andrew Young

1 that happened.

2 Q And when Officer Gonzalez appeared with the
3 baby and set her down on the couch, how did the baby
4 appear?

5 A From what I -- I just -- at a quick glance,
6 looked -- the baby appeared unharmed.

7 Q Uninjured?

8 A Correct.

9 Q Okay. Was she crying?

10 A I would imagine. I can't -- I was more
11 focused on everything else that was going on.

12 MR. JACKSON: Okay. Yeah. Okay. Those are
13 the questions I have. Do the grand jurors have any
14 questions?

15 A GRAND JUROR: You say you heard two
16 gunshots?

17 THE WITNESS: Yes.

18 A GRAND JUROR: Was there much of any length
19 of time between them?

20 THE WITNESS: They were very quick.

21 A GRAND JUROR: I'm sorry?

22 THE WITNESS: They were very quick.

23 A GRAND JUROR: Okay.

24 THE WITNESS: Like, one -- one right
25 after --

Examination of Sarah Burns

1 A GRAND JUROR: Almost simultaneous?

2 THE WITNESS: Very close, yeah.

3 MR. JACKSON: Any other questions?

4 I don't see any.

5 Okay. Thank you very much, Officer.

6 A GRAND JUROR: Thank you.

7 THE WITNESS: Thank you.

8 MR. JACKSON: Oh, okay.

9 All right. Stand right here and raise your
10 right hand.

11 SARAH BURNS

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

14 EXAMINATION

15 BY MR. JACKSON:

16 Q Okay. You can have a seat.

17 Could you please state and spell your name.

18 A My name is Sarah Burns, S-a-r-a-h,

19 B-u-r-n-s.

20 Q And where are you working?

21 A I am working for the Portland Police Bureau
22 as a police officer.

23 Q Okay. And how long have you been a
24 police officer?

25 A I've been a police officer for 19 months.

Examination of Sarah Burns

1 Q And do you have any law enforcement
2 experience before working for the Portland Police
3 Bureau?

4 A I do not.

5 Q Okay. What is your -- or what was your
6 assignment on April 29th of 2019?

7 A I was working 947, which is from 102 to
8 162nd Avenue from I-84 to north of Burnside.

9 Q And is that a district in the East Precinct?

10 A That is a district in the East Precinct.

11 Q And what hours were you working?

12 A I was working from 22:00 to 08:00 a.m.

13 Q Okay. Were you working in full uniform,
14 badge displayed?

15 A I was.

16 Q And in a marked patrol car?

17 A I was.

18 Q What kind of -- was it a --

19 A It's an FIU, so, like, the Ford
20 Interceptors.

21 Q SUV?

22 A Yes.

23 Q Okay. By yourself or with a partner?

24 A I was by myself.

25 Q Okay. Do you remember a call coming out for

Examination of Sarah Burns

1 13136 Southeast Center Street?

2 A I do.

3 Q And a stabbing had occurred there?

4 A I do.

5 Q Do you remember where you were when that
6 call came out?

7 A I was right around the Gateway Center; so,
8 like, 102 and Halsey.

9 Q And is that address in your patrol district?

10 A It is not.

11 Q Why did you decide to respond?

12 A Dispatch was coming out with multiple
13 updates that there were multiple victims, multiple
14 callers. And -- and the suspect was still in the
15 area, so I attached to come assist the primary
16 officer.

17 Q Okay. To assist?

18 A Yeah.

19 Q Yeah. And you said you were out in the
20 Gateway area?

21 A Yes.

22 Q So how long do you think it took you to
23 actually get to the location?

24 A Probably took me four or five minutes to
25 get there.

Examination of Sarah Burns

1 Q Okay. And while you're driving were updates
2 coming in over the radio?

3 A They were.

4 Q What were they?

5 A Updates were that somebody had been stabbed
6 in the throat; that somebody had been hit in the head
7 with a hammer. These are just the updates that I
8 remember. Just, again, that there were multiple
9 victims and that the suspect was possibly still
10 inside.

11 Q Okay. So what's going through your mind as
12 you're hearing these updates while you're driving to
13 the scene?

14 A Just that we have a very serious incident
15 going on and -- and we need to get there and -- and,
16 you know, help get these victims out and figure out
17 what is going on.

18 Q Okay. When you got to the location, what
19 did you see?

20 A When I got there and I parked, I was walking
21 up to the house and I encountered the first victim,
22 which was the man who was stabbed in the throat. He
23 was on his knees kind of on the sidewalk near the
24 driveway just holding his throat and -- and saying
25 he's going to die.

Examination of Sarah Burns

1 I walked past him, kind of followed the
2 blood trail into the driveway and in between two cars,
3 I found a -- a second victim who was bleeding from his
4 head and -- and bleeding from his leg. And I just
5 told him to get out to the street, you know, to try to
6 get him medical attention sooner.

7 And then I entered the living room of the
8 house and --

9 Q Okay. Let me ask you another question here.
10 So when you got there, was it your understanding there
11 were already other officers on scene?

12 A Yes. So while en route there,
13 Officer Gonzalez, I heard him, over the radio, say
14 that he could hear an active disturbance inside the
15 house and that he was going to enter.

16 And Sergeant Mooney said, "Wait for one
17 more," so I knew that at least two people would be --
18 two officers would be in the house prior to me
19 going in.

20 Q Okay. And did you park, like, right at the
21 residence or did you park back a ways and walk up?

22 A No. I parked north of Center Street on
23 132nd.

24 Q Okay. And walked in?

25 A Yes.

Examination of Sarah Burns

1 Q Could you see other patrol cars parked in
2 the area?

3 A Yes.

4 Q Okay. With lights on or just parked?

5 A No. I -- the one in front of me didn't have
6 lights on that -- that parked in front -- that
7 I parked behind.

8 Q As you walked up -- and we're looking now at
9 the aerial map. As you walked up into the driveway,
10 you said you passed an individual who was bleeding
11 here. Did you see other officers out in the front of
12 the house?

13 A No.

14 Q You were just by yourself?

15 A Yes.

16 Q What did you think had happened at that
17 point?

18 A I knew that they had gone inside.

19 Q So you already knew they --

20 A Yeah --

21 Q -- were inside?

22 A -- I knew that they had gone inside.

23 Q Okay. You saw this second person in the
24 driveway. Do you remember where he appeared to
25 be injured?

Examination of Sarah Burns

1 A He was holding his head and I could see that
2 there was blood kind of on his face and then in his
3 leg, I believe.

4 Q Okay. Upper leg, lower leg? Do you
5 remember?

6 A No, I can't be for certain.

7 Q Okay. Was he standing or was he on
8 the ground?

9 A He was standing and I think he might have
10 gone to his knees, too; but I just tried to tell him
11 to get out to the street.

12 Q Okay. Was it your understanding that
13 medical was responding --

14 A Yes.

15 Q -- as well?

16 A Yes.

17 Q Okay. So then you said you came up to the
18 front door. What did you see when you came in?

19 A When you go in the living room, there's two
20 couches. And on the couch that I'll say is on the
21 left was an elderly woman and on the couch on the
22 right was a -- a third victim who was holding his leg
23 and he was bleeding from his leg.

24 Q Okay. Seated?

25 A Yes.

Examination of Sarah Burns

1 Q Okay. And we have a line diagram here of
2 the house. Come in the front door, the couches you
3 were describing. And so which one was the elderly
4 lady sitting on and which one was the other --

5 A She was sitting here and he was sitting
6 here.

7 Q Okay. All right. He appeared to be holding
8 his leg or bleeding from his leg?

9 A Yes.

10 Q Okay. Did you stop or did you move
11 past him?

12 A I tried to tell him to go outside as well.

13 Q Okay. Did they seem to do that?

14 A He -- not that I recall. He didn't really
15 respond to me.

16 Q What about the elderly lady?

17 A I was asking her where the suspect was at
18 and I didn't really get much of a response from her
19 either. I tried to tell her to go outside and she
20 asked to get her shoes and I said, "No, you can't do
21 that." And then I proceeded down the hallway.

22 Q Okay. Did you see Officer Young in the
23 house?

24 A I did. When I went down the hallway is when
25 I first saw him.

Examination of Sarah Burns

1 Q Okay. Were there any other people in the
2 house that you saw before you went down the hallway?

3 A No.

4 Q Okay. Police or otherwise?

5 A No.

6 Q Okay. So you get into that hallway. Why
7 did you go down there?

8 A I could hear officers down there.

9 Q Okay. What were they doing?

10 A They were standing outside this bedroom door
11 and they were -- from my perception, they were
12 listening in to the door.

13 Q Was it closed?

14 A It was closed.

15 Q Okay. Do you know which officers it was
16 that were up there?

17 A It was Officer Gonzalez, Officer Rizzo,
18 Sergeant Mooney and Officer Young.

19 Q Okay. And if you could describe kind of
20 what the spacing is like in that hallway and down at
21 the end of it.

22 A Down at the end of the hallway, there's
23 really no room. We were all kind of cramped in there
24 and it's kind of like a -- a -- almost like a T --

25 Q Mm-hmm.

Examination of Sarah Burns

1 A -- really, but --

2 Q So hallway here, hallway here?

3 A Yeah.

4 Q And then the doors to the three rooms?

5 A Yeah. So it's --

6 Q Okay.

7 A -- kind of -- this kind of was where we
8 all ended up jammed up at. There's just not a lot
9 of room there.

10 Q Okay. Could you see whether the door was
11 open at all at that point or was it completely closed?

12 A It was completely closed.

13 Q Okay. Could you hear anything going on
14 inside the room?

15 A No.

16 Q What happened then?

17 A Officer Gonzalez pushed the door open and
18 the door -- he couldn't get the door much further than
19 probably six to eight inches. And I heard him say,
20 "He's got a knife to her throat and there's a
21 baby inside."

22 Q Okay.

23 A Officer Gonzalez said that.

24 Q What did you do?

25 A I just kept waiting. There's -- you know,

Examination of Sarah Burns

1 we're trying to figure out what we're going to do.

2 Q Okay. Could you see into the room?

3 A I could not.

4 Q Did you start providing updates on the
5 radio --

6 A I did.

7 Q -- of what you were hearing?

8 A I did.

9 Q Okay. What happened then?

10 A Officer Gonzalez reached in and was able to
11 grab the baby through that -- that gap in the door and
12 pulled it out. And -- and I'm not sure where he took
13 it. I -- but he came back pretty quickly.

14 Q Okay. And then what happened?

15 A And then -- I don't know who -- I don't
16 recall who forced the door, but they ended up being
17 able to push the door open and push that kind of crib
18 that was blocking the door up out of the way so the
19 door could be opened. And then Officer Rizzo,
20 Sergeant Mooney and Officer Gonzalez entered the very
21 cramped doorway.

22 Q Okay. Did you, at any point, hear or see
23 whether there was a less-lethal operator up there?

24 A Yes, Officer Rizzo was utilizing his -- his
25 40 millimeter.

Examination of Sarah Burns

1 Q Okay. Were you aware of whether or not he
2 deployed it?

3 A He did deploy it.

4 Q You heard that?

5 A I heard and I -- I could see. My field of
6 view was from here in, so I could see him deploying
7 his less lethal. I couldn't see what he was hitting,
8 but I could see him firing it.

9 Q Okay. So was your back kind of against
10 this -- this other doorway here looking in this way?

11 A My back was kind of to this wall looking in
12 this way.

13 Q Oh, okay. All right. And then Mooney,
14 Gonzalez and Rizzo were out --

15 A They're --

16 Q -- in front of you --

17 A They're -- yeah. And they're --

18 Q -- in the doorway?

19 A -- in the -- the door frame at this point.
20 They're past the door frame.

21 Q Okay. Officer Rizzo deployed the less
22 lethal? Just one time or more than one time?

23 A Twice.

24 Q Two times --

25 A Correct.

Examination of Sarah Burns

1 Q -- you heard?

2 A Yes.

3 Q Okay. Did you hear anything going on inside
4 the room?

5 A Yes. I could hear a -- a man inside
6 screaming. He was saying, "I'm going to kill her.
7 I'm going to kill her. Shoot me. Kill me. I'm going
8 to kill her" --

9 Q Okay.

10 A -- repeatedly.

11 Q Could you hear a female voice?

12 A I could. I -- I couldn't tell you what I
13 could hear her saying, though. I just -- but I
14 recollect hearing a female voice.

15 Q Okay. And then what were the officers doing
16 at the doorway?

17 A They were giving him commands. Sergeant
18 Mooney gave him very calm commands to drop the knife.
19 I recall that very well. And I believe Officer Rizzo
20 told him to drop the knife as well.

21 Q Okay. Ultimately, were they able to get the
22 door open enough to go into the room?

23 A They did.

24 Q Okay. What happened then?

25 A They -- well, so this is all with the door

Examination of Sarah Burns

1 already open.

2 Q Oh, okay.

3 A So the door's open; and, you know, those
4 commands were given. Less lethal was deployed and,
5 you know, shortly thereafter -- I don't have a time
6 frame -- I heard two shots.

7 Q Okay. Were you still in a position where
8 you couldn't actually see into the room?

9 A That's correct.

10 Q Okay. And what did you do once you heard
11 the shots? What were you thinking?

12 A Well, I was thinking we need to get the
13 victim out and -- and kind of then go in and -- and
14 figure out what we're going to do with him.

15 Q Okay. And did you have a sense of who
16 had shot?

17 A I -- I knew that Gonzo had fired one --
18 Sergeant Gonzalez -- or excuse me -- Officer Gonzalez
19 had fired one round and Sergeant Mooney had fired
20 one round.

21 Q How did you know that?

22 A I could see both of their bodies kind of
23 change. Sergeant Mooney, I watched him lean in a
24 little bit before he fired.

25 Q Okay. So from where you were, you could

Examination of Sarah Burns

1 actually see those officers inside the room?

2 A I could see their backs --

3 Q Their backs.

4 A -- essentially.

5 Q Okay. And so when they shot, you could see,
6 like, kind of recoil or movement?

7 A That's correct.

8 Q Okay. All right. When did you first see
9 the actual female that was in the room?

10 A When we were trying to get her out of the
11 room, try and reach in and -- I think she had to climb
12 over the -- the crib and there was a -- a bunch of
13 stuff in that room, so reached in and gave her a hand
14 to pull her out of the room.

15 Q Okay. Could you see any part of the two
16 people that were in the room prior to the shots being
17 fired or even the less lethal being deployed?

18 A There were a couple moments where I could
19 see the very far end of the bed, like, this corner
20 over here --

21 Q Mm-hmm.

22 A -- where I could see kind of legs -- two
23 sets of legs.

24 Q Mm-hmm. What do you remember about them?

25 A I -- I just remember legs laying flat,

Examination of Sarah Burns

1 almost kind of maybe intertwined.

2 Q Okay. Could you tell whether they were male
3 or female legs or clothed, not clothed?

4 A They were both clothed. I could just tell
5 they were two sets of -- separate sets of legs.

6 Q Okay. All right. Did you end up going into
7 the room --

8 A I --

9 Q -- at some point?

10 A I did go into the room.

11 Q When was that?

12 A After we got her out, we -- I stepped into
13 the room. There was a little more room at this point.
14 The crib had been pushed out of the way.

15 And the suspect was laying on the bed and he
16 still had the knife in his hand, in his right hand.
17 And so we were coming up with our plan to secure the
18 knife and -- and try and get him medical attention.

19 Q Okay. And what was the plan as you
20 understood it?

21 A We had discussed getting a shield, but for
22 time purposes, Sergeant Mooney kind of -- we still had
23 lethal cover on him. Sergeant Mooney just went up and
24 secured the knife and set it on the ground.

25 Q Okay. Just took it away from him --

Examination of Sarah Burns

1 A Yes.

2 Q -- basically? Okay. Was he moving at all
3 at that point?

4 A He was not moving.

5 Q Okay. Did you believe he was deceased?

6 A I believed that he was dying. He -- I could
7 still see some agonal respirations coming from him.

8 Q Okay. After the knife was removed from him,
9 what happened then?

10 A The involved officers stepped out of the
11 room. We called for medical. It was put over that we
12 still didn't have enough medical resources there to
13 come in to treat him. They were still dealing with
14 the victims outside, so I just waited with him until I
15 was relieved.

16 Q Okay. And when you were relieved, what
17 happened at that point?

18 A I was placed in my patrol car and given
19 another officer to kind of watch me.

20 Q Okay. You were identified as a witness
21 officer, essentially?

22 A That's correct.

23 MR. JACKSON: Okay. All right. That's
24 all the questions that I have. Do you folks have
25 any questions?

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REPORTER'S CERTIFICATE

I certify, by signing below, that the foregoing is a correct transcript, of the audio record in the above-entitled cause, as recorded on CD and transcribed to the best of my ability and in accordance to the quality of the audio CD.



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