

Witness depiction of Placement of Vehicles  
during December 29, 2013 incident.

DATE Jan 23 2017

X Miriam Aguilar Garcia  
Miriam Aguilar Garcia

X Walter M. Lee  
Investigator IAU

X Ryan M. Hill  
Investigator OPCR



Civilian Unit  
350 S. Fifth St. – Room 239  
Minneapolis, MN 55415  
TEL 612.673.5500

Internal Affairs Unit  
350 S. Fifth St. – Room 112  
Minneapolis, MN 55415  
TEL 612.673.3074  
[www.minneapolismn.gov](http://www.minneapolismn.gov)

October 20, 2016

Officer Steve Wuorinen  
Fifth Precinct – Traffic Investigation  
Minneapolis Police Department

**OPCR Case Number 15-16258**  
**CAPRS Number MP-13-430045**  
**VisiNet 13-430045**


Dear Officer Wuorinen:

**NOTIFICATION LETTER**


You are being called as a witness for the following alleged violation(s) of Minneapolis Police Department Policy and Procedures. The specific policies alleged to have been violated are:

**MPD P/P 5-301 EXCESSIVE FORCE:** *Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.*

13.43 - Personnel Data

A large black rectangular redaction box covers the majority of the page's content, starting below the "training." line and extending to the bottom of the page.

13.43 - Personnel Data



Luis Garcia-Pineda alleges that he was a passenger in a vehicle which was stopped for reckless driving. Garcia-Pineda was subsequently arrested for Obstruction and Consumption of Alcohol by a Minor. Garcia-Pineda alleges that while seated in the backseat of a Minneapolis Police Department squad car, Officer Blayne Lehner opened the squad car door and kicked Garcia-Pineda in the face, causing him to lose two (2) teeth.

Pursuant to the Minneapolis Police Department's Discipline Process, the above allegations, if true, constitutes a policy violation. However, the above listed policy violations may be amended or changed at any time during the investigation.

According to Workforce Director you are scheduled to work:

**October 26, 2016, 1700 hrs to 0300 hrs**

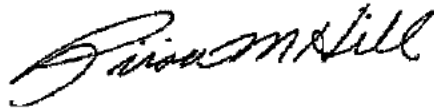
Your appointment to provide a statement to the Office of Police Conduct Review is scheduled for October 26, 2016 at 18:30 hours at the Department of Civil Rights, Office of Police Conduct Review, Room 239 in City Hall. If you have a compelling conflict you must contact me by October 25, 2016 to discuss an alternate date.

I can be contacted by e-mail at [liisa.hill@minneapolismn.gov](mailto:liisa.hill@minneapolismn.gov) or phone at 612-673-2093 between the hours of 08:30 and 16:30, Monday through Friday. Failure to show for your scheduled interview or to request one of the alternate dates by the time directed will result in additional charges.

Steve Wuorinen  
October 20, 2016  
Page 3

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/federation representative. You are entitled to be represented at this interview by a union/federation representative or an attorney.

Sincerely

A handwritten signature in black ink, appearing to read "Liisa M Hill". The signature is written in a cursive style with a large initial "L".

Liisa M Hill  
Investigator - Civilian  
Minneapolis Office of Police Conduct Review





Office of Police Conduct Review

Civilian Unit  
350 S. Fifth St. – Room 239  
Minneapolis, MN 55415  
TEL 612.673.5500

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TEL 612.673.3074  
[www.minneapolismn.gov](http://www.minneapolismn.gov)

September 09, 2015

Luis Daniel Garcia-Pineda  
3916 16<sup>th</sup> Avenue S. Apartment 2  
Minneapolis, MN 55407

**RE: OPCR Case Number 15-16258**

Dear Mr. Garcia-Pineda:

I am an Investigator with the Office of Police Conduct Review and I have been assigned to look into a complaint of police officer misconduct. I would like to set up an appointment with you as soon as possible to discuss this matter and take your formal statement. This is a very important part of our investigative process. I need to thoroughly understand the incident and your encounter with the officer on December 29, 2013.

I can be reached at 612-673-2093, 8:30 am to 4:30 pm, Monday through Friday. Please call me at your earliest convenience so we can schedule a date and time to meet. I would appreciate hearing from you by September 28, 2015. If I do not hear from you by this date, I will conclude that you do not wish to participate in this investigation.

Sincerely,

A handwritten signature in black ink that reads "Liisa M Hill".

Liisa M Hill  
Investigator - Civilian  
Minneapolis Office of Police Conduct Review

cc: Eric Hageman, Attorney for Plaintiff  
PritzkerOlsen P.A.



Office of Police Conduct Review

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December 20, 2016

Luis Daniel Garcia-Pineda  
3916 16<sup>th</sup> Avenue S. Apartment 2  
Minneapolis, MN 55407

**RE: OPCR Case Number 15-16258**

Dear Mr. Garcia- Pineda

Reference my letter to you and your attorney, Eric Hageman on September 09, 2015. We continue to investigate your allegation of excessive use of force by a Minneapolis Police Department Officer. As the investigator assigned, I would still like to discuss this matter with you and take your formal statement. I understand your civil complaint with the City of Minneapolis has been resolved, but the Office of Police Conduct Review's internal investigation is still ongoing. I would like to set up an appointment with you as soon as possible to discuss this matter and take your formal statement. This is a very important part of our investigative process. I need to thoroughly understand the incident and your encounter with the officer on December 19, 2013.

I can be reached at 612-673-2093, 8:30 am to 4:30 pm, Monday through Friday. Please call me at your earliest convenience so we can schedule a date and time to meet. I would appreciate hearing from you by December 30, 2016.

Sincerely,

A handwritten signature in black ink that reads "Liisa M Hill".

Liisa M Hill  
Investigator - Civilian  
Minneapolis Office of Police Conduct Review



Department of Civil Rights  
 350 S. Fifth St., Room 239  
 Minneapolis, MN 55415

Mr. Luis Daniel Garcia-Pineda  
 3916 16th Avenue S. Apartment 2  
 Minneapolis, MN 55407

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7014 2120 0003 5356 5149  
 7014 2120 0003 5356 5149

**U.S. Postal Service**  
**CERTIFIED MAIL® RECEIPT**  
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**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent to **Luis Daniel Garcia Pineda**  
 Street & Apt. No. **3916 16th Ave S. Apt 2**  
 or PO Box No. **Minneapolis, MN 55407**  
 City, State, Zip+4

PS Form 3811, July 2013

See Reverse for Instructions

**RENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

**Luis Daniel Garcia Pineda**  
**3916 16th Ave S.**  
**Apartment 2**  
**Minneapolis, MN**  
**55407**

Article Number (Transfer from service label)

7014 2120 0003 5356 5149

PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name)  Date of Delivery

C. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below.

3. Service Type

Certified Mail  Priority Mail Express™

Registered  Return Receipt for Merchandise

Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

## Hill, Liisa

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**From:** Eric Hageman <eric@pritzkerlaw.com>  
**Sent:** Monday, September 21, 2015 3:58 PM  
**To:** Hill, Liisa  
**Subject:** Luis Garcia

Liisa,

I just received a letter requesting an interview with my client, Luis Garcia, which is dated September 9, 2015, but only arrived today (by certified mail). I will attempt to get in touch with Mr. Garcia to discuss the issues in the letter with him. In the meantime, please direct all further communication through me, as I am Mr. Garcia's attorney in this matter. Thank you.

Eric Hageman



Eric Hageman, Esq.  
PritzkerOlsen, P.A.  
45 So. 7th Street, #2950  
Minneapolis, MN 55402-1652  
612-338-0202  
Fax: 612-338-0104  
888-377-8900  
[eric@pritzkerlaw.com](mailto:eric@pritzkerlaw.com)

**Hill, Liisa**

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**From:** Hill, Liisa  
**Sent:** Thursday, October 20, 2016 12:43 PM  
**To:** 'eric@pritzkerlaw.com'  
**Cc:** Jaafar, Imani S.  
**Subject:** Luis Garcia

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	'eric@pritzkerlaw.com'	
	Jaafar, Imani S.	Delivered: 10/20/2016 12:43 PM

Mr. Hageman,

I previously discussed with you an investigation regarding your client, Luis Garcia -Pineda. Due to Officer Blayne Lehner being returned to his employment with the Minneapolis Police Department, the Office of Police Conduct Review is reopening its investigation into Officer Lehner's conduct as it applies to MPD Policies and Procedures. I am still interested in obtaining a statement from Mr. Garcia, and any documents, to include depositions, and medical records. If Mr. Garcia is not interested in personally giving his statement, a copy of his deposition would be acceptable. Any help you could provide in this matter would be greatly appreciated.

Liisa Hill

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Liisa M. Hill  
*Case Investigator*

City of Minneapolis – Department of Civil Rights  
Office of Police Conduct Review  
350 S. Fifth St. – Room # 239  
Minneapolis, MN 55415

Office: 612-673-2093  
Fax: 612-673-5510  
[liisa.hill@minneapolismn.gov](mailto:liisa.hill@minneapolismn.gov)

**Hill, Liisa**

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**From:** Mail Delivery System <emailsecurity@hes.trendmicro.com>  
**To:** eric@pritzkerlaw.com  
**Sent:** Thursday, October 20, 2016 12:43 PM  
**Subject:** Relayed: Luis Garcia

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<eric@pritzkerlaw.com>: delivery via  
internal-ininmta-1962880291.us-west-1.elb.amazonaws.com[10.64.0.52]:25: 250



**Message Headers**

OK

**Hill, Liisa**

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**From:** Eric Hageman <eric@pritzkerlaw.com>  
**Sent:** Thursday, October 20, 2016 12:48 PM  
**To:** Hill, Liisa  
**Cc:** Jaafar, Imani S.  
**Subject:** Re: Luis Garcia

Thanks. I should be able to get you what you need. I'm out of the office until next week but will follow up with you.

On Oct 20, 2016, at 1:43 PM, Hill, Liisa <[Liisa.Hill@minneapolismn.gov](mailto:Liisa.Hill@minneapolismn.gov)> wrote:

Mr. Hageman,

I previously discussed with you an investigation regarding your client, Luis Garcia -Pineda. Due to Officer Blayne Lehner being returned to his employment with the Minneapolis Police Department, the Office of Police Conduct Review is reopening its investigation into Officer Lehner's conduct as it applies to MPD Policies and Procedures. I am still interested in obtaining a statement from Mr. Garcia, and any documents, to include depositions, and medical records. If Mr. Garcia is not interested in personally giving his statement, a copy of his deposition would be acceptable. Any help you could provide in this matter would be greatly appreciated.

Liisa Hill

---

Liisa M. Hill  
*Case Investigator*

**City of Minneapolis – Department of Civil Rights**  
**Office of Police Conduct Review**  
350 S. Fifth St. – Room # 239  
Minneapolis, MN 55415

Office: 612-673-2093  
Fax: 612-673-5510  
[liisa.hill@minneapolismn.gov](mailto:liisa.hill@minneapolismn.gov)

**Hill, Liisa**

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**From:** Eric Hageman <eric@pritzkerlaw.com>  
**Sent:** Wednesday, November 02, 2016 2:22 PM  
**To:** Jaafar, Imani S.  
**Cc:** Hill, Liisa; McLaren, Sarah C.  
**Subject:** RE: Document request

Imani,

Thanks for your email. While I'm sure I have lots of [REDACTED] assist your investigation, before releasing any of it, I want to make sure Sarah McLaren of the City Attorney's Office doesn't have any objection to my doing so. I am copying Sarah on this email.

With regard to Lehner, there should be no concerns about confidentiality, since he expressly waived confidentiality in the settlement agreement we reached with him in the civil case, which reads as follows: "Lehner agrees to waive any confidentiality he may have with respect to the documents, materials, and information produced in accordance with paragraph 1 of the Court's October 9, 2015 Protective Order in the Litigation, including records from Internal Affairs, Civilian Review Authority and Office of Police Conduct Review excluding any post-incident matters, to include data related to any pending discipline proceedings and the "Findings of Fact, Conclusions of Law, and Recommendation" (OAH #84-6010-32810) of Administrative Law Judge Tammy Pust dated February 24, 2016."

Thanks.

Eric Hageman



Eric Hageman  
612-338-0202

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**From:** Jaafar, Imani S. [<mailto:Imani.Jaafar@minneapolis.gov>]  
**Sent:** Wednesday, November 02, 2016 1:40 PM  
**To:** Eric Hageman  
**Cc:** Hill, Liisa  
**Subject:** Document request

Hello Mr. Hageman,

My name is Imani Jaafar and I am the Director of the Office of Police Conduct Review. My investigator Liisa Hill requested any documents you would be willing to share in the Luis Garcia matter involving Officer Lehner. Please let me know if you are able to provide us with anything that could assist in the investigation. Please feel free to contact me with questions – thank you very much for your time and consideration.

*Sincerely,*

Imani Jaafar, Esq.  
Director - Office of Police Conduct Review



**Hill, Liisa**

---

**From:** Eric Hageman <eric@pritzkerlaw.com>  
**Sent:** Wednesday, November 02, 2016 2:22 PM  
**To:** Jaafar, Imani S.  
**Cc:** Hill, Liisa; McLaren, Sarah C.  
**Subject:** RE: Document request

Imani,

Thanks for your email. While I'm sure I have lots of information which might assist your investigation, before releasing any of it, I want to make sure Sarah McLaren of the City Attorney's Office doesn't have any objection to my doing so. I am copying Sarah on this email.

With regard to Lehner, there should be no concerns about confidentiality, since he expressly waived confidentiality in the settlement agreement we reached with him in the civil case, which reads as follows: "Lehner agrees to waive any confidentiality he may have with respect to the documents, materials, and information produced in accordance with paragraph 1 of the Court's October 9, 2015 Protective Order in the Litigation, including records from Internal Affairs, Civilian Review Authority and Office of Police Conduct Review excluding any post-incident matters, to include data related to any pending discipline proceedings and the "Findings of Fact, Conclusions of Law, and Recommendation" (OAH #84-6010-32810) of Administrative Law Judge Tammy Pust dated February 24, 2016."

Thanks.

Eric Hageman



**Pritzker Hageman, P.A.**  
ATTORNEYS

Eric Hageman  
612-338-0202

---

**From:** Jaafar, Imani S. [<mailto:Imani.Jaafar@minneapolis.gov>]  
**Sent:** Wednesday, November 02, 2016 1:40 PM  
**To:** Eric Hageman  
**Cc:** Hill, Liisa  
**Subject:** Document request

Hello Mr. Hageman,

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*Sincerely,*

Imani Jaafar, Esq.  
Director - Office of Police Conduct Review

**City of Minneapolis – Department of Civil Rights**  
350 S. Fifth St. – Room 239  
Minneapolis, MN 55415

Office: 612-673-2426  
[imani.Jaafar@minneapolismn.gov](mailto:imani.Jaafar@minneapolismn.gov)



**Hill, Liisa**

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**From:** Jaafar, Imani S.  
**Sent:** Friday, November 18, 2016 10:45 AM  
**To:** McLaren, Sarah C.  
**Cc:** Hill, Liisa  
**Subject:** Garcia/ Lehner case

Hello Sarah,

We are reaching out to you because Office of Police Conduct Review is conducting an investigation on Blayne Lehner. We have been in touch with Eric Hegeman regarding documentation on the civil lawsuit. He is willing to release the information with your permission. Could you please let us know if you are amenable to him releasing information in his files to us? If you have any questions, please feel free to contact either myself or Liisa Hill. Thank you.

*Sincerely,*

**Imani Jaafar**

*Director - Office of Police Conduct Review*

**City of Minneapolis – Department of Civil Rights**

350 S. Fifth St. – Room 239

Minneapolis, MN 55415

Office: 612-673-2426

[Imani.Jaafar@minneapolismn.gov](mailto:Imani.Jaafar@minneapolismn.gov)



Sent from my iPad

**STATEMENT OF PLACE:** Luis Garcia Pineda  
Minneapolis Department of Civil Rights  
Office of Police Conduct Review - Room 239

**DATE:** January 13, 2017

5 **TIME:** 12:43 p.m.

**CASE NO:** 15-16258

**INVESTIGATOR:** Liisa M. Hill

**ALSO PRESENT:** Sgt. Matthew McClean, Minneapolis Police Department Internal Affairs Unit

10 Q. This is a recorded statement of Luis Daniel Garcia Pineda on January 13<sup>th</sup>, 2017 at approximately 12:43 in the Minneapolis Civil Rights Department Room 239 being interviewed by Investigator Liisa M. Hill. Also present is Sergeant Matthew McClean of Minneapolis Police Department Internal Affairs Unit. This is regarding OPCR Case 15-16258.

15 Q. What is your full name?

A. Luis Daniel Garcia Pineda.

Q. Okay and could you spell it please?

A. L-U-I-S D-A-N-I-E-L G-A-R-C-I-A P-I-N-E-D-A.

20

Q. Thank you. What is your present address and phone number?

A. Um, I am located at 2046 Wilson Avenue, Saint Paul, Minnesota 55119 and my phone number is 651-347-3792.

25

Q. Thank you. What is your age and date of birth?

A. I am currently 21 years old and I was born in June, on June 8<sup>th</sup>, 1995.

Q. All right. You are being questioned as part of an official investigation into a complaint of police misconduct. The information you provide will be used in a fact-finding process as part of the total evidence to determine if such misconduct occurred and for assessing whether disciplinary action should be taken. The information you supply may also be used in a grievance hearing, arbitration or other official procedure, appeal procedure. Other parties outside the Minneapolis Civil Rights Department, OPCR Office, may have access to the information you provide as part of the internal investigation.

30

35

At this time, I would like to ask you some questions concerning an incident that occurred on December 29<sup>th</sup>, ah, 2013 at approximately 3 o'clock a.m. in the vicinity of 44<sup>th</sup> and Nicollet, ah, in Minneapolis, Minnesota and are you willing to tell me what happened, ah, regarding this matter?

A. Yes.

40

Q. Okay. Please tell me, in your own words, um, starting from, you know, when you were in the car, um, with your friends, um, what happened that, that evening.

A. Well, I should, I was with my sister.

45

Q. Okay.

A. And she invited me to, ah, to, ah, one of the party of her friends.

Q. Okay.

50

A. And, ah, we went, I went ahead and she, and at the party, Tony, which is, um, her baby dad, ah, he was present there so we saw him. Um, I went with my sister. Her friend picked her up and, ah, I went with her so it was her and her friend and then we went. It was on 1st Avenue and 37<sup>th</sup> in South Minneapolis and bein', um, there was a lot of people and, yes, alcohol was involved. Um, my sister was drinking and, ah, Tony had a couple and I did also.

55

So, right around 2 o'clock I would say, the party was over and it was, it was, it was nice and everything. I don't know, you know, everything smooth. We were gonna drop off. On the way back home, we, we left with Tony. My sister, you know doesn't didn't have a car at the time so

we, he offered a ride. Then we were supposed to, ah, drop off, ah, Tony's cousin which she lived by Washburn High School so I would say 50<sup>th</sup> and Nicollet.

Q. Okay.

5 A. And we were gonna drop her off that way so, you know, Nicollet and we were heading that way and they were, and I remember it was icy, it was cold, it, it was wintertime and we were going over there and everybody were, had a good night and everything at the party. So, I was, you know, I personally was, you know, a little tipsy and my sister I believe she was also, um, and, you know, drunk. I know we were nervous us getting pulled over like whoa, that was fast, you know, 10 we got pulled over. We crossed over to 38<sup>th</sup> and Nicollet and I know a K Park right there on Nicollet and we got pulled over.

15 And I was in the backseat with my sister. On the passenger seat was Tony's cousin which she was going to get dropped off. Tony was driving his car. I don't remember what vehicle he was in but the point is, ah, we were going over there and we got pulled over and as soon as I saw I don't know there was an officer tapping on Tony's window with a gun already, tapping a gun. We thought it was a [INAUDIBLE: 4:44] but it was a gun.

20 So, they pulled 'em out and they were right away, you know, they were coming like they were aggravated. So then they asked, ah, all of us for ID and then I had an officer. Kinda think it was a lady officer, she came up to me and she asked me nice, you know, [INAUDIBLE: 5:07].

25 So, then the male officer came I think. They were asking for my ID, my sister pulled her ID and then Tony's cousin pulled out her ID and I didn't have one at the time. I don't know. I, I was tipsy and I got kind of annoyed so I know I responded to an officer like, you know, using profanity and I guess he got messed with 'em, you know, they, they took me out the car, they handcuffed me and they kept me close and everything. I was put in the squad car. Everything was going fine. I got mad. So, then what I did I started kicking, you know, um, I was handcuffed all the time.

30 Q. Okay.

A. But I was, started kicking the, in front of me, you know, I didn't have much space. And I was mad I guess, you know, and I, I, I'm pretty sure maybe, um, you know, alcohol was part of it so. Ah, then, yeah, I remember getting pulled out and, ah, I remember getting pulled out and then back. I just remember a blow to my face.

35

Q. Mmhmm.

A. And then, ah, I kinda remember not a lot because I got knocked out getting thrown to the concrete and the ground and then I don't even know. I just woke up, a little more woke up and the officer was like, "Get up. Get up." And, ah, I was bleeding and the horrible thing. I just felt the blows. It was like a dream for like [INAUDIBLE: 6:40] and it was like a bunch of blows to my face, you know, and my mouth area and then when I woke up I was in crucial pain. It was horrible. I, you know, I wasn't aware of what had happened quite yet 'cause and I was kinda dizzy 'cause I, I think I was in have to, ah, ah, and my shoulder and everything.

45 And I was like kinda dizzy but I was in so much pain. I couldn't even talk because my mouth was full of blood so I was spitting out blood in the squad car and then they asked me if I was gonna calm down. I told they yeah but, but. Then they asked me for my name and I couldn't speak, you know, so. Then they asked me for my ring. They asked if I was gonna cooperate. I was like yeah but I couldn't talk anyways because I was like [INAUDIBLE: 7:32] and like I, I, **13.384 Medical** so I was like really, you know, bleeding [INAUDIBLE: 7:38] but I didn't know at the time. So, there was one thing I heard the officer said they were take me to the emergency.

50

Q. Mmhmm.

A. So, that's what they did. And, um, we got there and the, got there and then the, ah, nurses, 55 doctors started asking what happened because they think that I was really severe and, you know,

and, um, they pulled me out, everything and they took the handcuffs off and then I remember they asked an officer and the officer was like he, the officer then I got mad and then I, ah, I started cussing at the officer sayin' a bunch of stuff, you know. Obviously, I didn't mean it but I was like well that got me madder because...

5

Q. Mmhmm.

A. You don't have, don't that officer that treated me, ah, "No, he wasn't the one that did that. It was another officer."

10

Q. Okay.

A. And, yeah, so I was just angry and stuff and you know those doctors got to know everything so I think they injected me so I could go to sleep and then for my mouth. No and I just remember being wired shut. They woke me up and they told me what happened. And then I remember some flashlight. They were taking pictures but I was never able to get any of them. I was not...

15

Q. Mmhmm.

A. And then oh, they had, they had, they told me what had happened and told me your two front teeth were knocked out and the bottom teeth are severely, ah, hurt because they moved them. They used to be straight, the bottom ones used to be straight and then they moved them so they were loose the two bottom ones that were in the under here and my neck was hanging over here so then they had to stitch me up. They had to stitch me up first and then they sh...wired shut my mouth.

20

Q. All right.

25

A. So they can put like some wires in my mouth and to hold up my teeth so then I started going in to the dentist and everything. They had to do, ah, two surgeries here, um, put new root canals 'cause I could not, my root canals from the bottom of my teeth the impact was so hard, it, it, it killed it so they had to put a new root canal, had two surgeries here, had one surgery here and then, um, wires...

30

Q. Mmhmm.

A. A wired shut wires in my mouth and then stitches they're here, they're here, out here and right here. So, it took about three months for me to heal or so but I just can't, it was bad.

35

Q. Okay.

A. And from what I remember that night, yeah, it was just like it was quick. It was, you know, I guess [INAUDIBLE: 10:02] away, you know. I may have aggravated however but, you know, I don't think that was necessary. I don't think that was necessary and when you hurt a lot it impacted my whole life because I was going to going back. I was going to go back to get my GED and then 'cause I was gonna get in the process of my immigration status so I was gonna get my, my work permit and I was gonna finish my GED. I was enrolled. After that happened, I enrolled for my GED and my schooling created a, you know, didn't work out, ah, and...it just. I would. I had a plan, so I had plans but I couldn't...

40

45

Q. Mmhmm.

A. And I was working and then I couldn't go back to work. I was working on a good job too...

Q. So it was kind of disrupted.

A. Yeah. A lot, a lot, a lot. It just...

50

Q. Okay.

A. Blew, you know. My sister had to work two jobs. She worked like 16 hours...

Q. Mmhmm.

55

A. Just to support me, my mom. My mom would, would blend everything and I would have to drink it

with a straw so it was bad, yeah.

Q. Okay. Going back to when, um, you're in the car. You said, um, where were you sitting in the car?

A. Mmmm, right, like right here, like you know in front of me...

5

Q. Behind the driver's side?

A. Behind the driver's side.

Q. So the, in the backseat?

10 A. Yep, in this area here. Yeah.

Q. Okay. In the backseat? Okay.

A. Yep.

15 Q. And then you said you had, um, your cousin, right?

A. Um, ah, my cousin...

Q. And it was your cousin or your sister?

A. [NO AUDIBLE DIALOGUE]

20

Q. Sgt. McClean: Your sister next to you?

A. [NO AUDIBLE DIALOGUE]

Q. Next to you?

25 A. [INAUDIBLE: 11:44]

Q. And then who was in the front seat?

A. Front seat of her?

30 Q. Ah, yeah, of the car, yeah.

A. That was Stephanie, Tony's cousin.

Q. Okay. And then Tony...

A. Tony's cousin...

35

Q. Was driving. And what's Tony's name?

A. I believe it's Antonio.

Q. Antonio. What's his last name?

40 A. Rios Aguilar.

Q. Okay.

A. Ah-huh.

45 Q. So, he was drivin'?

A. I know it 'cause that's my nephew's name?

Q. Okay. All right.

A. Yeah, he was the driver at the time.

50

Q. Okay. So, um, you find that you're pulling over, um, the policemen come, um, how many cars?  
How many police cars?

A. Oh, multiple.

55 Q. Okay.

A. Ah, interesting, everything and like red and blue.

Q. Okay. Um, do you remember, ah, sitting in the backseat and another police car coming and a spotlight being shown on you?

5 A. I don't remember.

Q. Okay.

A. But, oh, when they, they, when they were coming...

10 Q. Mmhmm.

A. Yeah, yeah, yeah. I think. I think. But I don't recall many of the events that happened that night.

Q. Right, 'cause you, like you said, you, you have, you had a little bit too much to drink.

15 A. Not a lit...not a lot but, ah, okay, I got, I had alcohol in my system. That's one and then everything happened so fast the last two things.

Q. Okay.

A. You know? I wish. I, there was a lot of squad cars.

20 Q. Mmhmm.

A. I'm, I'm, I'm sure one of their, um, cameras or their dash cams were out.

Q. Mmhmm.

A. So, I don't know what happened there.

25

Q. Okay. So, once you're out of the backseat of the car...

A. Mmhmm.

Q. Um, you said there were, you were handcuffed?

30 A. Yeah, I was handcuffed at that time.

Q. Okay. Okay.

A. Yeah.

35 Q. And, um, were you brought back then to another police car?

A. [NO AUDIBLE DIALOGUE 13:32]

Q. You don't remember?

A. After getting in my...

40

Q. Yeah, you're, you're out of your initial car.

A. Yeah.

Q. Okay? The police get you out. You're handcuffed. Um, then they put you in the backseat of a police car. Is that correct?

45

A. Ah-huh [INAUDIBLE: 13:45].

Q. Okay. Um, and you said that you were in that backseat, um, of the police car and you started kicking?

50

A. Yeah.

Q. Okay.

A. Yeah. I heard you say I don't know I, I, they made us feel like criminals if you could use something so I'm wondering what could you do?

55



Q. Yeah, did they ever say anything to you during that evening?

A. No.

Q. As to, you know, what they thought that you had done or...

5 A. You know, ah, Tony told me though what they told him.

Q. Okay. And what did they tell him?

A. They, they slammed him to the hood and then his face is swollen a little bit and then he said that they took him to jail to the county jail right here in downtown.

10

Q. Okay.

A. Look when he said that. One of the officers, I will call them a Mexican or something and anyway he pulled out his ID. He looked in mine and he's, "Oh, you're from California." And then, yeah, ah, Tony said that the officer was like okay. He was talking to him differently.

15

Q. Mmhmm.

A. So, that, that's what happened then. He told me and I saw they did something to my, ah, not as, not as much as...

20 Q. And what did, did Tony tell you what the officers said, why they pulled him over, why they pulled you guys over?

A. Yeah, they said it because our car, the car that we were in matched the description or something like that.

25 Q. Okay.

A. And then I was called later after the incident and everything and I was told that there were shots fired nearby that's why and then I don't know if the car that we were in matched the description so they, they know. Oh, oh, and then, ah, there's something I forgot to mention. Supposedly, um, Tony almost ran over a bulldozer or something but that's not true.

30

Q. Oh, okay.

A. I don't...

Q. You don't, you don't recall that?

35 A. I don't remember. And I...

Q. All right.

A. Yeah, I remember the officers and stuff but through this passed all the officers that we got pulled over like four blocks down.

40

Q. Hmm, okay. So, it was that fast. Okay. Um, let's go back to when you're in the backseat...

A. Okay.

Q. You know, in the police car. Okay, so you're in there. Um, were you kicking, were you hitting with your head?

45

A. No, with my feet.

Q. Just your feet?

A. Just my feet, yeah. I don't [INAUDIBLE: 16:03]

50

Q. Okay.

A. If, yeah.

Q. Sgt. McLean: Did anyone tell you to stop kicking when you were kicking?

55

A. Ah, I believe I was but, ah, you know.

Q. Sgt. McLean: Okay, okay, okay.

A. But, but, no, no, nobody opened the door like that, that happened after.

5 Q. Okay.

A. Then I was taken out.

Q. Sgt. McLane: Okay, before they opened the door and took you out, did anyone yell at you through the window, um, to stop kicking?

10 A. That might have been a possibility but I was just like mad.

Q. Sgt. McLean: Okay, ah, what made you mad? Do you recall?

15 A. Oh, that that, the, they the way they pulled up and the, they were with the gun and stuff, then they took me out of, um, you know, they'll take me out. It, it was just like a bunch of squad cars, bunch of police for, for a while, we didn't even look it. That's what got me mad.

Q. Sgt. McLean: Okay. You felt you hadn't done anything wrong?

A. Yeah.

20 Q. Sgt. McLean: And now you're handcuffed in the back of the police car?

A. Yeah.

Q. Sgt. McLean: [INAUDIBLE 17:05]

25 A. Yeah I was confused totally.

Q. Sgt. McLean: All right.

A. And then alcohol I drank

Q. Sgt. Yeah.

30 A. You know, so.

Q. Sgt. McLean: How many times do you think you kicked at the back door of the squad car?

A. I don't know I was shocked you know. I was tryin' well I was like in handcuffs...

35 Q. Mmhmm.

A. So I was struggling like, like that.

Q. Sgt. McLean: How long do you think it went on in terms of seconds or minutes?

40 A. Seconds and then what happened afterwards seconds. There was, there was maybe under a minute or I don't know it just flew.

Q. Sgt. McLean: Okay. So, you kicked the door how many times do you...

A. No, not the door, the [INAUDIBLE:: 17:36]

45 Q. The, like the partition?

A. Oh, oh. Not the plastic but...

Q. Sgt. McLean: All right. The metal part. You couldn't kick the door apart.

50 A. Yeah.

Q. Sgt. McLean: Were you laying down or were you sitting?

A. I was like this. I was like this.

Q. Sgt. McLean: You were sitting. You weren't laying down goin' like this?

55 A. No, no-no-no.

Q. You weren't?

A. No. I was like this. Like, like, mad like. I [INAUDIBLE: 17:54] this like this. There's a little space right? In the squad car?

5

Q. Sgt. McLean: Okay.

A. And, look, I've been a squad car before. Police have talked to me nice. I talked to them nice.

Q. Sgt. McLean: Sure.

10 A. Everything checks out.

Q. All right.

A. Yep.

15 Q. Sgt. McLean: Okay.

A. I don't think nothing anymore.

Q. All right. So, what you showed us is you're sitting upright in the backseat...

A. Yeah, like this.

20

Q. Okay.

A. I'm cuffed.

Q. Handcuffed.

25

A. And I was handcuffed.

Q. Okay. Upright in the, in the backseat and you were just kind of kicking in front of you?

A. I understand there might be consequences if I was not handcuffed and like tonight I physically, ah, you know, try to do something to an officer, I understand. Any, anything. [INAUDIBLE:18:31] but, that wasn't the case, I was handcuffed.

30

Q. Sgt. McLean: Do they...

A. And I'm, I'm short.

35

Q. (laugh)

A. All the officers are taller than me. They're tall.

Q. Sgt. McLean: Okay. So, you're kicking the partition.

A. Yeah.

40

Q. Sgt. McLean: Then at some point does the squad car door open up?

A. Yeah.

Q. Sgt. McLean: Okay. Which one? Which door? The door to your left or to your right?

45

A. Right, right.

Q. Sgt. McLean: The door to your right.

A. Right, right, right.

50

Q. The door to your right. And where were your feet when the door opened up?

A. I stopped as soon as I saw [INAUDIBLE:: 19:00]

Q. Sgt. McLean: Okay.

A. Then he pulled me up.

55

Q. Sgt. McLean: Were your feet down at, on the floor though? When the squad car door opened up, were your feet like this on the floor?

A. I might have done it quick, yeah, like that. I might have stopped quick 'cause the cop...

5 Q. Sgt. McLean: Okay. When the door opened up, was there a police officer standing in the doorway of the squad car?

A. Yeah, and then they pulled me out.

Q. Sgt. McLean: They pulled you out then?

10 A. Like really bad.

Q. Sgt. McLean: Okay. Did you ever try to kick the officer when the door was opened?

A. No. No.

15 Q. Sgt. McLean: Are you sure?

A. Yeah.

Q. Did the officer kick you while you were in the squad car?

20 A. Ah, I do remember a blow before... yeah. I remember a blow before falling into the ground.

Q. Sgt. McLean: All right. So, tell me what happened first then. The door opens to the squad car. There's an officer there. Did you do anything to that officer? Did you try to kick at him?

A. No.

25 Q. Sgt. McLean: Or head butt him, or do anything in his direction?

A. No. Not help or do nothing.

Q. Sgt. McLean: Okay. Did you try to kick at him? And tell the truth.

30 A. No.

Q. It's important that you tell me.

A. I, I know but I only remember so much.

Q. You don't remember if you kicked at the officer?

35 A. No, I, I, they said, they were tryin' to say that but I don't remember. I don't...

Q. Sgt. McLean: The officer said that when they opened the door, that you kicked at him.

A. Really?

40 Q. Sg: McLean: Yes, that's what they said. Did you do that?

A. No, I was kicking in front of me the whole time. I was kicking in front of me.

Q. Sgt. McLean: Okay but were you kicking in front of you when the officers opened the door? Or did you stop kicking?

45 A. I stopped kicking.

Q. Sgt. McLean: And then, did you kick at the officer while the door was open?

A. (pause) I... I don't think I did.

50 Q. Sgt. McLean: Okay. Then you said the officers took you out of the car but then later you said that you felt a blow when you were still in the car. So, when were you first struck by an officer while you were seated in the car or as they were taking you out or when you out of the car?

55 A. When they were taking me out. Yeah, when they were taking me out I think. They took me out like this and the other like this and they took me out hard and then boom I felt the blow.

Q. Sgt. McLean: Okay. When they took you out, was it...?

A. It was first face first.

5 Q. Sgt. McLean: Where? Where did you get the injury? How did you get the injury to your mouth?

A. I got knocked out but I said I was getting I thought I felt I was getting kicked. I was getting kicked.

Q. Sgt. McLean: Were you getting kicked while you were out of the squad car and on the ground?

A. On the ground. On the ground.

10

Q. All right.

A. So they pulled me out. They must have given me...it broke. I felt my tooth but as soon as I hit the ground too, I almost remember the kick, well whatever they did, in the head right there boom. So then I fell and then I, I, I felt those blows but I was, I was knocked out. I was knocked out cold.

15

Q. Sgt. McLean: The officer said that he gave you a push kick when he opened the door and you kicked at him. And that, and that he gave you a push kick intending to push you back...

A. Yeah.

20 Q. Sgt. McLean: And then close the door but he said you leaned forward as he was push kicking you and his boot hit you in the mouth while you were in the back of the squad car.

A. Yeah.

Q. Sgt. McLean: Is that true? Is that how it happened?

25 A. No, it happened outside when, ah, my sister was getting me out at my neighbors. I was on the ground knocked out.

Q. Sgt. McLean: Did your sister see this happen?

30 A. They didn't leave, let her see, me, see it because they, my sister, she even heard it and they were talking and they were talking smack and then my sister would try to get out the car 'cause you know they were checking her ID so she was still in the car, right? Stephanie and my sister were still in the car where we got pulled over when it all started. My sister opened the door. She said she went down and the officer was like "Get your ass in here or you're next." That's what they told her. And then she had to go inside but she heard and then when she, she said when she came out, she saw me on the ground and she asked the officer, "Why isn't he moving?" I was  
35 knocked out. I was on the ground.

Q. Sgt. McLean: Okay.

40 A. I was knocked out. And I remember. I remember them sayin' they, they were around me. I don't know who because I was all fucked up and I remember they were saying like, "You like that, asshole? Huh? You like that?" Like they're talking smack. I remember that but I was truly knocked out cold.

Q. Sgt. McLean: Which officer kicked you?

45 A. It was later revealed that it was Blayne Lehner.

Q. Sgt. McLean: Okay. And how do you know it was Blayne Lehner that kicked you?

A. Because I ended up in the Lehner squad car on the way to the ER. They switched.

50 Q. Sgt. McLean: Are you sure about that?

A. I was told that.

Q. Sgt. McLean: No. That's not true. Officer Lehner and his partner...Officer Lehner's partner. How would you describe him? The one that's drivin' the car?

55 A. His partner I don't remember but I know Lehner.

Q. Sgt. McLean: The partner is the one who took you into the hospital.

A. Oh.

5 Q. Sgt. McLean: Do you remember what he looked like?

A. Um...

Q. Sgt. McLean: Short or tall?

A. Think tall. Yeah, taller than Lehner 'cause...

10

Q. Sgt. McLean: How tall is Lehner?

A. Lehner is my height, about my height.

Q. Sgt. McLean: Yes, Lehner's short.

15

A. Yeah.

Q. Sgt. McLean: All right. So, Lehner's partner is the one who took you to the hospital and you know that it was Lehner who kicked you how?

A. Well, I was told.

20

Q. Sgt. McLean: You were told.

A. Yeah, I was told.

Q. Sgt. McLean: Do you, do you remember did you ever see Officer Lehner at a court hearing at subsequent to this event?

25

A. No. Oh, after?

Q. Sgt. McLean: Yes.

A. At the court? Yeah. Yeah. Yes.

30

Q. Sgt. McLean: You saw him at court?

A. Yeah.

Q. Sgt. McLean: Did you recognize him in court as...?

35

A. I recognized him in the hallway. I was going to the bathroom and I saw him.

Q. Sgt. McLean: Okay and you saw him?

A. He was coming back from the hallway.

Q. Sgt. McLean: All right. So, but listen to my question carefully.

40

A. Oh, sorry.

Q. Sgt. McLean: That's okay. Did you recognize him in court as the officer who had struck you?

45

A. Yes because as soon as I was sitting down and he was coming he just gave me a smile, a grin look and then I'm like it just boom. It came back to me, you know. And then a nurse came to me and said, "You know who that is. Right?" I'm like...I just stayed quiet. And then, "That's the one who kicked you [INAUDIBLE 25:45]."

Q. Sgt. McLean: Okay. So, did you know from recognizing...?

50

A. No, no.

Q. Sgt. McLean: Listen to my question.

A. No.

55

Q. Sgt. McLean: Did you know it was Officer Lehner from recognizing him? Did he kick you? Or did

you know it was him because someone else had told you that that was who kicked you? Do you understand the difference?

A. Yeah, I understand the difference.

5 Q. Sgt. McLean: Okay.

A. Yeah. In my personal experience, it just felt like it, you know. It, it could have been, multiple officers appeared there. Three, two or it could have been one, it could have been many that they...

10 Q. Sgt. McLean: Okay.

A. Arrested me, 'cause I, I also got a broken nose so...

Q. Sgt. McLean: Okay. So, the injuries that you received, did you receive them as a result of being kicked or hitting your face on the concrete...?

15 A. Um.

Q. Sgt. McLean: Or striking your face on a part of the squad car? How did you receive the, the injuries?

A. Kicked.

20

Q. Sgt. McLean: Kicked.

A. Yeah, I know, I know, I know it because then I was the weak. Another good kick, maybe hard because I've been kicked before, I [INAUDIBLE:26:54] but my, you know, before I didn't get my teeth knocked out.

25

Q. Do you think that you were kicked one time?

A. Multiple, multiple, multiple times and just wow, the pain was horrible.

Q. Sgt. McLean: Were you on your back when you were getting kicked?

30 A. I was like this.

Q. Sgt. McLean: Or were you face down?

A. Yep, face down like this.

35 Q. Sgt. McLean: Face down. Okay. But if you're face down, where's your...how, how could you be kicked in the mouth then if you're face down on the pavement?

A. 'Cause I was...

Q. Sgt. McLean: Was your head turned to the side?

40 A. Well, yeah, yeah, exactly.

Q. Sgt. McLean: The officer that was kicking you then, so, was he just standing to the side of you kicking with his toe? Demonstrate to me how...

A. I got knocked out real quick.

45

Q. Sgt. McLean: Okay.

A. It was, it was...

Q. Sgt. McLean: So, you don't know.

50 A. It was too fast, it was too fast.

Q. Sgt. McLean: Okay.

A. It was too fast.

55 Q. Sgt. McLean: Your missing front. You're missing some teeth. Can you open your mouth?

- A. Two teeth.
- Q. Sgt. McLean: Okay. Let me... those are your two front teeth that are gone.
- A. Yeah.
- 5 Q. Sgt. McLean: That night at the party, did you have your two front teeth?
- A. Yes. Oh, I have pictures with my two front teeth.
- Q. Sgt. McLean: You've got pictures of that of those teeth that night?
- 10 A. Well, not that night but I, I was normal. I was talking normal. I was opening a beer with my mouth.
- Q. Sgt. McLean: Okay. Okay. So, you had the two front teeth when you got in the back of the squad car?
- A. Yeah. No, what?
- 15 Q. Sgt. McLean: When you got in the back of the squad car, the first time. When they took you out of Tony's car...
- A. Yeah. Yeah.
- 20 Q. Sgt. McLean: Did you had your front teeth.
- A. I loved to smile before this. Now I, you know, I, I, normal, I was normal.
- Q. Sgt. McLean: And, did you have your front teeth when the officers took you out of the squad car?
- A. Yeah, I had my. I was fine.
- 25 Q. Sgt. McLean: All right
- A. [NO AUDIBLE DIALOGUE]
- Q. Okay.
- 30 A. [NO AUDIBLE DIALOGUE]
- Q. Sgt. McLean: So, when you regained consciousness, were you, were you on the pavement or back in the squad car?
- A. They was pulling me up...
- 35 Q. Sgt. McLean: Okay.
- A. To go with her. They were , "Get up now. Get up." They're wakin' me up. They couldn't wake me up.
- 40 Q. Sgt. McLean: Did you have your front teeth in?
- A. Oh, I was horrible...I did, I was, I was in horrible pain.
- Q. Sgt. McLean: Did you know your teeth were gone?
- A. I, I had a feeling because I couldn't feel nothing. I was like in so much pain, bleeding. As soon as
- 45 I got to the hospital, they're like, "Your teeth are gone."
- Q. Sgt. McLean: Where are your teeth?
- A. They probably just fell on the pavement. They left 'em there, so four teeth. I'm serious. They, yeah.
- 50 Q. Sgt. McLean: Did you tell the officers, "Hey, my teeth were knocked out.?"
- A. Yeah. I was like talking shit to them. You try talking with [INAUDIBLE: 29:19] like but I couldn't talk.
- 55 Q. Sgt. McLean: You told 'em that? How many times do you think you told 'em that your teeth were



knocked out?

5 A. Quite a... I was cryin'. I was cryin' too. I, I, I might of, I, I, I said that and I told 'em "I'm gonna get you back." And I told 'em stupid stuff but I was pissed and I was in so much pain and I felt with my tongue and besides a bunch of blood coming out of my mouth I thought about and then I, ah, and then my, you know, I, I, I was like that and I was like man, I got really, you know.

Q. Sgt. McLean: I played 45 years of organized hockey and it seemed a lot of teeth get knocked out and I can tell you that it's a bloody...

10 A. [NO AUDIBLE DIALOGUE]

Q. Mmhmm.

A. [NO AUDIBLE DIALOGUE]

15 Q. Sgt. McLean: Happening. So, you were bleeding all over yourself in the back of the squad?

A. I, I was spitting on the, on the squad car. I was like and just like, you know, crying like this and, and you know like that.

20 Q. Sgt. McLean: Did, did they run the, um, the recorder. You know, there's recorders in the squads while you were goin' down to, to jail...

A. They have, they, they have it off.

Q. Sgt. McLean: And how many times do you think you told 'em that your teeth were knocked out or gone, missing?

25 A. Multiple times. I was yelling at them. I was crying in anger, agony, everything, boom. I told her you... I told 'em, I have broken teeth.

Q. Sgt. McLean: Did you ever ask to have an ambulance come?

A. [NO AUDIBLE DIALOGUE 30:47]

30 Q. Sgt. McLean: Did you ever ask for an ambulance?

A. It was, they're takin' me to the... yeah, they, they told me, oh, well I think they were talkin' to me like, "He's bleeding a lot. Let's take 'em to the ER." Or somethin' like that. I remember that. They took me to the ER.

35 Q. Sgt. McLean: Okay.

A. Mmhmm, in cuffs, in cuffs.

Q. Sgt. McLean: Okay. When you got to the hospital, did you tell anyone at the hospital that the officers...

40 A. Yeah, they asked me what happened.

Q. Sgt. McLean: And, what did you tell them?

45 A. The, the officers kicked me and they're like and then when I got there, they asked. The nurse asked 'em that's when one of 'em said the guy that you brought in, you know, he said I fell. Then I heard them.

Q. Sgt. McLean: The, did the tall officer who took you in, what did he tell the people at the hospital?

A. I heard that he said that, um, I fell he told 'em I'm like, "What the hell."

50 Q. Sgt. McLean: You heard that?

A. I heard that.

Q. Sgt. McLean: Did you say, "No, that's not true."?

55 A. I got pissed. No, I didn't say that. I was dealin' with all that pain. I really didn't have anybody there and I was like messed up but I, I was, you know...

Q. Sgt. McLean: But did you try to correct the record at the hospital? Did you try to say to them, "No, I didn't fall. I was, I was kicked or struck by the officers." Did you say that to the hospital people?

A. Yeah, I told 'em, you know.

5

Q. Sgt. McLean: Did they listen to you?

A. I told 'em. They just said, "Well, you gonna? You need a lawyer now." They just said that.

Q. Sgt. McLean: They told you that at the hospital?

10 A. Yeah, yeah, you should get a lawyer [INAUDIBLE: 32:12].

Q. Sgt. McLean: What did the officers say when you told the hospital...

A. They, they, they pulled me away.

15 Q. Sgt. McLean: Did the officer hear you tell the hospital people that you didn't fall?

A. Yeah. Yeah-yeah, yeah-yeah.

Q. Sgt. McLean: The officer heard that? Are you certain about that? Was he standing right there next to you?

20 A. Like that maybe it was after he had left, maybe it was, but I told the, I told the hospital people. I told the hos...

Q. Sgt. McLean: But it's, it's important that two things.

A. Yeah.

25

Q. Sgt. McLean: Did you hear the tall officer that brought you in tell the hospital people that you fell?

A. That's what, I mean, yeah.

Q. Sgt. McLean: Yes or no?

30

A. Yes.

Q. Sgt. McLean: What did he say exactly?

A. That, that's all I heard. That's all I heard.

35 Q. Sgt. McLean: Just repeat what you heard him say.

A. He said...

Q. Sgt. McLean: Say the same words that the officer said.

A. He fell.

40

Q. Sgt. McLean: What, what did the hospital person say to him. Did they say how did he get injured?

A. I don't recall because I was that serious, you know.

Q. Sgt. McLean: But you're certain you heard the words from the officer, "He fell." Or not?

45

A. Well, [INAUDIBLE 33:16] and I heard it and I got mad, you know?

Q. Sgt. McLean: Is there any chance that you heard only part of it? That the officer had said other things?

A. That may be.

50

Q. Sgt. McLean: Or did you hear the whole conversation?

A. No, they no, no, no. [INAUDIBLE 33:33] may be...that may be something that not have happened. Yeah, they've been slow. I didn't hear the whole conversation 'cause they took me and put me in the back [INAUDIBLE: 33:41].

55

Q. Sgt. McLean: Okay.

A. And they was tapin' it. They took me away. By the way, emergency so they have to. I couldn't move. [INAUDIBLE: 33:48] I was still breathing. I was breathing out it was all like, yeah. It was bad. That's what happened, ah, don't remember much but I know I was kicked. It's obvious.

5

Q. Sgt. McLean: All right. Just. I want to just a couple things. I know you already answered but I want to ask it again to make sure we're clear. Did you, at any time, try to kick Officer Lehner or any of the other officers?

A. I might of. I might of. Did you guys ever try to charge me for obstruct...?

10

Q. Sgt. McLean: When might you have tried to kick Officer Lehner?

A. Maybe when they pulled out, when they opened the...the door.

Q. Sgt. McLean: All right. So, I asked you about that. When they opened the door, tell me again where your feet were.

15

A. [NO AUDIBLE DIALOGUE]

Q. Sgt. McLean: All right...

A. Oh, I might have kicked him like this but I'll tell you, I wasn't hitting him hard [INAUDIBLE: 34:52].

20

Q. Sgt. McLean: Turn around.

A. Yeah.

Q. Sgt. McLean: And I'm Officer Lehner.

25

A. Okay.

Q. Sgt. McLean: I just opened the door. Okay, the doors open this way and I'm standing here. You sit exactly the way you were sitting in the squad car.

A. Yeah and this as soon as the door opens up I was [INAUDIBLE: 35:03]

30

Q. Sgt. McLean: Did you, did you try to kick him?

A. Maybe like that.

Q. Sgt. McLean: Okay.

35

A. But not like this. No. No.

Q. Sgt. McLean: Okay. And then, all right, so just keep sittin' like you were.

A. Ah-huh.

40

Q. Sgt. McLean: Did...Officer Lehner said then that he did a push kick. All right? So, he's sayin' that he went like this and that you leaned forward and then his foot hit your face while you were in the car. Did that happen?

A. That might have happened, yeah. Yeah. Yeah, and then I was pulled out and I was confused and [INAUDIBLE: 35:33] 'cause there was, it was a boot.

45

Q. Sgt. McLean: Okay. So, you think you could have been kicked while you were in the backseat of the squad?

A. Yeah, one kick and then two of 'em might ah more kicks to...

50

Q. Sgt. McLean: Did the one kick when you're in the back of the squad do your...

A. No, not really, not really

Q. Sgt. McLean: Would that have knocked your teeth out?

55

A. Soon as I got to the ground, I started getting' more kicks to the face and that's why I felt like [INAUDIBLE: 35:56] knocked out. I just [INAUDIBLE: 35:57].

- Q. Sgt. McLean: That first kick that you said might have happened while you were in the backseat of the squad car [INAUDIBLE: 36:06].
- A. Ah-huh.
- 5 Q. Where did that hit on your body? Did that hit you in the face?
- A. I don't think that I might have got hit in the face because I have some bruises on my shoulders too. It could have been anyone.
- 10 Q. Sgt. McLean: Okay but if that kick had hit you in the face, would you remember that and had done that knocked your teeth out?
- A. I think you, I think you need more force than that so I do mean multiple kicks.
- Q. Sgt. McLean: Okay.
- 15 A. I think you need multiple force [INAUDIBLE: 36:37]. I, I, I certainly got them, you know?
- Q. When he, when Officer Lehner opened up the door and did the push kick and hit you someplace. Do you remember? Did you lose consciousness?
- A. No, I lost consciousness...conscien...I lost...
- 20 Q. Consciousness? When you were out on the, on the sidewalk...
- A. Yep.
- Q. Okay. But, when he did the push kick, you were still conscious?
- 25 A. Yeah.
- Q. Yeah.
- A. Tipsy conscious.
- 30 Q. Well, yeah because of everything else...
- A. When I lost conscious. Boom. Dropped to the ground. Boom.
- Q. Sgt. McLean: So, when he did the push kick, did he close the door then and were you back by yourself in the back of the squad?
- 35 A. Well, I was pulled.
- Q. Sgt. McLean: He pulled you out right away?
- A. I was pulled.
- 40 Q. So, he opened up the door, push kick, you know or did something to you, you know, pushed and then they immediately pulled you out?
- A. Pulled me.
- Q. Okay. So, he never closed the door or anything? It was just one motion. He opened the door once...
- 45 A. You know I don't have...
- Q. Push kicked and pulled you out.
- A. It all happened when I was outside, you know?
- 50 Q. Okay. How did they grab you? When you're in the backseat, okay? You're sitting there, he, Officer Lehner opens up the door and you may have done... [CROSSTALK 37:55]
- A. Like this, like if I was...
- 55 Q. Here, come on. Come on and I'll be you and you, you be the officers, okay? So, I'm sittin' in the

backseat, I'm handcuffed and it's on this side.

A. Yeah.

Q. Sgt. McLean: Okay. So, what did I do?

5 A. Well, you did, you pulled me like this, I, like this, like this. They grabbed me like that.

Q. Sgt. McLean: From behind?

A. Ah-huh.

10 Q. Sgt. McLean: Were you turned this way?

A. No, like I was like, let's see. Here is the back of the squad car...

Q. Sgt. McLean: Yes. Were you this way?

A. Huh?

15

Q. Sgt. McLean: Just, just put me, push me out where, how far I was.

A. [NO AUDIBLE DIALOGUE]

Q. This is the front of the car.

20 A. [NO AUDIBLE DIALOGUE]

Q. Sgt. McLean: Yeah.

A. Lay back on this.

25 Q. Sgt. McLean: Okay. And then just pull me out this way? Head first or feet first? Which came out first?

A. My back.

Q. Sgt. McLean: Your body first? Shoulders head first?

30 A. Ah, everything...

Q. Sgt. McLean: Okay.

A. And I was completely [INAUDIBLE: 38:37].

35 Q. Sgt. McLean: Yeah.

A. You know?

Q. Right outside the squad car or did they, did they move you around a little bit or did you...

A. Yeah, it happened right outside the squad car.

40

Q. Okay, so as soon as they brought you out of the back of their squad car they, you went right down to the ground or did they put you more to the back, you know, area where the squad car, did you go down right away?

A. I went down right away. It was fast.

45

Q. Sgt. McLean: Would your sister be willing to give a statement?

A. She would but she don't remember. [INAUDIBLE: 39:12] for her, she just says she didn't see nothin'. That's what I mean.

50 Q. Mmhmm.

A. She wouldn't [INAUDIBLE 39:16] and she didn't see nothin'.

Q. Sgt. McLean: Well, what did she hear?

55 A. She's, she's, she heard when she was still in the car, she heard like, like a bunch of officers, ah, she heard like a big bang or somethin'. I don't know. She said she heard a like big bang like we

were laughing and then she went up, a lady officer came in and like, "Get your ass in there. Get your ass back in the car." I knew that's what she said.

Q. What were they laughing about?

5 A. She didn't get to see because they were blocking right there. Well, she said the, well she said that all of the, a bunch of officers were around me. She said like four or five officers were around me. That's what she said.

Q. As you're on the ground? Face first on the ground?

10 A. Yeah. Yeah and that's what I really. I, I don't know if they could have been multiple officers, could have been just younger 'cause I don't know. We have from history which I thought I lived through which that hurt on my case. There's mul, multiple people that have complaints but when, I mean, I know not all officers are bad but they screwed up this case.

15 Q. Mmhmm.

A. Um, well you know it's just your civil ones, ah, you know, because they want a, everyone has to pay you know so, but, yeah that's what my sister said, That's, the only thing she saw. [INAUDIBLE 40:42] she didn't see totally. We were in separate squad cars. Yeah. Every, everyone was like, "Wow." Like one night I feelin' like I was bad. My whole face, my whole mouth  
20 was swollen, my face, my nose.

Q. Sgt. McLean: Did Officer Lehner use any language to you?

A. I heard [INAUDIBLE 41:08] when I was getting' beat up, I heard that not him, maybe, not him but  
25 a bunch of [INAUDIBLE 41:14] they were laughing with him. I heard this one officer, he said, "How you like that, asshole?"

Q. Sgt. McLean: Okay. Anything else? Any other?

A. I got my thought. I got my thought. I got my thought. I got my thought. They just take me out. [INAUDIBLE 41:30] that's what she said. I'm like, "You sure?" She said that I [41:58] well okay.  
30 Now you can't say, you can't make up things here, you know, you gotta try to remember [INAUDIBLE 41:47]. But she saw me on the ground. She acts sure. She saw me on the ground and this officer came out.

35 The reason that she walked out, she got out the car she pointed the reason why was because she had like a good thing, you know, and they, they should call and she wanted to know what that she was asking was where's my brother? And no, nobody told her nothing, you know?

40 She was waiting for me because she invited me so I went with her and we never really spent time together, you know? So that's why she felt bad it was you know.

45 And then in the hospital, in the hospital, I stayed with, they put me in [INAUDIBLE 42:35] where the crazy people go. I don't know why they put me there. They, they said no thank you, no, or whatever, [INAUDIBLE 42:43] But they put me there. They almost released, ah, that same day, so what happened, it happened like that during the middle of the night, so or that, all that happened so it happened on 29<sup>th</sup> of December, 2013 and that happened that same day I was released from the hospital but later that day at, um, 8 p.m. and I hopped on the bus and went home. [INAUDIBLE 43:06] to get some medication. I've got like 5, 6 medications, a bunch of, ah, ibuprofen and all that crap with the pain. Yep.

50 Q. In the hospital you said, um, somebody said you should get an attorney. Do you remember if that was a nurse or a doctor?

A. No, just people. They... oh, oh, no, no, yeah, yeah I [INAUDIBLE 43:26] interpreter, an interpreter. I don't know why they gave me an interpreter but I couldn't speak but...

55 Q. Mmhmm.

- A. You know, I can speak English but I couldn't speak out there. But they got me an interpreter [INAUDIBLE43:40] and, and all them. Yeah, I remember, I remember how they, how she looked like or much about it but yeah...
- 5 Q. She was a female interpreter?  
A. No, no it was a guy interpreter.
- Q. Okay.  
A. Kinda like the nurse though that whenever they asked me what happened and I told 'em...
- 10 Q. Mmhmm.  
A. The harassment stopped and then, yeah. So it multiple...
- Q. Sgt. McLean: At the party, were there pictures taken of you?  
15 A. Not like that because it was just like my sister was, my sister got invited correct? My sister got invited. They were her friends. I just went there to drink.
- Q. Hmm.  
A. I didn't know her friends.
- 20 Q. Sgt. McLean: When would be the most recent picture of you where we can see if you have front teeth or not?  
A. Ooooo.
- 25 Q. Sgt. McLean: Goin', goin' back to that time.  
A. Mmhmm. Hardly identity.
- Q. Sgt. McLean: All right. Work on that.  
A. July. I have, I have some but those are July 2013. I have only where I always learn it. My, my  
30 nephew, he's ah, creating party. Mexicans do that you know. And, ah, [INAUDIBLE 44:46]
- Q. Sgt. McLean: Can you get? Can you get a picture of that if it's dated?  
A. I'll give you all the pictures you need.
- 35 Q. Sgt. McLean: Well, we just want is I would like to see a picture of your teeth still in your mouth as close to the date when you lost them as possible. Does that make sense?  
A. Yeah. If you need...
- Q. Sgt. McLean: That's why I was asking if someone took a picture...  
40 A. If you need, if I you need people, co-workers, supervisors they can tell you too if you need anything. They can tell you he was fine. My...
- Q. Sgt. McLean: His teeth...  
A. My friends, I was, I stayed and spent Christmas with my friend, my best friend.
- 45 Q. Sgt. McLean: Okay.  
A. He's is a [INAUDIBLE 45:26]
- Q. Sgt. McLean: Do you have some Christmas pictures with your front teeth in from...  
50 A. I, I don't smile at all. I take business pictures but I don't really smile like that. I regret that because now I want to smile but I can't or I can but, you know, people assume things like, "Oh, he's on drugs see. He's a crackhead like you know." They don't know me. They don't know what happened to me.
- 55 Q. Sgt. McLean: All right.



A. [NO AUDIBLE DIALOGUE]

Q. All right.

5 A. Well, you got the facts. I didn't lose my teeth for smoking' or anything like that, you know? I lost it for a reason.

Q. All right. All right. Ah, anything else you'd like to add or tell us?

A. Ah, they just put a big path in my life, you know? I was, it's just hard to eat now, it's hard to speak...

10

Q. Mmhmm.

A. Sometimes it's hard to talk to people starting out.

Q. Now, are, are you gonna get those replaced?

15 A. Yeah, I got some, I got some more dental work.

Q. Okay.

A. And, and to be filling and they want and I got my wisdom teeth coming out so they need to take that out, ah,

20

Q. Mmhmm.

A. And it's gonna hurt...

Q. Mmhmm.

25 A. Again. But, um, the doctor was yeah, they're about what? I think they told me 10,000 each so, yeah.

Q. All right. Is this a true and accurate statement?

A. Yes.

30

Q. All right. Um, that concludes this interview at 1:30 p.m.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

35

jmc



March 6, 2017

Luis Daniel Garcia-Pineda  
3916 16<sup>th</sup> Ave. S., #2  
Minneapolis, Minnesota 55407

Office of Police Conduct and Review  
Case #16-16258

Mr. Garcia-Pineda,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. After reviewing your statement and making any necessary corrections please sign and date the last page.

Please mail back, one of the reviewed and signed copies. You may keep the other copy for your own records. If a corrected and signed statement is not returned within 10 days of today, or by March 16, 2017 it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. If you have any questions or concerns related to this case or your statement you can reach me at (612) 673-3702.

Sincerely,



Sgt. Matt McLean  
Internal Affairs Unit  
Minneapolis Police Department

## McLean, Matthew

---

**From:** Schoenberger, Troy  
**Sent:** Tuesday, January 31, 2017 8:14 AM  
**To:** McLean, Matthew; Hill, Liisa  
**Subject:** FW: follow-up on the Training Curriculum Request - Investigative Information  
**Attachments:** Training Docs.pdf

Sgt. McLean and Ms. Hill,  
Please see the attached documents, as well as the narrative below from Lt. Wheeler.

Troy Schoenberger  
Commander  
Leadership & Organizational Development Division

City of Minneapolis – Police Department  
4119 Dupont Ave. N. Rm. 117  
Minneapolis, MN 55412

612-673-5546 Office  
612-290-4903 Cell  
[troy.schoenberger@minneapolismn.gov](mailto:troy.schoenberger@minneapolismn.gov)



**From:** Wheeler, Thomas  
**Sent:** Monday, January 30, 2017 2:20 PM  
**To:** Schoenberger, Troy  
**Subject:** follow-up on the Training Curriculum Request - Investigative Information

In 2005, WFD shows Officer B. Lehner participated in what appears to be "Instructor level training" in the following:

- 2005 Use of Force Investigation Course (21 hours)
- 2005 Pressure Point Control Tactics (35 hours)
- Officer B. Lehner served as a DT Instructor circa \*2005

\*Additional 2005 archived data may be available in City Hall paper archives (ML Fiala is the point of contact if that information is needed to be recovered.)

The attached PDF "Training Docs" contains:

- WFD record for Officer B. Lehner
- 2013 DT lesson plan/ground fighting (author then Sgt. Scott Zierden)
- DT lesson plan delivered by Officer Barze (Push/Thrust Kick info, that doc is not dated.)

Thomas Wheeler  
Lieutenant

*In-Service Training*

**City of Minneapolis – Police Department**  
**Leadership & Organizational Development Division**  
119 Dupont Ave. N.  
Minneapolis, MN 55412

Office: 612-673-2528  
[thomas.wheeler@minneapolismn.gov](mailto:thomas.wheeler@minneapolismn.gov)



**McLean, Matthew**

---

**From:** Petersen, Scott R.  
**Sent:** Thursday, March 09, 2017 1:54 PM  
**To:** McLean, Matthew  
**Subject:** RE: Squad P#76372 Usage

**Sensitivity:** Confidential

Sgt.,  
Here you go.

Used on 12/28/13 starting at 20:16 by 513 and not used again until 12/31/13 starting at 22:36 by 531.

Thanks,  
Scott

---

**From:** McLean, Matthew  
**Sent:** Thursday, March 09, 2017 13:50  
**To:** Petersen, Scott R.  
**Subject:** Squad P#76372 Usage  
**Sensitivity:** Confidential

Scott,

I received your voicemail. Thank you very much for your help.

Could you please send me a quick email with this information? I need a paper copy to include in a case file.

Thanks again,

Sgt. McLean  
MPD  
Internal Affairs

**Hill, Liisa**

---

**From:** Hill, Liisa  
**Sent:** Tuesday, March 29, 2016 1:47 PM  
**To:** 'eric@pritzkerlaw.com'  
**Cc:** Jaafar, Imani S.  
**Subject:** Depositons in Garcia-Pineda

Mr. Hageman,

Just touching base with you on the status of depositions regarding Mr. Luis Garcia-Pineda, and if they have been completed.

If the depositions have been completed, could you please forward me a copy.

I appreciate your attention to this matter.

Liisa

---

**Liisa M. Hill**  
*Case Investigator*

**City of Minneapolis – Department of Civil Rights**  
**Office of Police Conduct Review**  
350 S. Fifth St. – Room # 239  
Minneapolis, MN 55415

Office: 612-673-2093  
Fax: 612-673-5510  
[liisa.hill@minneapolismn.gov](mailto:liisa.hill@minneapolismn.gov)

**Hill, Liisa**

---

**From:** Eric Hageman <eric@pritzkerlaw.com>  
**Sent:** Tuesday, March 29, 2016 1:52 PM  
**To:** Hill, Liisa  
**Cc:** Jaafar, Imani S.  
**Subject:** RE: Depositons in Garcia-Pineda

Depositions of Blayne Lehner and Steve Wuorinen have been completed, but cannot be released until the Sarah McLaren of the City Attorney's Office decides whether any portion will be designated as confidential. The following depositions are still scheduled:

April 7, 2016

9:30 - Officer Christopher Kelley  
11:00 - Officer Jodene Malloy  
12:30 - Sgt. Richard Altonen

April 8, 2016

9:30 - 30(b)(6) designee re: squad 513 video  
10:30 - Officer Daniel Misgen  
11:30 - Officer Marcus Lukes

April 15, 2016

Luis Garcia  
Miriam Aguilar Garcia

April 22, 2016

Antonio Rios-Pelayo



Eric Hageman  
PritzkerOlsen, P.A.  
612-338-0202

---

**From:** Hill, Liisa [<mailto:Liisa.Hill@minneapolismn.gov>]  
**Sent:** Tuesday, March 29, 2016 1:47 PM  
**To:** Eric Hageman  
**Cc:** Jaafar, Imani S.  
**Subject:** Depositons in Garcia-Pineda

Mr. Hageman,

Just touching base with you on the status of depositions regarding Mr. Luis Garcia-Pineda, and if they have been completed.

If the depositions have been completed, could you please forward me a copy.

I appreciate your attention to this matter.

Liisa

---

Liisa M. Hill

*Case Investigator*

**City of Minneapolis – Department of Civil Rights**

**Office of Police Conduct Review**

350 S. Fifth St. – Room # 239

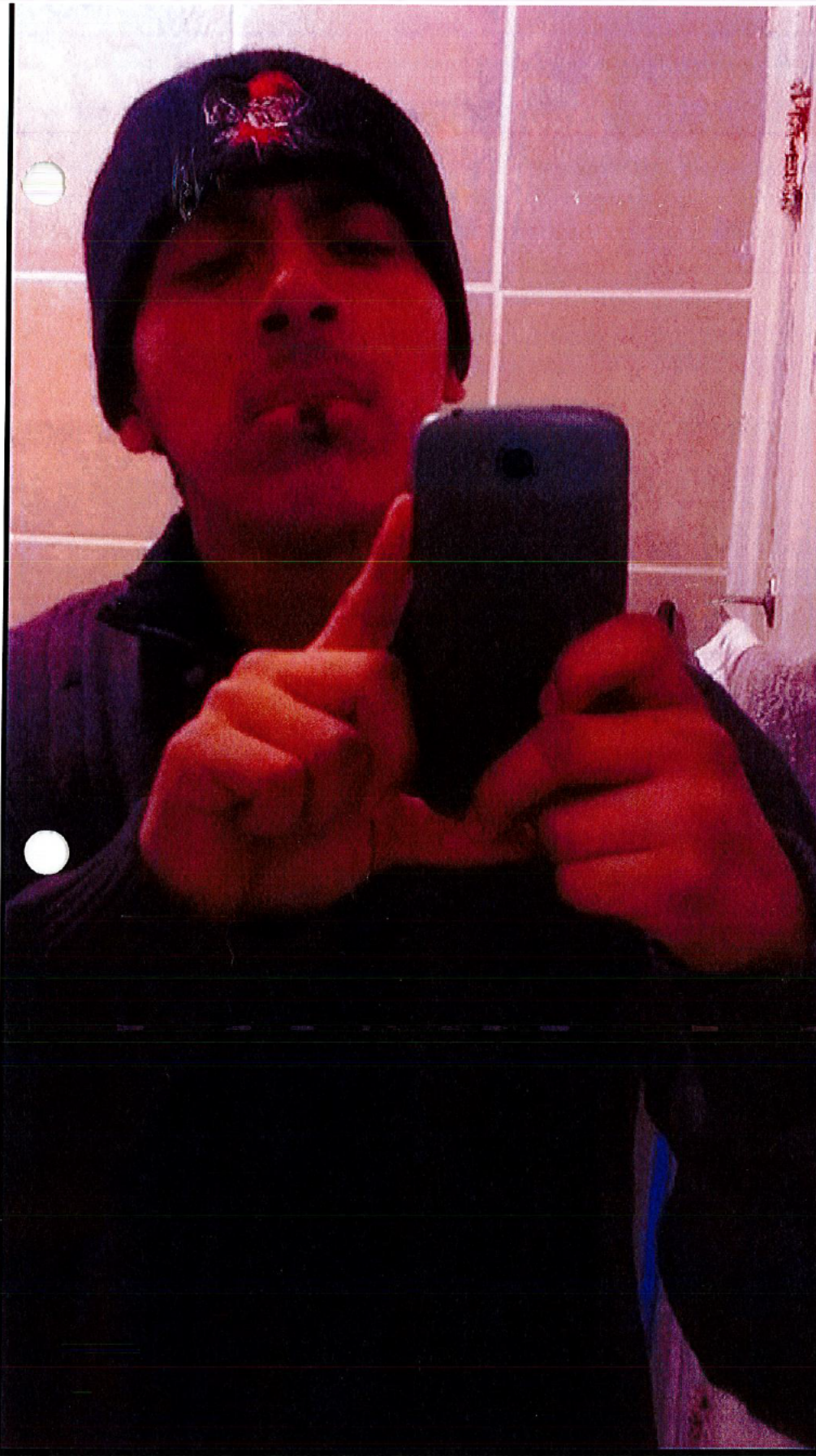
Minneapolis, MN 55415

Office: 612-673-2093

Fax: 612-673-5510

[liisa.hill@minneapolismn.gov](mailto:liisa.hill@minneapolismn.gov)





(10)



**Danny Garcia**  
January 2, 2014

What The Minneapolis  
Being Handcuffed.  
12/29/13

Tag Photo Add

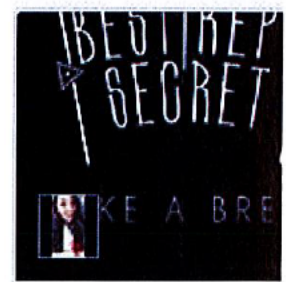
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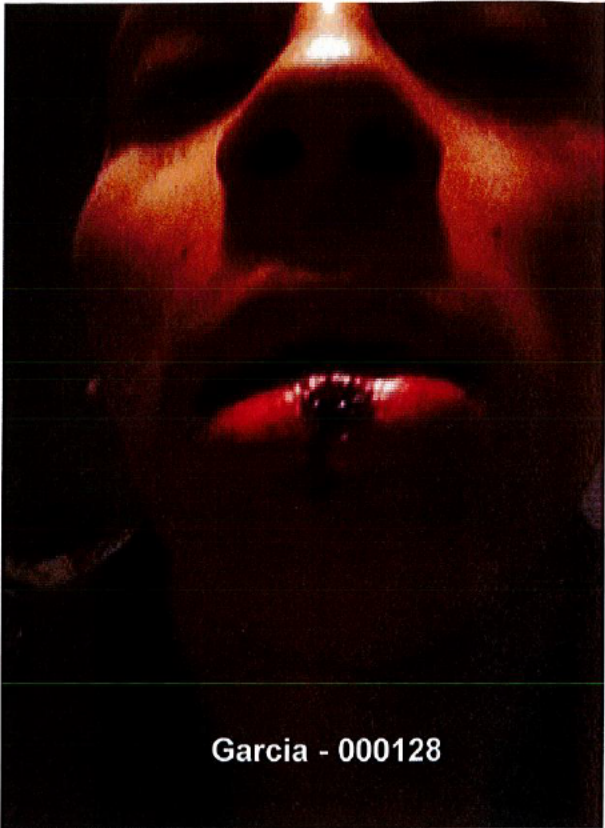
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1 friend · 20,065 members



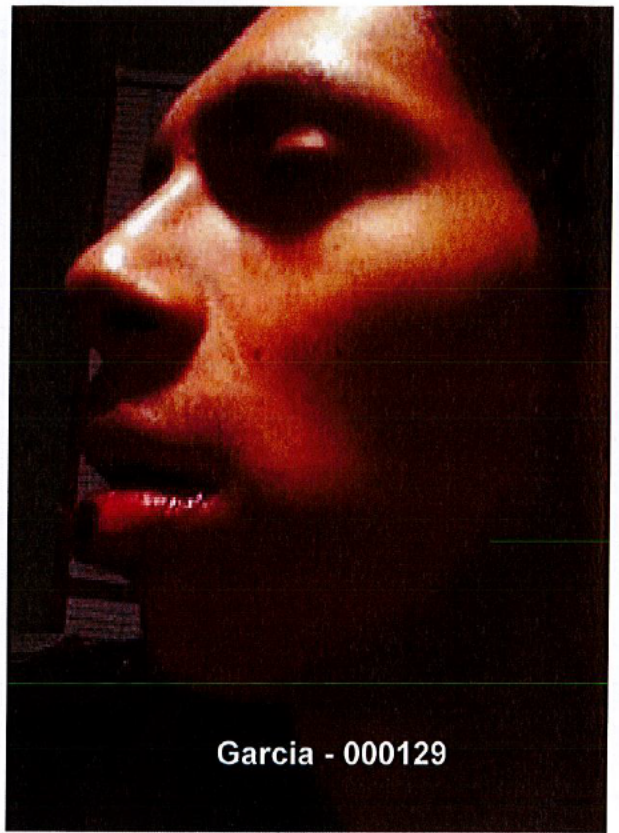
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\$3500  
1,441 members

See All

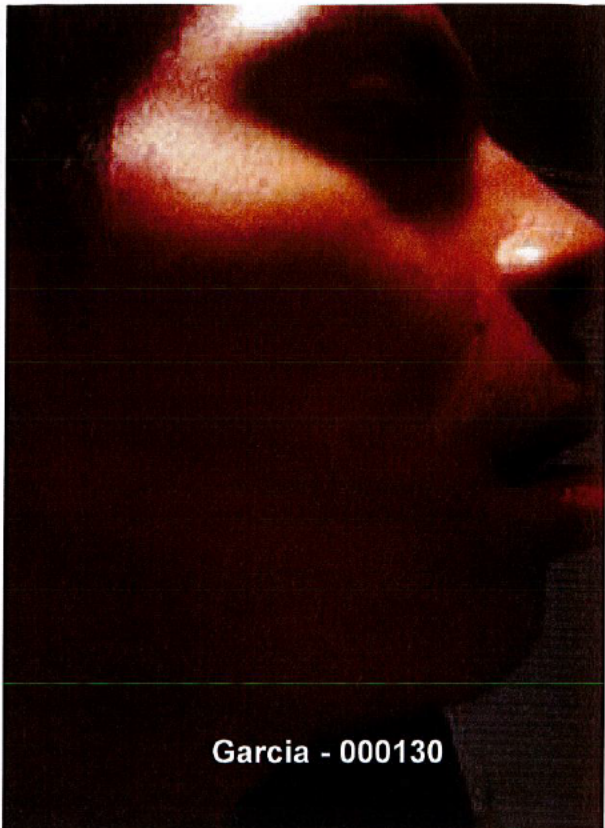




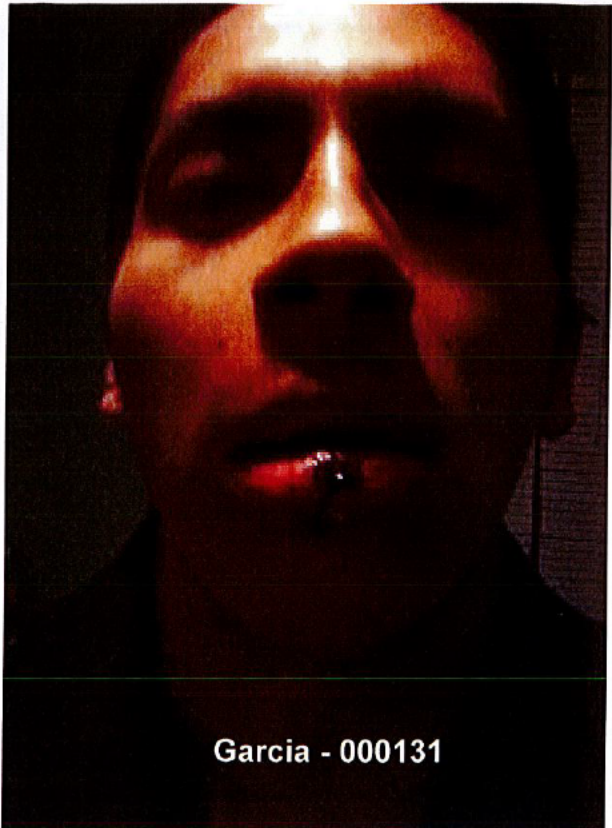
Garcia - 000128



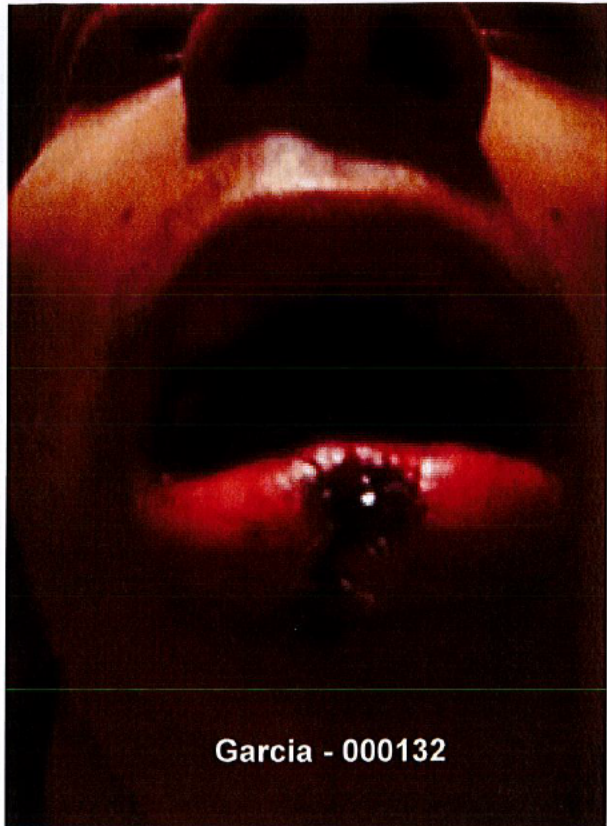
Garcia - 000129



Garcia - 000130



Garcia - 000131



Garcia - 000132