

A. You know and this is now three years from...

Q. Sgt. McLean: Yeah.

A. [NO AUDIBLE DIALOGUE 15:38]

5

Q. Right.

A. So.

Q. Sgt. McLean: I'm just asking for your best recollection.

10 A. Brief, brief, ah, brief time when, you know, at the time, I wasn't thinking it was important, so.

Q. Sgt. McLean: We want to establish whatever, you know, it was ten minutes or twenty minutes...

A. Oh, no, it wasn't ten minutes and it wasn't less than thirty seconds.

15 Q. Sgt. McLean: All right.

A. [NO AUDIBLE DIALOGUE 15:57]

Q. Okay.

A. [NO AUDIBLE DIALOGUE 15:57]

20

Q. Sgt. McLean: All right. While you were goin' through his stuff and he was doing this in the back of the squad, did you give him any verbal commands?

A. No.

25 Q. Sgt. McLean: Okay. Why not?

A. I was focused on what I was doin'. I, I can and like I, I have a way of doing things on, when I'm dealing with someone, I do one thing at a time and when, well a good example is I had a person just a few nights ago that wanted to ask a bunch of questions and wanted, um, to do things their way. Well, that slows down the process. When I get into my rhythm of doing things the way I do it, that way I know it's getting done correctly. I'm not being distracted by a secondary question and that could be their ploy of getting me distracted. So, I like to do things a certain way and then I will move onto the next and then work on that, so.

30

Q. Sgt. McLean: At this time, did you think he posed any danger to yourself or to himself with his actions in the back of the squad?

35

A. You know, he's sitting around the car so, yeah, he could, ah, injure himself but, you know, he's doing it to himself and, you know, what am I gonna do? Am I going to go in and, um, you know, you can't, look, am I gonna use force on him using his own force on himself? So, if he's acting out, I figured I'll get myself down, get the stuff on the trunk, get gone through, get in the car, tell him to settle down, try to get his name and work from there, so.

40

Q. Sgt. McLean: Okay.

A. [NO AUDIBLE DIALOGUE 17:54]

45 Q. Okay. What did your, um, partner, Officer Lehner, after you told him that, you know, he had threatened me and all this other stuff, what did he do?

A. He opened the car door and told, ah, Garcia to stop kicking.

Q. Okay. And what did, ah, Garcia Pineda do?

50

A. I don't know.

Q. Okay. Do you carry chemical agents or are you Taser certified?

A. I am Taser certified now. Back then I don't know if I was or not.

55

Q. Okay.

A. I, I let it lapse for a while.

Q. Okay. You didn't see Officer Lehner. All you heard was him, him, ah, yelling at Mr. Garcia Pineda?

5 A. I heard him give the command, "Stop kicking."

Q. Okay. And then what happened? Did he close the door?

10 A. He then told 'em to get out and once I heard...that, I then stopped what I was doing and went and grabbed a hold of Garcia, um, I believe it was the right shoulder and arm and helped get him out of the back of the car and laid him down on the pavement of the street.

Q. Okay.

A. [NO AUDIBLE DIALOGUE 19:17]

15 Q. Sgt. McLean: Well, let's back up a bit. So, you're goin' through this stuff and you're on the quarter panel, right?

A. Yep.

Q. Sgt. McLean: Can you see through the back window at what's goin' on in the backseat?

20 A. The back windshield?

Q. Sgt. McLean: The back...yeah, the back windshield?

A. Yes.

25 Q. Sgt. McLean: Okay. So, when Officer Lehner came up and he opened the door, did you keep lookin' at the papers that you were dealing with or did you look into the back compartment to see what was goin' on back there?

30 A. I kept on doin' what I was doin' because 1) I've worked with Officer Lehner for a while. I've known him always to be very professional and I had no concerns. Now, if there was an officer that I didn't know or s-s-somebody that I had questions about, then I would have stopped and paid more attention, you know? But I had no concerns of for Officer Lehner who we've all, we've been through various calls and always professional and I had no concerns. And when I did have concerns with a different partner, I brought those concerns to my supervisors 'cause I didn't want to get tied up into junk and that's exactly what that person was doin'.

35

Q. Sgt. McLean: All right.

A. So.

40 Q. Sgt. McLean: Well, let me ask you this then. You, you have your partner's opened the door to a guy who's been combative and kicking, hasn't followed verbal commands, has made threats to you. He's opened the door and he's gonna do something, you don't know what and you don't even look up for his safety or to be a witness about an allegation that might come out that this guy makes or day, endangers Officer Lehner's life?

45 A. I didn't know he was going to open the door.

Q. Sgt. McLean: But, when you hear the door open, you know it's open, right?

A. Yeah.

50 Q. Sgt. McLean: But, you didn't, you didn't look up? I mean, all you're doin' is you're movin' your head from the quarter panel to the window to watch what's happenin'. I just think that all of us as cops would, would watch what another officer's gonna do when they're openin' the squad to deal with somebody who's been fighting like that.

55 A. Well, I've had plenty of people kick and do everything else in the back of the car. It doesn't mean they're gonna assault us. They're having a, ah, I don't want to say tantrum but they're acting out, you know, they're, so I didn't have a concern of Officer Lehner being assaulted. Hindsight's 20/20

but, at that time, I didn't think of that.

Q. Sgt. McLean: Okay.

A. NO AUDIBLE DIALOGUE 21:57]

5

Q. Okay. You said when, when he was, when Mr. Garcia Pineda was kicking in the backseat, you were just gonna let him do what he was gonna do. Um, if he hurts himself...and I think you also said that, I mean, he could have hurt you. Why open up the door when they're kickin'? You do know where that kickin's coming from. Is that correct?

10 A. [NO AUDIBLE DIALOGUE 22:22]

Q. I mean, you open up that door, you could get kicked, you could get hurt.

A. You know, I can't speculate why that door was opened.

15 Q. Mmhmm.

A. So.

Q. I guess what, what I'm asking is when we had talked about earlier basically you said, you know, Mr. Garcia Pineda was, was kickin' and if he hurt himself, fine, you know, I'm not gonna open up the door 'cause I don't know what he's gonna do. I don't wanna get hurt. But yet, whether you trust Officer Lehner or not, he's still opening up the door and you don't even look up for his safety. You didn't go into the backseat becau...when he was kickin' because you were, you know, whether it's you're not gonna bother. If he wants to hurt himself, fine but I think there's also a safety. You didn't want to get kicked, right? Why didn't you look up and see if Officer Lehner wasn't gonna get kicked, how about his safety?

20

25

A. Because I know Officer Lehner to be a capable officer, you know, um, he's been a defensive tactics instructor in his past, so. There was no reason for me not to trust him.

Q. Okay.

30 A. [NO AUDIBLE DIALOGUE 23:42]

Q. Sgt. McLean: The guy's actin' up in the backseat. Did you turn the MVR recorder on and record it while he was doin' that in the back?

A. No, I didn't.

35

Q. Sgt. McLean: Well, can you tell me why not?

A. I didn't think of it.

Q. Sgt. McLean: Okay.

40 A. [NO AUDIBLE DIALOGUE 23:54]

Q. So, did you see, um, your partner, Officer Lehner, um, push kick...

A. No.

45 Q. Ah, Mr. Garcia...Pineda?

A. [NO AUDIBLE DIALOGUE 24:05]

Q. Sgt. McLean: Did you hear it?

A. No.

50

Q. Sgt. McLean: Were you aware that he had kicked him?

A. No. Like I said, I was lookin' at the property that I was goin' through.

Q. What happened after, um, your partner, Officer Lehner, opens up the door, yells at him, um, Mr. Garcia Pineda, what happens then? Did Officer Lehner shut the door?

55

A. No, they...as I said earlier, he gave the command, "Stop kicking." He then tells him to get out of the car. As soon as I hear, "Get out of the car." that's when I stop what I'm doing...

Q. Mmhhh.

5 A. I grab ahold of his shoulder and I believe it was his right arm and brought him to the pavement.

Q. Okay.

A. [NO AUDIBLE DIALOGUE 24:50]

10 Q. Sgt. McLean: When you grab him, was he, um, on his back or was he on his stomach face down or was he on his side? What was his orientation in the squad when you grabbed him?

A. When I grabbed him, he was seated in the car in back of the squad.

15 Q. Sgt. McLean: Okay. Seated with his legs, his legs down on the floor or was he lying in the backseat?

A. He wasn't lying in the backseat because I didn't have to reach in to grab, you know, I would, I didn't have to go all the way in to reach and grab ahold of him. He was still near the door so I know I reached in and grabbed a hold of his shoulder and arm and then I pulled him out. And as far as looking at his feet, I didn't look at that.

20

Q. Sgt. McLean: Okay. I'm still not clear of what his orientation was in the squad.

A. Okay.

Q. Sgt. McLean: Was he, was he, he's...

25

A. Well... Sergeant Kr...I'm sorry. Lieutenant Kroll. I'm sorry. Lieutenant Kroll is Garcia. He's seated at the right rear door of the squad and I grab ahold of his shoulder and his arm and start bringing him out.

30 Q. Sgt. McLean: Okay. So, he's seated normally. He's not laying down in the back of his squad. His legs are down and out towards the floor?

A. His torso may have been this way and towards [INAUDIBLE 26:13]

Q. Sgt. McLean: Facing you?

35

A. Yep but I, I, I'm not a hundred percent sure. It's been a long time.

Q. Sgt. McLean: Yep.

A. So. But I know I didn't have to reach in and, you know, I didn't have to go all the way to, ah, ah, cabin, to reach in to get him.

40

Q. Sgt. McLean: All right.

A. Okay?

Q. Sgt. McLean: Was he still, was he still fighting, was he still kicking when you went in to grab him?

45

A. No.

Q. Sgt. McLean: Was he resisting?

A. That I don't remember.

Q. Sgt. McLean: Was he conscious?

50

A. I thought so.

Q. Sgt. McLean: Okay. Could you see if he was injured?

A. I didn't know he was injured until we got him to the ground and Officer Lehner, ah, told me he was.

55

Q. Sgt. McLean: Did he say anything to you when you grabbed him?

A. Who?

Q. Sgt. McLean: Ah...

5 A. Garcia?

Q. Sgt. McLean: Yes.

A. [NO AUDIBLE DIALOGUE 27:02]

10 Q. Garcia Pineda.

A. No.

Q. Sgt. McLean: No. Okay.

A. [NO AUDIBLE DIALOGUE]

15

Q. So, you said you didn't see any, any blood, any injuries whatsoever?

A. Not until Officer Lehner mentioned that he was injured and, ah, Garcia's head was actually facing away from me when he was laying down so he was, I was on his right side so he was facing, his head was turned to the left and then that's when I saw there was some blood on the ground.

20

Q. Sgt. McLean: Tell me how you took him out of the squad then. Did? So, you said you had his, his right side?

A. Yes.

25 Q. Sgt. McLean: Did your partner have his left side? Was he helping?

A. Yes.

Q. Sgt. McLean: Just two of you that, that extracted him?

A. Yes.

30

Q. Sgt. McLean: So, what part of him came out of the squad first?

A. His upper body.

Q. Sgt. McLean: All right. His head, head first, head and torso?

35 A. Yeah.

Q. Sgt. McLean: All right. and then from there how was he taken out of the squad and put on the ground?

40 A. Bring him out and you lay him down and I went down on knee. I don't remember which one but it was placed down. You know, we didn't throw 'em or toss 'em.

him him

Q. Sgt. McLean: Okay.

A. He was placed down to be, ah, restrained.

45 Q. Sgt. McLean: Okay. So, did you have positive control of him the whole time that you took him out of the squad until he, he was on the, ah, pavement on the street?

A. Yeah. I didn't let go of him.

Q. Sgt. McLean: Okay.

50 A. But he didn't, he didn't get, ah, thrown to the ground or dropped on the ground.

Q. Sgt. McLean: All right. And how, how big a guy is he? Did you have any trouble holdin' him up?

A. No.

55 Q. Sgt. McLean: Okay. Um, did he strike his face on any part of the, of the door or the, the, the post,

or the pillar or any part of the squad as you extracted him?

A. Not that I'm aware of.

5 Q. Sgt. McLean: Do you think he, if he would have, you would have been aware of that? I mean, was it a smooth extraction? Did, did he come out in one motion?

A. Yeah, I think he, I, I think if he would have hit something, I would have heard it and, yeah, it was, it was like you said, smooth, you know? Put him down and keep him there to control.

10 Q. Sgt. McLean: How far away were you from the curb? Was there any chance that his face hit the curb when he came out of the squad?

A. Well, like I said earlier, we were, you had the Squad 521 that was stopped and I'm guessing also offset from the, the defendant's vehicle and then we were offset from Squad 521 and we were slightly behind so I had at least a car length if not a car length and a half or two or car widths not lengths, car widths from the curb so...

15

Q. Sgt. McLean: Okay. Quite a ways from the curb.

A. Yeah.

20 Q. Sgt. McLean: So there isn't any chance he could have hit the curb with his face?

A. No.

Q. Sgt. McLean: Was there anything irregular in the road surface like the edge of a, a manhole or a pothole or a chunk of ice or anything like that in the vicinity of where he was put down on the ground?

25 A. I don't recall anything being there.

Q. Sgt. McLean: Okay.

A. I think the roadway was, was clear of any obstructions.

30 Q. Okay.

A. [NO AUDIBLE DIALOGUE 30:30]

Q. Okay. When you noticed that Mr. Garcia Pineda was bleeding, did anybody call an ambulance?

35 A. You know, that's been asked and, ah, I believe I even testified in one of the hearings that I thought we did call an ambulance and I reviewed this stuff and I reviewed the, ah, VisiNet browser but I can't find that in there. But I still and even goin' over this to prepare for tonight, I still believe I called one but I, I don't know why it's not showing up.

40 Q. Sgt. McLean: Over the air?

A. Yeah.

Q. Sgt. McLean: Or, or did you tell someone else, hey, you know, Officer ^{Kelly} ~~Fellier~~ or Officer Malloy, you know, can you start an ambulance?

45 A. No, I, I, I, I think I would have called.

Q. Sgt. McLean: Okay. I can tell you for the record, I pulled up also, um, on the Incident Detail Report, I called it up just strictly for EMS and looked for it. There, there's no record of EMS ever being called. Um, and then on ours just even from the case number there isn't a record of it being called. So, ah...

50 A. Did you, ah, know that this, there's another VisiNet that has notes on this?

Q. Sgt. McLean: Yep.

A. Oh.

55 Q. Sgt. McLean: Yeah.

- A. Okay. Because that hasn't shown up on any of the other stuff.
- Q. Sgt. McLean: Okay. No. I saw. I saw the VisiNet that had your notes or had, had the notes on there. Um, and we also listed...
- 5 A. They're both shots ~~kill~~, oh...
Call
- Q. Sgt. McLean: Yep.
- A. Oh, okay.
- 10 Q. Sgt. McLean: Yep. And we also listen to all the audio looking for that ambulance call and, and there wasn't one.
- A. Yeah, but like I said I, I looked over that stuff. I couldn't find it in the [INAUDIBLE 32:15] but for some reason I thought I did so...
- 15 Q. Sgt. McLean: I know when...
- A. I could be mistaken.
- Q. Sgt. McLean: I know when we're out there and someone's injured, you call for an ambulance and they haven't shown up for a while, you say, "Where's that ambulance?" and at some point you get on the air and you ask dispatch, you know, "What's, what's the status on the ambulance?" Did, did, did you come to that process at any point? Since you think you called, you'd kind of be the one keepin' track of, "Well, where is he? He should be here by now."
- 20 A. I don't remember asking for it a second time.
- 25 Q. Sgt. McLean: Okay.
- A. You know and maybe I'm mistaken on that, you know?
- Q. Sgt. McLean: Did you wonder where the ambulance was?
- A. I, I don't remember, you know?
- 30 Q. Sgt. McLean: Okay.
- A. You know, like I said it's been a while and for whatever reason, I thought I did and it, it doesn't show them coming up.
- 35 Q. Sgt. McLean: Yeah. I, I, I don't think one got called.
- A. Okay.
- Q. Sgt. McLean: So, he's face down on the street. How long did he stay that way?
- 40 A. Ah, he was told to calm down, stop kicking, if you would cooperate, we'd put him back in the car, ah, maybe a minute, two minutes. It wasn't very long at all. And then, you know, we got an agreement that he would, you know, control himself, he would stop acting out.
- Q. Sgt. McLean: Okay.
- A. And then he went back in the car.
- 45 Q. Sgt. McLean: And you were talking with him then.
- A. Yes.
- Q. Sgt. McLean: Was he sitting upright or what position was he in?
- 50 A. He was still prone.
- Q. Sgt. McLean: Still prone, face down. When you went to take him up, did you see his injury? Did you look? Did you look to see where he was bleeding from?
- A. He was bleeding from his mouth.
- 55

Q. Sgt. McLean: Could you see if he was missing any teeth?

A. No, I didn't know that until at the HCMC when the nurse told me.

Q. Sgt. McLean: Did he say anything to you about his injuries? Did he describe 'em to you?

5 A. No.

Q. Sgt. McLean: Could he talk normally? I mean, could you understand him?

A. Yes.

10 Q. Sgt. McLean: Did his speech change at all from when you've been dealing with him before, um; he was taken out of the squad to afterwards? In other words, if you lose your teeth, your speech changes generally, not always.

A. No, he was still threatening.

15 Q. Sgt. McLean: Okay. I don't mean the words he was using but the...

A. Yeah.

Q. Sgt. McLean: But actually the physical manner.

A. Well if I lost, if I lost teeth, it would change my demeanor also.

20

Q. Sgt. McLean: Agreed.

A. But, ah, it didn't change his demeanor. I didn't notice anything as far as speech being changed.

Q. Sgt. McLean: Okay. That was my question. Thank you.

25 A. [NO AUDIBLE DIALOGUE 34:55]

Q. When you saw him bleeding, did you render any military, I'm, ah, medical aid?

A. No, eh, I thought he had a cut lip.

30 Q. And that was it? Just...how much would you say he was bleeding? Was it enough for just a simple cut lip or was it a little bit more?

A. Well, there was some blood on the street and I don't think there's a whole lot you can do with a cut lip. You know, you can let it stop bleeding on its own, so.

35 Q. And then when did you decide to drive him to the hospital?

A. Um, after Sergeant Altonen came and did his, ah, FORCE review then we transported him to the hospital.

Q. Okay. And Sergeant Altonen came there to the scene?

40 A. Yes.

Q. Okay. And he did his FORCE review?

A. Yeah and he found out what happened and then asked me what I saw and I told him what I was doin' when I, that incident occurred and I said I didn't know what happened until...

45

Q. Sgt. McLean: Did you hear the interview that Sergeant Altonen did with, ah, Mr. Garcia Pineda?

A. I don't remember.

Q. Sgt. McLean: Where, where were you standing when, when that interview took place?

50 A. I don't remember that. I, I don't know. I might have been securing his property too. I don't know.

Q. Sgt. McLean: All right. Did you see...

A. As far, as far as I'm concerned, whatever the sergeant is doing with somebody else, that's his business. That's not mine.

55

- Q. Sgt. McLean: All right. Do you think it took place in the back of the squad? Did you guys place him back in there?
A. Yeah, I think he was in the squad at the time.
- 5 Q. Sgt. McLean: Was he ever taken out of your squad and put in a different squad, maybe Sergeant Altonen's squad or back in yours?
A. I don't think so.
- Q. Sgt. McLean: Okay. Did you turn the MVR on at any time now that he's back in there?
10 A. No.
- Q. Sgt. McLean: You didn't. And, why not?
A. I didn't think of it.
- 15 Q. Sgt. McLean: All right. Did you see if Sergeant Altonen took any pictures?
A. I don't remember that.
- Q. Sgt. McLean: Okay.
A. [NO AUDIBLE DIALOGUE 37:15]
- 20 Q. Okay. Again, how long after Sergeant Altonen gets there, he does his, you know, review of force, um, did you guys then decide, well we better take him to the hospital or how, how did you come to that?
A. Well, he's injured so, ah, we needed to take him to the hospital. Even if it's a minor injury, the jail nurse is gonna take a quick look at him and they're gonna send you back to the hospital so you take him to the hospital, bypass that unnecessary stop at the jail which they're gonna send you to the hospital anyways so we go to the hospital and I get 'em, ah, checked out and, ah, I think in, ah, VisiNet, ah, it shows what time we started the transport.
- 25
- 30 Q. Sgt. McLean: I think it's 03:02 or so.
A. [NO AUDIBLE DIALOGUE 38:29]
- Q. Yes.
A. [NO AUDIBLE DIALOGUE 38:31]
- 35 Q. Sgt. McLean: One to HCMC I think is what it says in the remarks.
A. [NO AUDIBLE DIALOGUE 38:35]
- Q. You got it. I got it.
40 A. Sgt. McLean: Ah, yeah, it's, um, 030345 513, ah, Squad 513. One male to HCMC [INAUDIBLE 38:50]
- Q. Sgt. McLean: Now, here's a question for yuh. Did Officer Lehner tell you how, ah, he got injured?
A. No.
- 45 Q. Sgt. McLean: Did you ask him what happened?
A. No.
- Q. Sgt. McLean: How did this guy end up with a, with a cut lip?
50 A. I assume that there was something that happened. I didn't see it, so.
- Q. Sgt. McLean: But you didn't ask him?
A. No.
- 55 Q. Sgt. McLean: Weren't you curious?

A. Somewhat, you know? But, then I figured he would tell me when, ah, he was ready to tell me, so.

Q. Sgt. McLean: Okay. Did he tell you?

A. I found out later that he, ah, kicked him, so.

5

Q. Sgt. McLean: How did you, how did you find that out?

A. I don't know if he told me or, ah, I forget so or if it was through the reports.

Q. Sgt. McLean: Well, where were you when you found that out? That he kicked him.

10

A. I don't know.

Q. Sgt. McLean: Were you on the way to the hospital? At the hospital?

A. I, I don't know, you know, so. It wasn't. He was injured...

15

Q. Mr. Kroll: Could we take one, one minute?

A. Sgt. McLean: Yeah.

Q. We're gonna take a break at 17:48.

A. [NO AUDIBLE DIALOGUE 40:30-41:51]

20

Q. All right. It's 17:49. We'll continue with the interview. Have you got your last question?

A. [NO AUDIBLE DIALOGUE 42:01]

Q. Sgt. McLean: Actually, the last question was at, at what point did you find out that, ah, Officer Lehner had kicked, ah, Mr. Garcia Pineda?

25

A. I don't remember.

Q. Sgt. McLean: Okay. Was there anything, Lieutenant Kroll that you wanted to bring up...?

A. Lt. Kroll: No.

30

Q. From when we were on recess?

A. Lt. Kroll: No.

Q. Did you [INAUDIBLE 42:26] when you, um, you were the driver when you went to the hospital you were still driving...

35

A. Yes.

Q. In your squad car? Okay. And when you got to the hospital, where did you park? Right outside?

A. Yeah, outside of, ah, HCMC's Special Care Unit.

40

Q. Okay. Um, did you both, did all three of you go into the hospital? Ah, you, your, your partner, Officer Lehner, and Garcia Pineda?

A. No.

45

Q. Okay. Who all went in?

A. I did and, ah, Garcia.

Q. Okay. And why didn't Officer Lehner go in?

50

A. Because he was the report writing officer and he could start his reports and I would deal with the hospital.

Q. Okay. When you went in with Mr. Garcia Pineda, what did you tell the hospital?

A. That he was injured.

55

Q. Did you go into any details about how he was injured?

A. Ah, I think I told the nurses that, ah, we had a shots fah, fired call that the car that this guy was driving in, ah, swerved and almost hit a cop while that officer was collecting evidence. Um, he was bang, ah, bangin' about in the backseat of the squad and, ah, somehow he got injured. He's bleeding from his mouth and let them deal with that.

5

Q. Okay. As you're escorting, I assume that Mr. Garcia Pineda is still handcuffed?

A. Yes.

Q. Okay. To the rear? Handcuffed in his back?

10

A. Yes.

Q. Okay. And you're escorting him into the hospital. Did Mr. Garcia Pineda say anything to you?

A. Yeah, he said, ah, "Why don't you try your shit now?" um, and there were other threats. I would have to look at my, ah, report to refresh my memory.

15

Q. Okay.

A. If that's all right.

Q. So, you got a good look of his, at his face when he was still bleeding when you got him to the hospital?

20

A. He was bloody.

Q. Okay. Anything else?

A. Did you want me to refresh my memory of his comments?

25

Q. That's all right. I, I know he didn't make very nice comments to you.

A. Okay.

Q. We'll, ah, we'll...

30

A. Yeah, it was...

Q. The record will reflect that all...

A. It looks like, um, he said, ah, ah, that he was continuing to say, ah, or call me a mother fucker and, um, "I'm gonna be a cop. You're gonna regret this. Wait until I see you on the street."

35

Q. Okay. So he's kinda havin' his long sentences. He's kinda givin' you some lip there. Correct?

A. Ah, those are...he had good threats.

Q. All right.

40

A. [NO AUDIBLE DIALOGUE 45:07]

Q. Sgt. McLean: Did he say anything about gettin' kicked or getting injured or anything like that to you when you're bringing him in the hospital? Did he make any [INAUDIBLE 45:15]?

A. I don't think so. It was, ah, "Why don't you try your shit now?" is what is in my report.

45

Q. Sgt. McLean: Did, did he think you kicked him or did he know that you didn't kick him that, that someone else had?

A. I don't know what he was thinkin'.

50

Q. Sgt. McLean: Okay.

A. And as far as I'm concerned, ah, you know, the, the people in that car didn't like cops and one blue uniform a blue uniform so if you're willing to run down a cop, you probably don't care which cop. And, ah, you know, he was spittin' when we were in the hospital and that's why a, a spit mask was placed on 'em by security.

55

- Q. Okay. When you were walking in, I mean, he's, he's got a couple of sentences that he, you know, tells you, threatens you, did you, again, did you see his mouth? Did you see that he was missing any teeth?
- 5 A. No. I, I, again, I told you earlier that I didn't know he was missing teeth until the nurse said that he was.
- Q. Okay.
- A. And I was surprised.
- 10 Q. Sgt. McLean: Okay. So, at some point, the nurse tells you that he's missing teeth. How, tell us how...
- A. [NO AUDIBLE DIALOGUE 46:44]
- Q. How did this come about?
- 15 A. [NO AUDIBLE DIALOGUE 46:46]
- Q. Sgt. McLean: Yeah, how she, yeah.
- A. She takes a look at his injuries and said that it looks like he might be missing some teeth which surprised me 'cause it, I didn't see any teeth laying on the ground or anything.
- 20 Q. Sgt. McLean: Um, how far away from him were you when she told you that? Were you right there or were you in a different room?
- A. I was still hanging onto him.
- 25 Q. Sgt. McLean: Okay. Did you look to see?
- A. No.
- Q. Sgt. McLean: No.
- A. I didn't want to get spit on.
- 30 Q. Sgt. McLean: Yeah. Okay. Did he have spit go down at this point or no?
- A. No.
- Q. Sgt. McLean: No. Okay. Did he say anything about it? Like, "Yeah, the cops knockin' my teeth out."?
- 35 A. I don't remember.
- Q. Sgt. McLean: Okay. Was there anymore discussion when she makes that statement? Yeah, it looks like he had some teeth knocked out. Did she say teeth knocked out or missing?
- 40 A. You know, I don't remember at this time. It may be in some of the testimony but I don't remember unless I looked...go through and find her.
- Q. Sgt. McLean: Okay.
- A. [NO AUDIBLE DIALOGUE 47:55]
- 45 Q. Um, Sergeant Altonen, did you talk, did he go to HCMC or did you only talk to him at the scene, at Nicollet?
- A. I only saw Sergeant Altonen at the scene.
- 50 Q. Okay.
- A. If he went there after I left, I don't know.
- Q. Okay. When you went back to your squad car, did you have a conversation about what had taken place in the hospital with your partner, Officer Lehner?
- 55 A. I think I might have told 'em that the teeth...the nurse said that there were some missing teeth.

Q. And what was his response?

A. I don't remember. I'm just telling you I think I advised ^{him} ~~em~~ that or what the nurse told me.

5 Q. I just have one question, ah, going back to when you were at the trunk, you know, looking at his items that you had searched and your back door, how far do you think that is in terms of feet, inches from where you were at the trunk to that back door of the squad car?

A. What's the question again?

10 Q. How far? How far in terms of...was it two feet? You know, you're, you're in, on your trunk, you're lookin' through his stuff, where's the back door to the squad car? How far away do you think that is?

A. From, ah, we're right, from the rear right, ah, fender to the...

15 Q. Right. Where your door...

A. Door?

Q. Where the trunk is to the door, how, how far?

A. It ain't that far.

20

Q. Okay.

A. 'Cause they meet.

25 Q. So, would you if your, um, partner, Officer Lehner, if he had done something, were...you said you kept lookin' at the stuff on the...what you had take, what you had taken out of Garcia Pineda, would you have heard if he would have kicked...

A. I don't know.

30 Q. Garcia? Would you have heard a smack? I mean, he was, you know, I know thrashing around in the, in the backseat but it's, it's pretty close. I mean, you said yourself, it's pretty close. You didn't hear anything?

A. I didn't hear anything.

Q. Okay.

35 A. But I'm tryin' to think through other...

Q. Mmhmm.

40 A. Other cases where I have used force or somethin' and, you know, sometimes you hear, no, hear a cuh, a connection. It's like at one time we were allowed to use open hand strikes and you could hear those but I didn't hear anything.

Q. Sgt. McLean: When did you write your supplement? While you're still on this call?

A. Yes.

45 Q. Sgt. McLean: Did you, um, go back to the station or did you write in the squad? Where did you write it?

A. All right. It looks like I wrote it so I didn't go through transcription which I prefer 'cause their off at 3:30 so it would have been back at the station.

50 Q. Sgt. McLean: Okay. Did you stay in the squad or did you go inside and sign on the computer.

A. I would have signed on 'em for sure because...

Q. Sgt. McLean: When you...

A. You know, I can't say for sure.

55

Q. Sgt. McLean: Okay.

A. I can't say for sure.

Q. Sgt. McLean: That's fine.

5 A. Ah, I'm just, I'm thinkin' since I went in the hospital, Officer Lehner was, was the reporting writing officer, he, I'm guessing he would have been in the squad still typing but I'm sure you have ability to find out where I typed my report.

10 Q. Sgt. McLean: I'm. I'm more interested in, interested in when you were writing your report, were you in conversation with Officer Lehner? Did you guys talk about the, talk about the event while you were writing it?

A. No.

15 Q. Sgt. McLean: So, when you wrote your report, had you learned that Officer Lehner had kicked this guy?

A. I don't think so.

Q. Sgt. McLean: At, at what point then did you learn the guy had been kicked?

20 A. Again, I don't remember when. I did find out eventually but I don't remember when.

Q. Sgt. McLean: Was it that night on the shift when you were workin' together or was it later some, through some other means?

A. I don't know...so.

25 Q. Sgt. McLean: And when you found it out, was it from Officer Lehner telling you or someone else telling you or learning about it some other way?

A. I think from Officer Lehner but I'm not sure, you know, and again, this is three years ago, so.

Q. I have nothing else. Are you good?

30 A. [NO AUDIBLE DIALOGUE 53:40]

Q. Sgt. McLean: Yeah. I'm good.

A. [NO AUDIBLE DIALOGUE 53:42]

35 Q. All right.

A. [NO AUDIBLE DIALGUE 53:42]

Q. Mr. Beck: I just have one question.

40 A. [NO AUDIBLE DIALOGUE 53:44]

Q. Sgt. McLean: Yeah. Yeah-yeah.

A. [NO AUDIBLE DIALOGUE 53:45]

45 Q. Mr. Beck: Officer Wuorinen, as you sit here today, do you remember what you told the hospital staff...exactly?

A. Exactly? No.

Q. Mr. Beck: That's all.

50 A. [NO AUDIBLE DIALOGUE 53:58]

Q. Sgt. McLean: I think you had said you told them that he had somehow been injured in a, what, what did he say exactly? Somehow been injured during your arrest or an encounter with the police.

55 A. [NO AUDIBLE DIALOGUE 54:11]

Q. Mr. Beck: Well, let me ask it this way. Would, would whatever you told the hospital staff would that be reflected in the hospital documents...to the best of your knowledge?

5 A. Yes and no. I've had cases where the hospital staff did not record the correct information. Um, I had cases where they've been completely wrong so it depends on the nurse, how good they are with listening and taking down what is being told to 'em.

Q. Mr. Beck: And prior this, have you been able to review, ah, the hospital intake on this case?

A. I've never seen that.

10 Q. Mr. Beck: Thank you.

A. [NO AUDIBLE DIALOGUE 55:01]

Q. Okay?

15 A. [NO AUDIBLE DIALOGUE 55:03]

Q. Sgt. McLean: Yep.

A. [NO AUDIBLE DIALOGUE 55:04]

20 Q. All right. Is there anything else you'd like to add to this statement that we have not asked you about the incident?

A. No.

Q. Is this a true and accurate statement?

25 A. Yes.

Q. Ah, per Minneapolis Police Department Policy and Procedure Sections 5-107.8, you are not to discuss this interview or case investigation with anyone other than your Federation Union Representative or attorney. Do you understand this?

30 A. Yes.

Q. Okay. Statement concluded at 18:03.

35 Signature: _____

Date: _____

jmc