

COPY - CONFIDENTIAL

VIOLATION: OIS

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: [REDACTED]

DATE/TIME OF INTERVIEW: MONDAY, MARCH 17, 2003 – 2200 - 2225 HOURS

LOCATION OF INTERVIEW: [REDACTED]
SAN CLEMENTE

CONDUCTED BY: INVESTIGATOR CRAIG JOHNSON, OCSD, HOMICIDE
INVESTIGATOR LOU GUTIERREZ, OCDA

TRANSCRIBED BY: E. HARGRAVE, OCSD, CRIMINAL INVESTIGATION DIVISION

- **-- (DENOTES INAUDIBLE PORTIONS OF TAPE)
- (DENOTES SENTENCE TRAILING OFF)
- ... (DENOTES CHANGE IN THOUGHT OR INTERRUPTION IN SENTENCE)
- (DENOTES INCOMPLETE WORD SPOKEN)

[REDACTED] Okay.

GUTIERREZ: Ah, date is, ah, March 17th, ah, 2003. Time is 2200 hours. This is a special assignment, ah, case number 03-009. Ah, present is Orange County Sheriff's Investigator Craig Johnson. Ah, we're at the home of [REDACTED] [REDACTED] ah, date of birth [REDACTED] Ah, she lives at [REDACTED] [REDACTED] number [REDACTED] Ah, [REDACTED] this is being recorded. As we normally do with any type of interview. Ah, can you tell us a little bit about what happened today?

[REDACTED] I'm so tired, you know.

GUTIERREZ: Are you.

[REDACTED] Um, can you go talk to Officer King I gave him a great statement. Okay, ah, kids came home from work.

GUTIERREZ: Okay, about what time?

[REDACTED] They got off early today. I go out on my lanai.

GUTIERREZ: What time was that? What time do you get off work?

[REDACTED] Ah, three (3).

GUTIERREZ: About three o'clock, okay

[REDACTED] Two forty-five, three.

GUTIERREZ: Okay.

[REDACTED] Ah, I'm out on my lanai looking at my plants looking at the ocean.

GUTIERREZ: Um-hum.

[REDACTED] Ah, and then that's when I hear the off-, hear something, someone, a voice.

GUTIERREZ: You hear a voice, okay.

[REDACTED] And that's when I turned and at that point that was when the officer was like this and then I started hearing the guns, the shots.

GUTIERREZ: Okay. So you're up here on, on your balcony.

[REDACTED] Right.

GUTIERREZ: And that overlooks down the street here.

[REDACTED] Right.

GUTIERREZ: And you're telling me that, ah, you heard some, you heard a voice.

[REDACTED] Right.

GUTIERREZ: What did you hear? What kind of words were --**--.

[REDACTED] I couldn't hear the words. I could hear the tone.

GUTIERREZ: Was it loud or was it ...

[REDACTED] ... yeah.

GUTIERREZ: Okay.

[REDACTED] It was loud and aggressive.

GUTIERREZ: Okay. And, but you don't know exactly what the words were?

[REDACTED] No.

GUTIERREZ: Okay. And that caused your attention to look which way? If you're....

[REDACTED] I was looking at the ocean and then looked at that and then I turned.

GUTIERREZ: Looking at the ocean. Did you turn to your right and you looked, and then what did you see when you turned to the right and looked?

[REDACTED] That's when I saw the officer.

GUTIERREZ: A police officer?

[REDACTED] Right.

GUTIERREZ: Okay. And, ah, was there a police car next to him? Do you remember that?

[REDACTED] Okay, the gentle, the suspect was in the truck in his driveway.

GUTIERREZ: Okay. He was inside, you saw someone inside a truck?

[REDACTED] Oh, yeah.

GUTIERREZ: Okay.

[REDACTED] Oh, yeah.

GUTIERREZ: And can you describe that person for me in the truck? Was he white guy?

[REDACTED] Ah, he had a orange T-shirt.

GUTIERREZ: Orange T-shirt.

[REDACTED] Probably jeans.

GUTIERREZ: Okay.

[REDACTED] Ah, short sleeve T-shirt. He had short brown hair and dark hair.

GUTIERREZ: Short brown hair.

[REDACTED] Um, to me being from Hawaii he looked what we call look, looked like a Moke, which is like a Samoan, which was a bigger guy.

GUTIERREZ: Okay. But large.

[REDACTED] Not big, but ...

GUTIERREZ: Large built. Large, thickness.

[REDACTED] Yeah.

GUTIERREZ: Okay. And, ah, what, okay. All right. And he was sitting inside a pickup truck.

[REDACTED] Correct.

GUTIERREZ: And what color truck was it.

[REDACTED] It's gray.

GUTIERREZ: Gray, okay. And was he in the drivers seat? The passenger seat?

[REDACTED] Yeah, the drivers seat.

GUTIERREZ: Okay. Have you ever seen this person before?

[REDACTED] No, I stay to myself and don't really look at the neighbors.

GUTIERREZ: Okay, someone you'd never seen before.

[REDACTED] Not that I could recall. I mean I wouldn't, had no....

GUTIERREZ: Okay. How about the truck, have you ever seen the truck around there before?

[REDACTED] Probably, but didn't really make a mental note.

GUTIERREZ: Okay. And, ah, so he, this guy is in the, ah, in a driver's side, driver's side of the car?

[REDACTED] Correct.

GUTIERREZ: Okay. And, ah, the officer, where was his position? What did you see?

[REDACTED] Okay. So if this is the truck.

GUTIERREZ: Right.

[REDACTED] And here's like the house.

GUTIERREZ: Right.

[REDACTED] And like the garage.

GUTIERREZ: Um-hum.

[REDACTED] And he was sitting in his truck.

GUTIERREZ: Um-hum.

[REDACTED] The officer was parked like here.

GUTIERREZ: Along the curb? On the street?

[REDACTED] Well kind of in, here, here was the curb. Let's say. Oh, I'm sorry.

GUTIERREZ: Yeah.

[REDACTED] Let's do it this way. Here's the garage.

GUTIERREZ: Right.

[REDACTED] He's in the car here, on the drivers side.

GUTIERREZ: Right.

[REDACTED] Ah, this is the curb, and then the officer was like here.

GUTIERREZ: Okay.

[REDACTED] The truck, his car.

GUTIERREZ: Okay. And was he outside his car or inside?

[REDACTED] By then he was.

GUTIERREZ: Did see him outside his car?

[REDACTED] That's when, I heard.

GUTIERREZ: Okay. You're making kind of like a moment like you're crouching down. Kind of like ... is that what the officer's was doing?

[REDACTED] Yeah.

GUTIERREZ: Okay.

[REDACTED] And he was like, you know, moving.

GUTIERREZ: Moving with his, with his weapon out?

[REDACTED] Right, and shooting.

GUTIERREZ:

Okay.

GUTIERREZ:

Is this making sense.

That's fine, you know, we're asking you here. Okay, so did you actually see the shooting occur? You saw the officer shoot as he was moving or did you hear it?

GUTIERREZ:

I saw it.

Okay.

GUTIERREZ:

I saw it.

You actually saw the gun, the shot being fired?

GUTIERREZ:

Yes. And I never....

Okay. From your balcony?

GUTIERREZ:

Yes.

Okay.

And I never encountered that so I kind of froze and after I minute I went well, dah.

GUTIERREZ:

Yeah. And then what did you do? Then did you move?

GUTIERREZ:

I came back in the house for a minute.

Okay.

After it was all, after the shooting was over, and that's when I backed in the house, and then I don't know what happened to the officer. That's what freaked me out I didn't know if he was shot or, or where he was.

GUTIERREZ:

Right. Right.

GUTIERREZ:

Then the guy was still just sitting in his truck.

Right. Right.

GUTIERREZ:

And I'm thinking with all these rounds that went off this guy wasn't hit.

Okay. Right.'

GUTIERREZ:

So then I'm looking and I ...

... how, how many rounds do you think you heard?

GUTIERREZ:

Six (6). A lot, six (6), seven (7), a lot.

GUTIERREZ:

Okay.

Oh, oh....

GUTIERREZ: About six (6) or seven (7) rounds. And the officer was moving each time as he shot.

[REDACTED] Well, he wasn't moving fast. He never got to like if he was in the back, the drivers side ...

GUTIERREZ: ... Um-hum ...

[REDACTED] ... he never came on this side. .

GUTIERREZ: Right, okay.

[REDACTED] He just kind of stayed right here.

GUTIERREZ: Okay.

[REDACTED] And then the back shot, the back window got shot out.

GUTIERREZ: So he shot, he was more towards the back of the vehicle?

[REDACTED] Yes.

GUTIERREZ: Okay. But more towards the driver's side.

[REDACTED] Yes.

GUTIERREZ: The back, but towards the driver's side.

[REDACTED] Yes.

GUTIERREZ: Not the back towards the passenger side.

[REDACTED] Hump-um. Hi, baby. Oh, my poor baby. You're okay honey. My poor baby. Come here honey bunch.

GUTIERREZ: Did you hear the officer say anything?

[REDACTED] No.

GUTIERREZ: No.

[REDACTED] You mean after he was done shooting.

GUTIERREZ: No, as he was shooting or before he shot?

[REDACTED] Before he shot. I said that's what got my got my attention I heard a loud voice.

GUTIERREZ: You just heard a loud ... that's all you heard though.

[REDACTED] Right.

GUTIERREZ: All right. And, ah, you said --**--.

[REDACTED] --**--.

GUTIERREZ: And then what happened after that?

[REDACTED] And then, like I said, then I came back out, and the officer was gone.

GUTIERREZ: Okay, now you didn't see the officer.
[REDACTED] No.

GUTIERREZ: What about the person in the truck?
[REDACTED] Okay, he was still sitting in the truck.

GUTIERREZ: Okay.
[REDACTED] And I'm thinking ...

GUTIERREZ: ... now, where are you at now?
[REDACTED] I'm on my lanai again.

GUTIERREZ: You're still out. You went back out. So you were out there. You came in for
[REDACTED] how many ... for a minute or two or seconds or?
[REDACTED] In retrospect it seems like forever.

GUTIERREZ: Right.
[REDACTED] But it could've been a minute.

GUTIERREZ: Okay.
[REDACTED] You know what I'm saying.

GUTIERREZ: Did you actually go inside your home?
[REDACTED] Yeah.

GUTIERREZ: Okay, did you lock your door or anything?
[REDACTED] No.

GUTIERREZ: No.
[REDACTED] I just kind of sat there for a minute going oh, my God what just happened.

GUTIERREZ: And then you went back outside?
[REDACTED] Yeah.

GUTIERREZ: Okay. And did you ... and that's when you said you didn't see the officer.
[REDACTED] No.

GUTIERREZ: Okay, but you did see the person in the truck?
[REDACTED] Yes.

GUTIERREZ: Okay, what was he doing?
[REDACTED] He just kind of sat there for a minute.

GUTIERREZ: Okay.
[REDACTED] And I'm thinking, again, isn't this guy hit.

GUTIERREZ: Um-hum.

[REDACTED] So then he gets out and starts to get out of the truck. And he gets out of the truck like nothing happened. He's just kind of going ... I'm thinking maybe he's seeing if he got hit because he started to go like this.

GUTIERREZ: He's patting himself?

[REDACTED] Right.

GUTIERREZ: Okay.

[REDACTED] And then after I heard it was a gun and I thought maybe ... well, I know it's irrelevant. Uh, and then he walks ...

GUTIERREZ: ... what do you mean by that, what do mean it's irrelevant?

[REDACTED] Well at that time I didn't know that he had a gun.

GUTIERREZ: Okay.

[REDACTED] And then when I heard that later in the scuttle I thought maybe he was looking for his gun.

GUTIERREZ: And where did you hear that from?

[REDACTED] Oh, people on the street.

GUTIERREZ: Just people talking.

[REDACTED] Yeah. Over at the police station.

GUTIERREZ: Did you see him with a gun when he stepped out of the car?

[REDACTED] No. No, he didn't have any ... no, no, he didn't have ... he was going like this?

GUTIERREZ: He was padding his waist, is what you're saying.

[REDACTED] Or his body.

GUTIERREZ: He was padding down his body, okay.

[REDACTED] Like checking.

GUTIERREZ: So you went back inside your house ... you waited for a moment ... went back outside, went back outside, you didn't see the officer.

[REDACTED] Did not.

GUTIERREZ: But you're telling me that, ah, that you saw him in the car.

[REDACTED] Right.

GUTIERREZ: The person in the car ...

[REDACTED] Right.

GUTIERREZ: ... the truck, excuse me. And he exits out of the car ...

[REDACTED] ... right ...

GUTIERREZ: ... starts padding down his body with his hands.

[REDACTED] Right. Right.

GUTIERREZ: Okay. Then what happened?

[REDACTED] Then he walks around the front of the truck. Like he gets out of the truck here, then he walks around the front of the truck and just starts like sundering into the house. And then I couldn't see, because there was a tree or I don't know, whatever something blocked, and then he turned around and he came back and went to the passenger side of the car, truck, and reached in and got something.

GUTIERREZ: Okay.

[REDACTED] Whether he used one hand, two hands, it was a gun, I don't know, I could not see that. At that point that's when I....

GUTIERREZ: He goes in the house.

[REDACTED] I assume.

GUTIERREZ: After, after he goes to the front of the car, you exit.

[REDACTED] Yes.

GUTIERREZ: He goes in, you lose sight of him is what you're saying.

[REDACTED] For a moment.

GUTIERREZ: You don't know if he's in the house really.

[REDACTED] No, I don't think he made it.

GUTIERREZ: Okay. You lose, but you lose ...

[REDACTED] ... so I think it's like he had an after thought oh, I forgot something in the car.

GUTIERREZ: But you do lose sight of him?

[REDACTED] Briefly, yes. I believe so.

GUTIERREZ: But he walks towards the house.

[REDACTED] Yes.

GUTIERREZ: Okay. And, ah, and then he turn, returns back to his truck. Is he running or walking or?

[REDACTED] Walking.

GUTIERREZ: Walking, okay.

[REDACTED] Just sundering, like he didn't have a care in the world.

GUTIERREZ:

Okay.

GUTIERREZ:

Now I know why, but....

GUTIERREZ:

Now, ah, he goes back to, to the passenger side.

GUTIERREZ:

Correct.

GUTIERREZ:

How does he go in, is the window down.

GUTIERREZ:

The window's down ... he reaches in.

GUTIERREZ:

Reached in through the window.

GUTIERREZ:

Yes.

GUTIERREZ:

Okay. And reached in through the window, and both-hands, or one hand?
Officer King asked me that earlier. I believe it was two ...

GUTIERREZ:

... okay.

GUTIERREZ:

But I couldn't, 'cause see the way the truck was I couldn't really ...

GUTIERREZ:

... okay ...

GUTIERREZ:

... it didn't look like he went like this. It was more a frontal.

GUTIERREZ:

Reached, reached in more like it was front upper body.

GUTIERREZ:

Right.

GUTIERREZ:

Okay. And, ah, and then, ah ... let's see here. And then you're saying that
he did take something out of the car, but you're not sure what it was.

GUTIERREZ:

Correct.

GUTIERREZ:

Okay.

GUTIERREZ:

Right.

GUTIERREZ:

What would be the reason you didn't see what it was is just the way the
position you were.

GUTIERREZ:

And the truck.

GUTIERREZ:

Okay.

GUTIERREZ:

And whatever it was, you know, it, the truck was blocking it and then he just
turned and all I saw was his back.

GUTIERREZ:

Okay. Okay, but you're thinking he did take something out. You saw enough
of that motion something was taken out.

GUTIERREZ:

It was apparent to me, yeah.

GUTIERREZ:

Okay.

[REDACTED]

Which made sense why he turned around like, oh, I forgot something in the car.

GUTIERREZ:

Oh, okay. So it as if he forgot something. Okay. So he reaches in, he gets something out, you're not sure what it is, goes back into the house. Is that, is that, and then you lose sight of him at that time.

[REDACTED]

Right.

GUTIERREZ:

Then do you see the officer after that?

[REDACTED]

Nope.

GUTIERREZ:

You never see the officer after that?

[REDACTED]

Nope.

GUTIERREZ:

You ever see any other shots fired or heard any shots fired?

[REDACTED]

No. No.

GUTIERREZ:

Did you ever see him again, the suspect?

[REDACTED]

No.

GUTIERREZ:

Okay. Ah, then what did you do? Did you call the police or did you?

[REDACTED]

No, but the neighbor came, because he started hearing the ruckus.

GUTIERREZ:

Okay.

[REDACTED]

And he came over on this part of the lanai, which you can get to my lanai.

GUTIERREZ:

What's the neighbors address?

[REDACTED]

GUTIERREZ:

[REDACTED] what letter? Is it the one straight, straight across?

[REDACTED]

Oh, well was it [REDACTED]

[REDACTED]

[REDACTED] yeah.

JOHNSON:

I think it's [REDACTED]

GUTIERREZ:

[REDACTED] as in [REDACTED]

[REDACTED]

[REDACTED] Because [REDACTED] Right there's four here, three there, right.

GUTIERREZ:

I'm sorry, I didn't see you sir.

[REDACTED]

This is my son [REDACTED]

GUTIERREZ:

How are you doing?

[REDACTED]

Great.

GUTIERREZ:

Where you, are you, ah, do you stay here?

[REDACTED]

Well, he's staying the night because....

GUTIERREZ: Oh, okay to see what is going on. Okay.

[REDACTED] Multiple shook.

GUTIERREZ: Okay, but you think the neighbor might be [REDACTED] It's [REDACTED] you said.

GUTIERREZ: [REDACTED] okay.

[REDACTED] --**--.

[REDACTED] --**--.

[REDACTED] I'm sorry my house is such a mess.

GUTIERREZ: Do you mind taking me out to where you were and show....

[REDACTED] No, turn on the light you want to go out --**--.

GUTIERREZ: Can you do that for me. Just go out there and we'll....

[REDACTED] My house is such a mess.

GUTIERREZ: Just go on out there and show me kind of the position where you....

GUTIERREZ: Great, let me write that down. Okay, super.

[REDACTED] All day's work for you, huh?

GUTIERREZ: Yeah. Let's go ahead and take a look and you can get ... so you came home. You normally go out this way. Is this the way you came out?

[REDACTED] Yep. --**-- living room I've, I've changed it so much.

GUTIERREZ: Okay.

[REDACTED] This is the living room.

GUTIERREZ: Okay.

[REDACTED] So I was taking inventory of the storm and my flowers. This is the living room.

[REDACTED] If it's any consolation --**--.

GUTIERREZ: Oh, that's, let them, let deal with that, yeah.

[REDACTED] We heard, we heard the crunch.

GUTIERREZ: Okay, so you're ...

[REDACTED] ... I'm out here. I'm right ...

GUTIERREZ: ... it's Saint Patrick's day, that's going to happen.

[REDACTED] Yes.

GUTIERREZ: So you're out here and you're doing your flowers.

[REDACTED] I'm right here and looking at the plants and I'm looking at the ocean, and see I can look ... I turn right, I'm right here. I am right here.

GUTIERREZ: Okay.

[REDACTED] And I'm like frozen, 'cause I'm ... by this time I hear the officer and that's when I turn.

GUTIERREZ: Okay.

[REDACTED] And by this time, you see where his police car is?

GUTIERREZ: Yes.

[REDACTED] And the truck in the driveway.

GUTIERREZ: Right.

[REDACTED] That's when he starts going boom, you know, and I'm like, and that's when I went oh, my God.

GUTIERREZ: You're back inside.

[REDACTED] And then everything stopped and I came back out, and that's when I see him in the, in the truck.

GUTIERREZ: What, was it what ...

[REDACTED] ... so can you see. It's too dark, but can you see that I can't see what he pulled out, but I could see him ... see it sounds like it's raining. Oh, it's the flares. So he get up ...

GUTIERREZ: ... so you're saying the window on his passenger side he did reach in, he didn't open the door.

[REDACTED] No.

GUTIERREZ: Is that what you're saying.

[REDACTED] Right.

GUTIERREZ: Okay.

[REDACTED] So he gets out and walks in front of the truck and walks around.

GUTIERREZ: Right.

[REDACTED] He's going to walk toward the light, the porch light.

GUTIERREZ: Right.

[REDACTED] And then pivots and comes back and that's when he reaches in the truck and then turns around and goes back in.

GUTIERREZ: Okay. Okay.

[REDACTED] Okay.
GUTIERREZ: All right.
[REDACTED] And no, no, no, I didn't see the police. That's when I started going, I was afraid to keep going up, 'cause I wanted to say maybe somebody would slide down. I mean....
GUTIERREZ: Right.
[REDACTED] I was more worried for the policeman.
GUTIERREZ: Okay. How long have you lived here?
[REDACTED] About six weeks.
GUTIERREZ: About six weeks.
[REDACTED] Yeah.
GUTIERREZ: Okay.
[REDACTED] Welcome to the neighborhood.
GUTIERREZ: Okay.
[REDACTED] So that's when [REDACTED]...
GUTIERREZ: ... and you're saying that you've never seen that truck park there?
[REDACTED] Oh, I probably have, but you know.
GUTIERREZ: Oh, sure.
[REDACTED] Like I said that's why I put up lattice. I just sit here. I block out the world.
GUTIERREZ: You do your own stuff.
[REDACTED] Yeah.
GUTIERREZ: Okay. All right, why don't we go inside then?
[REDACTED] So then that's about when [REDACTED] called 9-1-1, then pretty soon I ...
GUTIERREZ: ... you came out here also then.
[REDACTED] Right.
GUTIERREZ: Then you guys started talking?
[REDACTED] Yeah.
GUTIERREZ: Okay did, what did [REDACTED] tell you? Did he say he saw the shooting too, or did he say he just heard something and he came out?
[REDACTED] Well like I said we were just out there commiserating about the tree that just broke.
GUTIERREZ: Um-hum.

[REDACTED]

You know the tree branch fell, and went kaboom, and we were out there calling the landlady, and all of a sudden this ... it just all (snapping fingers) you know, it just all....

GUTIERREZ:

Okay. But you guys were talking next to each other here before this happened or after it happened?

[REDACTED]

No, we were out front.

GUTIERREZ:

You were out front.

[REDACTED]

About the tree.

GUTIERREZ:

Okay.

[REDACTED]

I was watching the tree fall and I said [REDACTED] look at the tree.

GUTIERREZ:

Right.

[REDACTED]

And then he went on his way, and then I came in here and that's when all....

GUTIERREZ:

Oh, okay. That was before, okay.

[REDACTED]

Right. Right.

GUTIERREZ:

You're talking about something else before, before the shooting happened. You came in the house and then did you saw.

[REDACTED]

Right.

GUTIERREZ:

Okay, so he was not out here with you the time the shooting occurred on this patio is what you're telling me.

[REDACTED]

I think as soon as the shooting was over then he came out.

GUTIERREZ:

Okay.

[REDACTED]

Because he heard it and then he went and got his cell phone and called 9-1-1.

GUTIERREZ:

Okay. Okay. All right ...

[REDACTED]

A few minutes later we saw some police up the street there.

GUTIERREZ:

You did not call 9-1-1 though.

[REDACTED]

I did not.

GUTIERREZ:

Okay.

[REDACTED]

I should've.

GUTIERREZ:

All right, why don't we go inside?

[REDACTED]

I should've, when I could've. (TALKING IN THE BACKGROUND)

GUTIERREZ: Okay. All right, we're back inside the residence. Okay, ah, [REDACTED] then.... Oh, you know what Craig do have anything? I've, any questions that we've been talking that you might want to clear up some stuff.

JOHNSON: Have you ever seen that deputy before? Did you recognize him?

[REDACTED] No. That was just so fast that all I saw was his profile anyway.

JOHNSON: Was it pretty clear when you saw him that it was a uniform deputy?

[REDACTED] Oh, yes. Oh, yeah.

JOHNSON: And that the car that he was in was a black and white, ah, Sheriff's vehicle?

[REDACTED] I did not see him. He had already exited his vehicle.

JOHNSON: But the vehicle out there that you saw, you recognize that as a black and white Sheriff's vehicle?

[REDACTED] Absolutely.

JOHNSON: Okay. Ah, after, after this, the, ah, person that reached into the passenger side of the truck and grabbed something, what it appears to you grabbed something and brought it out, where did he go from there?

[REDACTED] In the house.

JOHNSON: Back into the house.

[REDACTED] Um-hum.

JOHNSON: Did you see him come out again?

[REDACTED] No.

JOHNSON: After, shortly after that did you see a bunch of sirens?

[REDACTED] That's when, well, I didn't hear a bunch it started accumulating more and more. Like I said then a few minutes later, 15 minutes later, then I could start seeing them start circling around the street.

JOHNSON: More uniform deputies?

[REDACTED] Yes, or uniform....

JOHNSON: Okay. Any helicopters overhead or?

[REDACTED] And they, actually, the helicopter got here right away the blue, blue and gold one.

JOHNSON: Right.

GUTIERREZ: Yeah.

[REDACTED] It got here right away.

JOHNSON:

Okay.

JOHNSON:

And then he start hovering and hovering and hovering.

GUTIERREZ:

Kind of question I was going to ask.

JOHNSON:

I was going to say.

JOHNSON:

Ah, was your, was your son here at the time or was he at work?

GUTIERREZ:

No.

GUTIERREZ:

Who have you told the story to so far?

GUTIERREZ:

Officer King.

GUTIERREZ:

Officer King.

GUTIERREZ:

Is it Robert King.

JOHNSON:

Okay.

JOHNSON:

Do you know him?

GUTIERREZ:

No, I do now. We're all on a first name basis now.

GUTIERREZ:

Robert King, he's a deputy? Sheriff?

GUTIERREZ:

Ah....

GUTIERREZ:

Where did you meet him, out front? Was he in uniform?

GUTIERREZ:

Ah, okay, then they evacuated us.

GUTIERREZ:

Okay. So somebody came to your door?

GUTIERREZ:

Yeah, and they evacuated our whole complex here.

GUTIERREZ:

Was that King or someone else?

GUTIERREZ:

Actually, that was Sergeant Bob Osborne ...

GUTIERREZ:

... okay ...

GUTIERREZ:

... and several other guys. He was just --**--.

GUTIERREZ:

Uniform deputies.

GUTIERREZ:

The guy with the vests and the guns and the helmets.

GUTIERREZ:

Okay.

GUTIERREZ:

And then we're all hovering down at the bottom of the stairs here, and then they go, okay. So they made like a barrier.

GUTIERREZ:

And got you out.

GUTIERREZ:

And got us across the street.

GUTIERREZ:

Okay, I see. So those, and then you told ...

GUTIERREZ:

... at the interim after this happened then that's when my son showed up.

GUTIERREZ:

And that's when you spoke to Officer King.

[REDACTED]

No, then they evacuated us and we took off down the street and I had, we had no where to go.

GUTIERREZ:

Right.

[REDACTED]

So we're just kind of hanging ...

GUTIERREZ:

... okay ...

[REDACTED]

... to see what was going to happen. We go home and then that's when Sergeant Osborne ...

GUTIERREZ:

... Osborne ...

[REDACTED]

... came down the street.

GUTIERREZ:

Right.

[REDACTED]

And approached me and said I'd like to take you up and get a statement from you.

GUTIERREZ:

Okay.

[REDACTED]

And then he took us around I guess it would be is it [REDACTED] or [REDACTED]

GUTIERREZ:

Um-hum.

[REDACTED]

And there was bus and firemen. And I sat out there and talked to him then. And that's when they took us up to the substation.

GUTIERREZ:

Ah, was your son, your son was not here at the time of the shooting?

[REDACTED]

Right.

GUTIERREZ:

Okay. But he's here with you now and you told the story to him, correct?

[REDACTED]

Oh, yeah.

GUTIERREZ:

Okay. Can I have his name?

[REDACTED]

[REDACTED]

GUTIERREZ:

[REDACTED]

[REDACTED]

[REDACTED]

GUTIERREZ:

[REDACTED] okay. [REDACTED]..

[REDACTED]

... [REDACTED]...

GUTIERREZ:

... [REDACTED]?

[REDACTED]

Ah-huh.

GUTIERREZ:

And can I have, ah, his date of birth? Do you know that?

[REDACTED]

[REDACTED]

GUTIERREZ: And a address for him where's he at?

[REDACTED] Ah ...

[REDACTED] ... this one really.

GUTIERREZ: He lives here?

[REDACTED] Well, he's been working out of town a lot and he just....

GUTIERREZ: So he gets mail here at least or?

[REDACTED] Yeah.

GUTIERREZ: Okay. All right. And, ah, okay. And, ah, [REDACTED] is staying with you now, but he, he was away at work? Or is that where he was or at the time of the shooting?

[REDACTED] He was coming back from work.

GUTIERREZ: Coming back from work, okay.

[REDACTED] And I saw him walking up the street to come here, 'cause they wouldn't let anyone in.

GUTIERREZ: Anybody else live here at the house?

[REDACTED] No.

GUTIERREZ: Okay. Okay. You said that you talked, heard a little scuttlebutt from other people. Has anybody else come up to you and said they actually saw the shooting too?

[REDACTED] No. No.

GUTIERREZ: Okay.

[REDACTED] I was just talking to [REDACTED] He had more of the details then I did of what....

JOHNSON: Did you notice, when you saw the actually shooting did you notice anybody else out on the baloney or across the street or down the street. Any cars in the area that were driving by or?

[REDACTED] Yeah, there were cars. It's like gees, you know, they're slowing down looking, and I'm thinking, oh, my God get out of the way of the fire, you know. Ah, I don't think there was anyone here.

GUTIERREZ: To the right?

[REDACTED] Right.

GUTIERREZ: Okay.

[REDACTED]

Because that's the way I was looking. I mean there's not many people home at three o'clock in the afternoon around here. And then after it all happened, then I looked this way and they, yeah, there were people on their lanais looking outside.

GUTIERREZ:

Okay. And, ah, you say you work, what time do you normally get home?

[REDACTED]

Five (5).

GUTIERREZ:

Five (5). And why did you get home this time?

[REDACTED]

'Cause it was Saint Patrick's Day and they wanted to go early and I said, okay.

GUTIERREZ:

All right, do you have a work address and stuff?

[REDACTED]

You got it earlier. We don't have the number.

GUTIERREZ:

Can I have your work address and stuff?

[REDACTED]

I just started this new job today. I just started this new job today.

GUTIERREZ:

I'm not going to call them.

[REDACTED]

No, I just don't recall.

JOHNSON:

I have the number, it's ah, are you ready?

GUTIERREZ:

Yeah, go ahead.

JOHNSON:

[REDACTED] ...

GUTIERREZ:

... [REDACTED] ...

JOHNSON:

... [REDACTED] ...

GUTIERREZ:

... [REDACTED] ...

JOHNSON:

... [REDACTED]

GUTIERREZ:

... [REDACTED] And that's, what's the name of the company?

[REDACTED]

[REDACTED]

JOHNSON:

In Dana Point.

GUTIERREZ:

In Dana Point. Okay. Craig you got anything else?

JOHNSON:

--**--.

GUTIERREZ:

Okay. All right, well, hey, you know thank you so much.

[REDACTED]

Is this a good thing or a bad thing?

GUTIERREZ:

Oh, you know anytime that someone's willing to talk to us we appreciate it, we really do.

[REDACTED]
GUTIERREZ:

I mean I'm just....

I mean I know it's, I know it's late at night it's really inconvenient and you got to get to work. But what may happen is if we have any question we'll, we'll come back to talk to you at a reasonable hour, you know and....

[REDACTED]
GUTIERREZ:

Call first.

But right now we wanted to get your basic statement in tonight and we have that.

[REDACTED]
GUTIERREZ:

Sure.

I'm going to leave a card with me. I'm not the case agent, but I can get a hold of that person in the future if you need to talk to that he or she, okay. I'll leave my card and....

[REDACTED]
GUTIERREZ:

I was talking to the chaplain up at the station and I'm going why in earth did God put me in this position. What could possibly come out of it.

Well we appreciate it, we really do. We're going to end the time here. It's going to be 2225 hours and we'll end it at that time.

(END OF INTERVIEW, TAPE ONE, SIDE ONE, [REDACTED])