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

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: DEATH INVESTIGATION : No.
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GRAND JURY No. B
PROCEEDINGS
Case No. 24

Conducted by:
Amanda Nadell, Deputy District Attorney
Case No. 2450757
Tuesday, December 13, 2022

Transcribed by: Katie Leach

Proceedings recorded on FTR audio recording; transcript provided by legal transcriber.

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P R O C E E D I N G S

December 13, 2022

(1:13 p.m.)

(Whereupon, the following proceedings were held
before Grand Jury No. B)

MS. NADELL: We are on the record in a death
investigation. It's DA Case No. 2450757. This is Grand
Jury B, Case No. 24. It is December 13th.

This is Amanda Nadell on behalf of the DA's
office. N-a-d-e-l-l. Bar No. 084504. And we are going to
hear from witnesses this afternoon. The first witness will
be Detective Brian Sims.

THE WITNESS: Good afternoon.

THE FOREPERSON: Good afternoon.

BRIAN SIMS

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

THE WITNESS: I have a cold so bear with me.

DIRECT EXAMINATION

BY MS. NADELL:

Q Can you state and spell your first and last name,
please?

A Detective Brian Sims, B-r-i-a-n. Sims, S-i-m-s.

Q And how are you employed?

A I'm a detective with Portland. I've been with

1 Portland for 23 years now. Thirteen years as a detective.
2 And I'm currently assigned to the homicide detail.

3 Q What sorts of cases does the homicide detail
4 investigate?

5 A Obviously, homicides but we also are in charge of
6 investigating any deadly use of force that involves
7 officers. So if someone shoots at officers or officers
8 shoots at them, any deadly use of force, the homicide team
9 investigates it.

10 Q Let me just clarify that when you use the term use
11 of deadly force, are you meaning the deployment of something
12 that could cause death or do you only investigate scenarios
13 where someone did in fact die?

14 A Well, we --

15 Q Let me -- you know what, that was a bad question.

16 A Yeah, yeah.

17 Q Would the homicide detail investigate a situation
18 where an officer discharged their weapon but someone didn't
19 die from that?

20 A Yes, correct.

21 Q So regardless of the outcome, your unit --

22 A Right.

23 Q -- investigates.

24 A Or even if someone tried to run over an officer
25 intentionally trying to kill them, we would still come out

1 and investigate that, as well. Yeah.

2 Q On July 27th of 2022, were you assigned as the
3 lead investigator on an officer-involved shooting
4 investigation in Southeast Portland?

5 A I was. And I don't know how many detectives
6 you've talked to. But how it works in the homicide detail
7 is a patrol sergeant will page us out. And we come as a
8 group. There's like eight of us comes out as a team and
9 we're all designated. Who is going to take primary, who is
10 going to assist. And then on down the line.

11 So in this case, I was up to take the next case.
12 So this is my case. I'm the lead investigator.

13 Q And you were dispatched that evening on July 27th?

14 A I was. Once the scene was secure, then we're
15 brought up. Then I do a walk through of the scene just to
16 kind of familiarize myself with the scene. Then we go from
17 there from the briefings and all that.

18 Q And where was the location of the incident?

19 A If (indiscernible).

20 Q Yeah.

21 A 125 (indiscernible) 125 Southeast 126th. So it's
22 between these major intersections. Burnside is to the
23 north. You don't have your streets on here. Here's 122.
24 So it's kind of mid-block between Burnside and -- do you
25 have this -- what's -- what would be that -- further south

1 major, you know?

2 Q I'm sorry?

3 A What's this south major street? You don't have it
4 on your map.

5 Q I don't know. And if you don't know, that's okay.

6 A Yeah. I'm not sure what that is. But so it's
7 mid-block between these two major streets.

8 Q And if it helps --

9 A On the westside.

10 Q -- I turned my monitor so you could see it that
11 way and then the --

12 A Okay, perfect.

13 Q -- grand jurors could just watch --

14 A Just let me know if I'm blocking anything.

15 Q I'm sure they will let you know. 125 Southeast
16 126 -- 126th Avenue here in Portland, Oregon. Multnomah
17 County?

18 A It is.

19 Q Is that a residential -- like a single-dwelling
20 home?

21 A It is. Single-family residence.

22 Q And is that a fair and --

23 A Yeah, so --

24 Q Is that a fair and accurate photo of the home
25 we're talking about?

1 A Yep. This is during the daytime. Google street
2 view, you know, looking to the west. That's the front door
3 of the residence.

4 Q So this was just an image from the internet but
5 you recognize this as the home. Is that correct?

6 A I do.

7 Q And where exactly at the residence was the
8 individual shot and killed?

9 A He was standing on the front porch right in front
10 of the front door.

11 Q And who is the deceased in this case?

12 A Aaron Stanton.

13 Q And do you know how old Mr. Stanton was?

14 A I'd have to go through my binder. If you have it
15 close.

16 Q Do you have your binder? Here. Your report would
17 help refresh your recollection.

18 A Perfect. He's a male white with a date of birth
19 of 3/28 of 1982.

20 Q Forty? Forty then?

21 A Yeah.

22 Q And when you were dispatched to the scene,
23 Detective Sims, was it still daytime hour or daylight out?

24 A No, it was getting dark. And it was -- it stayed
25 fairly light but it was getting dark by the time I was there

1 and observing the scene.

2 Q I'm going to show you another photograph. Is that
3 the same residence, 125 Southeast 126th Avenue?

4 A It is.

5 Q Was that -- is that a fair and accurate photograph
6 of the residence the evening of the shooting?

7 A It is.

8 Q So it appears that there's a car near the
9 residence. Was that there that -- during the shooting, as
10 well?

11 A It was, yeah.

12 Q So can you walk us through, Detective, a brief
13 timeline of what happened the evening that led up to you
14 getting called out?

15 A Sure. So what happens is when it says first BOEC
16 call, so that's the first 911 call. BOEC means Bureau of
17 Emergency Communications. So that's -- when somebody calls
18 911, it goes into this call center. So the first call that
19 comes in is at 8:17 of saying someone in the neighborhood is
20 shooting a weapon; of shots fired heard.

21 So it takes three minutes before dispatchers get
22 the information and then dispatch it to uniform patrol. And
23 then, this timeline is just a timeline of the other
24 neighbors that live at -- within that block or two-block
25 radius that are hearing the gunshots. There's seven

1 different --

2 Q And I'm sorry. I want to back up.

3 A Sure.

4 Q When you say gunshots, first question, have you
5 reviewed all of the reports that other officers have written
6 in this case in preparation for grand jury today?

7 A Yes, absolutely.

8 Q And what was the information coming into police in
9 terms of who was shooting a weapon? Was it the police or
10 someone else?

11 A No, it's -- first it comes in as we're hearing
12 shots. Then people are calling in saying it's a neighbor.
13 And one neighbor actually names Aaron. Says it's the
14 neighbor at, you know, the address in question. Actually
15 names him.

16 Q So would it be fair to say multiple calls were
17 coming in that a civilian was discharging their weapon in
18 this neighborhood at this residence?

19 A Yes. Yeah.

20 Q Sorry, so going back to -- so after police
21 dispatched -- I think you were talking about other 911 calls
22 coming in.

23 A Yeah. Officers start coming into the area. And
24 when these calls are coming in, it's fairly rapid and it
25 takes a little bit for the dispatchers to add the

1 information in. So when some neighbor is saying that it
2 might be two blocks away but then one neighbor is saying
3 it's at 125 126. And so officers are trying to filter
4 through that information.

5 What they decide to do is they stage at 122 and
6 Burnside which was just north of the residence. And they're
7 going to stage there and make a plan to go in. They don't
8 want to go in just one officer. They want to make a plan
9 and get together. Really figure out where this is occurring
10 so they know where it's safe to approach. And to get more
11 information on what's happening.

12 Q That staging occurs based on your review of the
13 reports at 8:28? Or that's when they gather?

14 A That's correct. Yeah. That's where -- usually
15 the primary officer decides or the sergeant is like we're
16 all going to stage at 122 and Burnside. There's other
17 officers, of course, that will stage to the south just to
18 get containment.

19 Q Then what happened?

20 A Then what we have is Air One. Air One is our
21 fixed wing aircraft that the police bureau has. So it's not
22 a helicopter. It's a Cessna fixed wing that has camera
23 capabilities. It has flare, night vision. And then cameras
24 that can record what they see. So because it's a fixed wing
25 it has to make big loop circles. So it responds to this

1 call. They're working, they're in the air. Then they get
2 overhead of the area and try to pinpoint for officers
3 exactly what's happening, where the house is in the block to
4 kind of just help them formulate a plan of what to do next.

5 Q So Air One is in the area at 8:34 p.m. Is that
6 correct?

7 A That's correct.

8 Q About 17 minutes after the first 911 call comes
9 in?

10 A Right. Then those -- so there's a pilot and then
11 an observer. And you'll hear when we watch the video, it's
12 -- they record the audio and the visual of what they're
13 seeing.

14 Q Well, I want to clarify, the grand jury is not
15 going to hear the audio because that would be hearsay.

16 A Oh, okay.

17 Q So we will -- you will see the video.

18 A So -- okay. What the job of the observer is is to
19 give officers an overhead view of what they're seeing. So
20 what the observer does is giving information to all the
21 officers -- okay, the house is mid-block, it's the sixth
22 house up from the north and it's on the westside. There's a
23 car in the driveway. It kind of gives them a narrowed down
24 version so officers can set up and get a visual on the house
25 and try to figure out who is shooting.

1 Q So based on your review of the reports and your
2 own personal interactions with Air One or personnel that's
3 been in Air One, is that information being relayed
4 livestream to officers on the ground like through a radio --

5 A Yes. They're --

6 Q -- or something?

7 A -- using the same radio net that officers on the
8 ground are. So it's --

9 Q So they're live sharing information?

10 A Absolutely.

11 Q So -- and we're going to watch the Air One footage
12 in a minute. But at 8:36, does Air One observe the
13 individual that's identified as Mr. Stanton actually
14 shooting?

15 A Yes.

16 Q And how is that -- how is it determined through
17 video that someone is shooting?

18 A Through the Air One video?

19 Q Yeah.

20 A You can -- based on my experience and training,
21 you can see Mr. Stanton on the front porch. And you can
22 actually see muzzle flashes coming from the rifle. Smoke.
23 You can see that coming from the rifle. Even at the height
24 that the plane is at, they're able to zoom in and it's
25 fairly clear.

1 Q What happens next?

2 A So then once Air One kind of gets a really good
3 sense of where this is, they've seen him come out and shoot.
4 Officers then get into a position for themselves to get a
5 visual from the ground. So officers kind of get somewhat
6 close or a little bit to the north and then two officers
7 actually go into some -- into the backyards across the
8 street. And they go into the backyards and they get into a
9 side yard of a residence that's almost directly across from
10 125 on 126.

11 Q Then what happens next?

12 A So that's Officer Hertzler and Officer Dyk. So
13 they're observing what's happening. A small child that
14 turns out to be Mr. Stanton's is coming out of the
15 residence, coming out of the front doors. Officers
16 challenge him. What that means, they're giving him
17 commands. Drop the gun, we're here, come out with your
18 hands up. Those kind of commands. Then those commands
19 don't work. He doesn't obey the commands. Then he starts
20 shooting with a girl that's kind of right in front of him.

21 Q Do you remember the approximate age of Mr.
22 Stanton's daughter?

23 A Six. And then he's still not responding to
24 commands. He shoots again. And then that's when Officer
25 Dyk who is across the street from the residence -- he's

1 closest to Mr. Stanton -- he fires one shot from his
2 patrol rifle and strikes Mr. Stanton.

3 Q Just wanted to have you point out a little bit on
4 this aerial shot where people were positioned and the grand
5 jury will probably see this again as more witnesses testify.
6 But the red dot, is that the 125 Southeast 126th Avenue?

7 A Yep, that's what we're talking about.

8 Q Where Mr. Stanton was?

9 A Mr. Stanton's.

10 Q Then can you point out 120 Southeast 126th?

11 A Yeah. So 120 is this residence here. And we'll
12 see some pictures later. There's a gate that's right here.
13 It gives access to the backyard. Officer Dyk is right there
14 when he fires.

15 Q Then can you also point out 106 Southeast 126th
16 Avenue?

17 A Yeah. So 106 is a residence which would be to the
18 north. That's the other residence that they'd be able to
19 get a close enough view of Mr. Stanton. From the trees it
20 looks -- it kind of gives a different impression. But once
21 you're on the ground, officers were sitting here with a
22 visual of him on the front porch. So that's where the two
23 officers are. Dyk and Hertzler -- Dyk is here. Hertzler is
24 actually going around the backyard to try to get a view on
25 this side when the shot happens. Then other officers are

1 here.

2 Q Earlier when you were describing the officers
3 giving verbal commands to Mr. Stanton, where were those
4 officers positioned?

5 A Those officers were positioned right here. There
6 was a vehicle in the driveway much like this. And they were
7 in a position to cover behind that vehicle giving commands.

8 Q So they were at the 106 location?

9 A Correct.

10 Q Then are you familiar -- I don't think it's on
11 this map but where 60 Southeast 126 Avenue is?

12 A 60 -- it would be further up here.

13 Q Do you recall --

14 A From this side.

15 Q -- is it just next to 106 even though --

16 A Gosh, I can't remember.

17 Q -- the numbering --

18 A There might be another house in between.

19 Q You can have a seat.

20 A Does that make sense?

21 MS. NADELL: You can have a seat if you want. I'm
22 going to play now the Air One footage. I am going to mute
23 it. And I'm going to jump ahead a little bit.

24 (Whereupon, a video recording was played before
25 the grand jury.)

1 BY MS. NADELL:

2 Q Detective, it looks like Air One video starts at
3 8:32 p.m. Does that sound right?

4 A Yes, that's correct.

5 Q Do you recall or would it be helpful to look at
6 your report what time they get into the area?

7 A I want to say just a minute later.

8 Q I think it's 8:36 maybe. But --

9 A This isn't the --

10 Q I think it says -- 8:36? One second. We're going
11 to watch the whole thing anyway.

12 A 8:32. Is that right?

13 Q Is when it starts? While this is -- while we're
14 watching this, does the MAX line run on Burnside?

15 A It does.

16 Q Right near this residence?

17 A Just north.

18 Q And was there some discussion as officers were
19 investigating this -- the reports of the shooting to
20 actually shut down the MAX line until this was further
21 investigated?

22 A Yeah, they're trying -- you know, they're trying
23 to figure out -- pinpoint this location. You kind of see
24 Air One even has trouble trying to figure out where this is
25 at based on all the 911 calls and filtering all that

1 information. So they've shut down Burnside. And then
2 this is the residence right now. They've kind of got it
3 vectored in here. Right here.

4 Q Do you recall the weather conditions that day?

5 A It was fairly sunny, fairly decent.

6 Q Clear?

7 A Yeah, clear. So this is the loop I'm talking
8 about. So they kind of have to turn the camera. So
9 sometimes it'll be out of view just as they make their orbit
10 around the residence.

11 Q And I'm going to ask you to continue just kind of
12 narrating based on your review of the officer reports and
13 your --

14 A Sure.

15 Q -- prior watchings of this video. Then we can --
16 we'll go back and kind of look more closely at some
17 portions.

18 A Then he switches to the flare system just to see
19 if he has a better view and then he'll turn it back in just
20 a second. So this is even -- you can see heat signatures on
21 here. So that's kind of sometimes why they do that. If
22 somebody is in a bush or something like that, that would
23 show up more with this. And then there he switches back.
24 See the muzzle flashes coming out the front?

25 GRAND JUROR: Um-hum. So is he actually shooting

1 at people by this time or is he just shooting?

2 THE WITNESS: He's shooting. We're not sure at
3 this point what he's shooting at. Neighbors are saying, you
4 know, he's coming out shooting a combination in the air but
5 it's tough to tell what he's shooting at.

6 MS. NADELL: And you're referencing the 911 calls
7 coming in from concerned citizens in terms of what he was
8 shooting or where. Correct?

9 THE WITNESS: Right.

10 GRAND JUROR: And this is almost 20 minutes after
11 the initial calls?

12 THE WITNESS: Yeah, it is. Exactly 20 minutes.
13 So then what they see out here -- he's picking up the shell
14 casings. So after he shoots, the shell casings get ejected
15 out of the gun. He's out on the front porch picking up the
16 shell casings. And then he goes back inside.

17 BY MS. NADELL:

18 Q And I'm going to ask you some more questions about
19 the shell casings later but --

20 A Sure.

21 Q -- was that -- did you find evidence at the scene,
22 in the home itself, of sort of spent shell casings and -- or
23 in the yard, too, and --

24 A Yeah. What we later found out confirmed what we
25 were seeing on this video. That he was -- had picked up

1 shell casings.

2 GRAND JUROR: Were houses across the street hit by
3 gunfire?

4 THE WITNESS: There was some claims that people
5 were hearing bullets coming through the trees and something
6 hitting their houses. But we did not find any strikes.
7 It's pretty wooded through there. And a couple of the homes
8 have a lot of brush around their houses. So we weren't able
9 to find bullet strikes.

10 GRAND JUROR: How far does a bullet like that go?

11 THE WITNESS: It can go for a long ways. You
12 know, because as it -- as it's fired level --

13 MS. NADELL: Oh, sorry. Sorry. What did I do?
14 Sorry, guys.

15 THE WITNESS: -- then the trajectory goes down
16 further out. But that dense of an area, you know, it would
17 go for several, several blocks unless it hits something
18 obviously.

19 BY MS. NADELL:

20 Q Were we about at 8:37?

21 A You -- yeah, yeah, that's --

22 Q See, this is --

23 A Right there.

24 Q Well, now it won't play. This is what I was
25 worried about. I wanted to pause it because I wanted to

1 make sure that question was answered and that everyone was
2 listening to the question. So let me let this -- let me let
3 the computer wake up again. But very quickly, Detective
4 Sims, with regard to the strikes or the searching for bullet
5 strikes, did PPB investigate this incident primarily in the
6 dark once the shooting had occurred?

7 A Yes, absolutely.

8 Q So in terms of looking for casings absent someone
9 calling in and saying, hey, I found something in my yard,
10 PPB was primarily conducting searches of --

11 A Yeah.

12 Q -- homes and cars --

13 A Right. It --

14 Q -- in the dark. Correct?

15 A Yes, absolutely. We would have had to have a
16 neighbor the next day or if they notice something on their
17 back shed or something, a hole, they would call us. But we
18 didn't get any of those calls.

19 GRAND JUROR: Do we know what kind of weapon he
20 was firing?

21 THE WITNESS: We do. And we'll get to that.

22 MS. NADELL: I am -- just so the record knows what
23 we're doing, the video -- I tried to pause it and it reset.
24 So I'm going to pull it up in a different program and get us
25 back to where we were. Which I think was at 8:37 or so.

1 Does that sound right to folks?

2 GRAND JURORS: Um-hum.

3 BY MS. NADELL:

4 Q Then I will play it in this program so that if I
5 need to pause again, I can do that. Okay. So I'm going to
6 restart at 8:36:36 on the time stamp.

7 A And obviously, the observer that's seeing this and
8 recording this is relaying to patrol, hey, he's shooting on
9 the front porch. I'm actively seeing him shoot.

10 Q And just so the grand jury -- that can be used as
11 evidence as to what the officers heard and what they did as
12 a result of that. So I suspect you will hear from other
13 officers who were hearing that in live time and --

14 A It just changes on --

15 Q -- took actions based on that.

16 A -- how they set up that someone is actively
17 shooting.

18 GRAND JUROR: There's been no interaction with the
19 suspect at this point? They've -- I know verbal commands
20 and stuff were given to him but he hasn't communicated
21 anything back?

22 THE WITNESS: I -- there will be some officers
23 that come in that talk about that interaction.

24 BY MS. NADELL:

25 Q Well, we're not -- the officers aren't on scene

1 yet based on the time stamp. Correct?

2 A They're at 122 and Burnside. They haven't gotten
3 close enough to interact with him yet.

4 Q So I think the answer is no.

5 A Yeah. No.

6 Q Fair?

7 A No, not at this point. So now they've zoomed out
8 kind of just to give officers -- they're counting how many
9 houses down it is. That's why he's kind of zooming in and
10 out to try to get -- officers are setting up a little bit to
11 the east and then a block to the west. So that's why he was
12 zooming in and out to try to give them a better bearing on
13 where this is at.

14 Q Were all the reports that were coming in -- in
15 terms of the information being shared about Mr. Stanton
16 shooting -- was the information coming in that it was -- he
17 was always outside the residence when he was discharging the
18 firearm?

19 A Yes, that's correct. Now, at 20:41 is when
20 officers are now in a position to get a visual on the front
21 of the residence. So that's when they're up at that one
22 residence that we talked about up north.

23 Q 106?

24 A Yes.

25 GRAND JUROR: It's very odd there's only one door.

1 GRAND JUROR: (Indiscernible).

2 BY MS. NADELL:

3 Q So we're just about at 8:44 which based on the
4 timeline you gave earlier, Detective, is when the officers
5 are able to get it -- the officers on the ground are able to
6 get a visual of the residence. Is that --

7 A Yep. That's --

8 Q -- what you recall?

9 A That's correct.

10 Q So that would be from the -- again, the address
11 106 Southeast 126th? That's where the officers had staged
12 on the ground. Correct?

13 A Yes.

14 Q With the exception of Officers Hertzler and
15 Officer Dyk who moved to a different location?

16 A Right. They're still moving. And see, the patrol
17 cars are down there in the bottom screen.

18 GRAND JUROR: Um-hum.

19 A So 8:47 -- at 20:47, we get another 911 call that
20 says that the guy shooting is Aaron and that he has a child
21 that lives with him. So that's more information we get at
22 this point.

23 Q And this location was -- did you determine through
24 your investigation -- Aaron Stanton's residence?

25 A It is.

1 Q And was anyone else home besides Mr. Stanton and
2 his daughter?

3 A No. It was just the two of them.

4 GRAND JUROR: At this point, nobody has seen the
5 daughter though. Right?

6 THE WITNESS: None of the officers have seen the
7 daughter. No. And then, at 20:48 is when Officer Hertzler
8 and Office Dyk are now across the street and are in a
9 position. And then the plan is to challenge him, to give
10 commands if he comes back out. Come out, drop the weapons,
11 come out with your hands up.

12 He's kind of zooming out a little bit. Officers
13 are setting up in a position over here so the observers kind
14 of give them directions on where to be in a position on the
15 east side of the street.

16 GRAND JUROR: When they're giving him commands,
17 are they amplified at all?

18 THE WITNESS: No. Just yelling. Because they
19 moved up just on foot. They don't have their patrol
20 vehicles with them to do that.

21 MS. NADELL: You're going to hear more specifics
22 about the commands given from the individuals that were on
23 scene (indiscernible).

24 THE WITNESS: So at 20:50 this is the first time
25 we'll see the child come out the front door. This is them

1 trying to rotate the cameras as they do their orbit. See
2 her on the front porch there?

3 MS. NADELL: Let me try to -- I don't know if I
4 should back up. Let me see.

5 THE WITNESS: Officers are relaying on the ground
6 because they have a better visual than the Air One.

7 MS. NADELL: Is there --

8 GRAND JUROR: Is she over on the right side?

9 MS. NADELL: No, I think --

10 THE WITNESS: No, right there.

11 MS. NADELL: Right here?

12 GRAND JUROR: Yeah, yeah.

13 THE WITNESS: Where your cursor is. Right there.

14 MS. NADELL: Yeah.

15 GRAND JUROR: Yeah, on the right (indiscernible).

16 Oh, my gosh.

17 BY MS. NADELL:

18 Q So there are two people --

19 A He's out on the front. Officers are giving him
20 commands now. He's -- has a backpack and has some stuff out
21 that's on the porch.

22 Q And I can go back, too. Because it happens
23 quickly.

24 A So this is when officers are addressing him,
25 giving him commands. And then --

1 Q Was that a muzzle flash?

2 A That was a muzzle flash. So now officers are
3 saying he's got a handgun. He's shooting. There's -- you
4 see another muzzle flash.

5 Q And based on your review of the video, is it your
6 belief the child is out on the patio when he's --

7 A Yes.

8 Q -- firing those --

9 A All this is occurring --

10 Q -- two last shots. Or at least two -- is it fair
11 to say Air One captures muzzle flashes but not necessarily
12 every single shot?

13 A Correct.

14 Q That might be a bad way to phrase the question.

15 A As you can see, it kind of rotates --

16 Q I mean, if someone is firing rapidly, based on
17 your review --

18 A The camera isn't going to catch every --

19 Q -- of Air One --

20 A Yeah, the camera isn't going to catch every muzzle
21 flash. And the girl even runs behind the car that's in the
22 driveway. That's her kind of going back and forth from --

23 Q She's right here.

24 A -- the porch to the car.

25 Q And I think I talked right through. I'm so sorry.

1 I think I talked right over the -- Officer Dyk's firing.
2 So let's go back a little bit. Is that far enough?

3 A Uh-uh.

4 Q No?

5 A You got to go back more. You got to go back more.

6 Q Is that the girl right there?

7 A Yeah. You got to go back a little bit more.

8 GRAND JUROR: Oh, that's when she runs.

9 MS. NADELL: I didn't go far back enough. I'm

10 sorry.

11 GRAND JUROR: Can we flip the lights off?

12 MS. NADELL: Yeah, I was wondering if that would

13 help.

14 THE WITNESS: Yeah, the --

15 MS. NADELL: Absolutely. Oh, you got it?

16 BY MS. NADELL:

17 Q So just so the record is clear, we went back to

18 8:52 and 24 seconds. And that was just another muzzle

19 flash?

20 A Yep.

21 Q Which I think we saw earlier.

22 A Right.

23 Q And that was another one, Detective?

24 A Yes. There's several more. You can see now.

25 Q And that is when the shooting just occurred there?

1 A Yeah. We -- in orbit -- fires another shot and
2 then Officer Dyke shoots him one time right after he shoots
3 again.

4 GRAND JUROR: Was there a time stamp for the
5 officer shooting?

6 BY MS. NADELL:

7 Q Let me go back.

8 A 20:53 is when it's broadcast.

9 Q So I've been -- I've rewound again to 20:52 and
10 55.

11 A There's the multiple shots.

12 Q That is still just coming from Mr. Stanton? I'm
13 correct?

14 A Yes. Then he fires once more. You can barely see
15 the muzzle flash and then he's shot.

16 Q So I'm going to pause it real quick there and just
17 ask the questions. So the child -- at the time Mr. Stanton
18 is shot, she's off the porch. Correct?

19 A Yes.

20 Q I'm going to continue to let it play and then we
21 can -- you can watch this as many times as you need to of
22 course. And how many times did Officer Dyk fire his weapon?

23 A He fired his patrol rifle, his AR rifle, one time.

24 Q And Mr. Stanton was struck one time then?

25 A He was. No, we were early. There it is.

1 Q Oh, we were early. I'm sorry.

2 A Yeah. We were early.

3 GRAND JUROR: Can you go back now?

4 MS. NADELL: Yes.

5 THE WITNESS: That's a better view.

6 BY MS. NADELL:

7 Q Sorry. It's very finicky here. So just for the
8 record, we are at 20:53:43 now.

9 A There. Muzzle flash and then the shot.

10 Q So I think it's right at the switch over from
11 20:53 to 20:54 for the record?

12 A Yeah.

13 Q So as we're watching this, what happens based on
14 you review of the video and the involved officer reports?
15 What are we going to see happen next on the video?

16 A So what happens next, officers are now making a
17 plan to go, number one, to get the girl because they don't
18 know how much -- how debilitated Mr. Stanton is. So they're
19 making a plan to approach him. And then, at the same time,
20 try to get the girl out of the situation.

21 So that's what -- they're making a plan now.
22 They're ordering -- the sergeants have portable shields. So
23 like SWAT team would have. We have those in sergeant cars
24 so they're bringing those shields up so they can approach
25 Mr. Stanton and then rescue the girl and then provide

1 medical aid to Mr. Stanton.

2 Q Based on your training and experience -- I mean,
3 was -- is that pretty typically that they would still, even
4 though it appears Mr. Stanton is -- I mean, he's down of
5 some sort -- that they would still create a plan to approach
6 and --

7 A He's down but they don't know --

8 Q -- be mindful --

9 A Yeah. How badly he's hurt. They know the firearm
10 he had is right next to him. So they have to make a plan to
11 approach him safely. And several officers are further to
12 the north. There's only two that are right here. So they
13 got to wait for all those assets to come up to the scene.

14 Q Is that the girl right there?

15 A And that's the girl right there. And here's
16 officers approaching now. So they grab her. They toss the
17 gun that was used by Mr. Stanton's knee. They toss it away.
18 And then they start providing medical aid. An ambulance was
19 staged. We routinely do that. We stage an ambulance there.
20 So once they make the scene safe, an ambulance is brought up
21 right away. But officers are providing first aid now to
22 him.

23 Q Can you describe that a little bit more? Why
24 would an ambulance be called? I presume you meant prior to
25 anyone getting shot.

1 A Yes, absolutely. So any type of these incidents
2 is -- you know, where shots are fired, they're making a
3 plan. They stage an ambulance for whatever need, whether
4 that's somebody that's been shot or an officer gets hurt or
5 in this instance, Mr. Stanton. It's there and ready for us
6 quickly. Rather than waiting for this to happen, then
7 calling them, we stage it so it's there quickly as possible.

8 Q So I guess my question though, Detective, is
9 that's -- based on your training and experience, that's
10 normal protocol for a call like this where someone is
11 shooting in a neighborhood and it's unclear exactly how that
12 situation is going to result.

13 A Yes, absolutely.

14 Q And based on your review of the reports in this
15 case, what did officers do with the child after this?

16 A They took her to East Precinct and then we
17 coordinated contacting the mother and then Mr. Stanton's
18 family.

19 Q So she was removed from the scene though?

20 A She was removed from the scene right away.

21 Q And was she physically unharmed?

22 A She was. There's that ambulance.

23 Q And was Mr. Stanton transported anywhere?

24 A He was not. AMR personnel worked on him in the
25 ambulance and then pronounced him deceased in the ambulance.

1 Q So after Officer Dyk discharged his weapon, is
2 he part of this team that we're watching work on Mr. Stanton
3 or --

4 A No.

5 Q Can you explain kind of Portland police training
6 and protocol related to that?

7 A Sure. So once an officer has identified that he
8 used deadly force, the sergeant, the supervisor on the scene
9 takes them out of that scene as quickly as possible. And
10 then, they're kind of sequestered by themselves. And then a
11 support person to just be with them until the investigative
12 team arrives.

13 Q And I just want to clarify again, when you say use
14 of deadly force, you, in this instance, mean discharging a
15 firearm?

16 A Correct.

17 Q So didn't -- like if Mr. Stanton had survived
18 this, the same protocol would have been followed?

19 A Same. When I say use of deadly force meaning
20 you're firing a weapon that could kill someone. So that's
21 use of deadly force.

22 GRAND JUROR: Would that have applied to anybody
23 who had fired at all at that point?

24 THE WITNESS: Yeah. So say even if there was four
25 officers that would fire, they all get the same thing.

1 They're put in a separate area. We have traumatic
2 incident -- you know, other officers have been involved in
3 shootings. They respond to the scene and then they sit with
4 the officer. Then they're sequestered just so they don't
5 talk to each other. That's -- it's a traumatic incident,
6 obviously.

7 So we want somebody there with officers as support
8 but then also we want to make sure the investigation is as
9 good as we can make it so people aren't talking. Everybody
10 has their own interpretation of what happened and what they
11 witnessed. So there's no cross-contamination of perception
12 of what happened.

13 MS. NADELL: Do the grand jurors want to watch the
14 actual moment of the shooting again or should we continue
15 with the testimony and -- I have it queued up. I mean, it's
16 available to you but before I turn the lights back on. I'm
17 seeing head nods say no.

18 Of course, it is part of the evidence. You can
19 request to watch it at any time. Turn the lights back on.
20 If I can dim the lights a little. There we go. Quite
21 bright after having them off.

22 BY MS. NADELL:

23 Q Detective Sims, I have a photograph up. Is that
24 120 Southeast 126th Avenue?

25 A That is.

1 Q Taken the evening of Mr. Stanton's death?

2 A Right. So once we're at the scene, we have
3 criminalists there and these are -- all these pictures
4 you're going to see is from the criminalists that are
5 processing the scene. This is their pictures that we take.

6 Q Based on your investigation, is this the residence
7 that Officer Dyk was at when he fired his weapon?

8 A Yeah. What we're looking at, this fence, this
9 gate area is where Office Dyk is standing and he's seen to
10 the west. So Mr. Stanton's residence is across the street.

11 Q And are these two closer up shots of that carport
12 area, then the actual fence area?

13 A It is.

14 Q Just in terms of the fence, or I should clarify,
15 the gate, is that how it appeared to you and the
16 criminalists after the incident?

17 A It is.

18 Q So you don't have personal knowledge of whether
19 that gate was open or closed at the time the shot was fired.
20 Correct?

21 A I don't.

22 Q I guess just to point out, is that like red crime
23 scene tape up here at the fence line and by the --

24 A Yes.

25 Q -- car covered in tarp?

1 A Yeah. We use the different colors. The red is
2 the inner crime scene. So that's the tighter area where
3 everything happens. Yellow crime scene tape is further out
4 just to prevent other pedestrians coming in there.

5 Q Then what are we looking at in these two
6 photographs?

7 A So this is a placard. These are what's called
8 evidence placards. And you'll see more of these. But these
9 are to signify where an item of evidence is located. So
10 number one placard is the spent shell casing from Officer
11 Dyk's rifle. So that's where we located his spent casing.

12 Q After you arrived on scene, were you present and
13 did you help facilitate what's called a round count with
14 Officer Dyk?

15 A I did.

16 Q Can you tell the grand jury what a round count is
17 and what this particular count showed for Officer Dyk's
18 firearm?

19 A Sure. So what we do is we have mobile precincts
20 that come to the scene. It's like a giant RV but it's a
21 command post where we can go and interview people, debrief.
22 So what we do is the officer is there and we take overall
23 pictures of the condition of the officer's uniform
24 documenting any injuries, any defects to their clothing.
25 Then we also do what's called a round count of their

1 weapons.

2 So the weapon they fired, we document how many
3 rounds are still in the weapon. That let's us know how many
4 rounds were fired. Then we also do a countdown of other
5 weapons they have on them. Like Officer Dyk used his patrol
6 rifle in this. But he still had his duty weapon, his
7 handgun. And we also did a countdown of that just to
8 eliminate any other possibilities of where a round came from
9 so we know 100 percent that the one spent casing came from
10 Officer Dyk's patrol rifle.

11 Q Did that round count corroborate the other
12 information you had learned that Officer Dyk fired his rifle
13 one time?

14 A It did. So he had one round in the chamber of his
15 rifle. And 16 in the magazine. The magazine holds 20 but
16 by policy, we only load them to 18 because the theory is
17 that if you load them fully, you know, all the time, it
18 wears the spring out in the magazine.

19 So we load them two less than maximum just so
20 there's not wear on that spring. So by policy, he's
21 supposed to carry 18 in a 20-round magazine. So with 16 in
22 there, one in the chamber, that leaves us with one spent
23 casing. So everything matched up with the evidence at the
24 scene.

25 Q And then, Officer -- or excuse me, Detective Sims,

1 are these two photographs taken sort of from that 160 --
2 120, excuse me, address?

3 A It is. This is the perspective that Officer Dyk
4 would have had. Obviously, this is at night a few hours
5 later. So he had a better visual at daytime. And then --

6 Q Oh, go ahead.

7 A Yeah. So here's the front of Mr. Stanton's
8 residence. Obviously, he's -- the criminalists have super
9 bright lights. It's almost daylight. But that's why. It's
10 the criminalists' lights. So what you can see in this
11 picture is the shields that --

12 Q I'm sorry. Just to clarify --

13 A Oh, sorry.

14 Q -- are we talking about the left side or the right
15 side of the picture just so the record is clear?

16 A Both of them are the residence. They're just
17 different perspectives of --

18 Q So why don't you talk --

19 A -- the picture.

20 Q Start with the left and just (indiscernible) --

21 A Okay. So the picture on the left kind of shows
22 more of the driveway. But you can see there's an officer's
23 helmet on the far right here, the shield. Then all the
24 evidence placards are different items of evidence. Then
25 I'll switch to the picture on the right just because it's a

1 better view. All these placards here on the ground are
2 spent shell casings. And then, some other items of
3 evidence. There's the first aid kit that officers used.
4 That's that. And then more spent casings and then other
5 items of clothing.

6 Q Is that also the front yard just a different
7 angle?

8 A Yep. It's a different perspective.

9 Q So the -- sort of the shields -- is that what the
10 officers were carrying when they came up to render aid to
11 Mr. Stanton?

12 A Yes. Then those are all -- all those placards are
13 numbered just like we saw Officer Dyk was number one. So
14 then it continues numerical through all the items of
15 evidence.

16 Q What are we seeing here with the photograph and
17 placard number six?

18 A So this is a handgun that Mr. Stanton had at the
19 time of the shooting. This is the handgun he had that he
20 was shooting out the front porch. It's a 9mm caliber
21 handgun.

22 Q And I think you testified earlier that when
23 officers approached him on the patio, one of the officers
24 moved that gun to this location. Is that correct?

25 A That's correct. So it was under Mr. Stanton's

1 knee when they approached. So an officer grabbed it and
2 then moved it into the yard so it was out of the way.

3 Q Is that for officer safety, as well?

4 A Officer safety and just so nobody else messes with
5 it. You move it once and then they can leave it there.

6 Q Based on the evidence at the scene, as well as
7 your review of the reports and the video, is -- do you
8 believe this to be the weapon Mr. Stanton fired just before
9 he was shot?

10 A Yes, that's correct.

11 Q Was there evidence found at the scene that Mr.
12 Stanton possessed and used a second firearm during this
13 incident?

14 A Yes.

15 Q What was -- what type of firearm in addition to
16 this one?

17 A Sure. So the --

18 Q Oh, sorry. Let me back up. This --

19 A Yeah, here's closer up. It's a Beretta 9mm. It's
20 just a close-up. And then -- oh, okay.

21 Q You can answer the question and then we'll -- so
22 what was the other type of gun --

23 A Yeah, so -- well, let's go --

24 Q -- that was --

25 A Well, let me finish -- well, so the Beretta was

1 loaded. There was a round in the chamber. And it had
2 eight rounds in the magazine. And then, the other shell
3 casings that were on the front porch were .223 caliber. So
4 we knew we were also needing to locate a .223 caliber
5 weapon, as well.

6 Q So that's a different type of handgun and --

7 A Different type of --

8 Q -- a 9mm. Correct?

9 A Yes.

10 Q So --

11 A So this is the interior residence of Mr.
12 Stanton's. Just inside the front door. And these pictures
13 are a little clearer. You can see that 42 placard is a
14 spent shell casing. Then there's some more there inside the
15 residence.

16 Q And what about this photograph?

17 A So this is kind of a dresser on the interior,
18 placard number four. Here's more spent. These larger
19 casings are the .223 caliber. This is a live round. So
20 that's what it look when it's unfired. This is fired. And
21 then these are all 9mm shell casings that match the handgun
22 that we found in the front yard meaning we know
23 ballistically, they've been tested, that these shell casings
24 were fired by that handgun that was found in the front yard.

25 Q Was there also ballistics testing done for the

1 .223 ammunition?

2 A There was.

3 Q Did that also --

4 A Yes.

5 Q -- match to a firearm found?

6 A There was. In the -- one of the bedrooms, what we
7 believe to be Mr. Stanton's bedroom, we located this
8 backpack and along the wall was this AR rifle. It's an Aero
9 Precision .223 caliber AR. So I did ballistic testing on
10 this and it matched the shell casings that we found inside
11 the residence and outside the residence to match.

12 Q Did you attend an autopsy performed on
13 Mr. Stanton?

14 A I did. The very next morning after this incident.

15 Q During that process, were the clothes that Mr.
16 Stanton was in at the time of the incident, were they
17 searched or looked through?

18 A Yeah. We inventory everything that's found. And
19 during that inventory, we found 11 more spent 9mm casings
20 that were in his pockets.

21 Q Can you -- and I don't know if you have your
22 report up?

23 A Yeah, I have it.

24 Q Can you basically summarize for the grand jury the
25 number of casings found at the scene and the types?

1 A Sure.

2 Q Of spent casings I should clarify.

3 A Yeah.

4 Q Thanks.

5 A So there was 20 spent 9mm casings located at the
6 scene in addition to the 11 that we found in his pockets the
7 next day at the autopsy. And then there was 31 .223 spent
8 casings that we located between outside the residence and
9 then inside the residence.

10 Q Then at the autopsy, Detective, did you personally
11 observe evidence of a gunshot wound to Mr. Stanton's torso?

12 A I did.

13 Q Based on your observation, was there just the
14 single gunshot wound or more than one gunshot wound?

15 A One gunshot wound.

16 MS. NADELL: I don't think I have any other
17 questions for you at this time. We'll see if the grand
18 jurors have questions. Go ahead.

19 GRAND JUROR: Do you have an estimate of the
20 distance from where Officer Dyk fired to that front porch?

21 THE WITNESS: I do. 136 feet exactly. I had them
22 laser measure the distance from where that gate was to the
23 front door of Mr. Stanton's residence.

24 MS. NADELL: So just so the record is clear,
25 that's the distance from the gate we saw to --

1 THE WITNESS: Where I think Officer Dyk was.

2 MS. NADELL: -- where -- right.

3 THE WITNESS: To the front door of Mr. Stanton's
4 residence is 136 feet.

5 GRAND JUROR: And he was firing a --

6 THE WITNESS: AR -- Colt AR .223. Same exact
7 caliber that was recovered from Mr. Stanton's residence.

8 GRAND JUROR: Did he have any targeting system?

9 THE WITNESS: He has an EOTECH. It's a red --
10 it's called a red dot sight. It's a holographic sight.
11 It's not magnified but it aids in shooting at distance. So
12 that's what's on his rifle is an EOTECH sight, red dot
13 sight.

14 GRAND JUROR: Was he coordinating that shot with
15 anybody else or taking orders or was that totally on his own
16 to make that decision?

17 MS. NADELL: If that answer would require you to
18 say what other people told you, then I'm not going to let
19 you answer that question.

20 GRAND JUROR: No, I --

21 MS. NADELL: I think --

22 WITNESS: The only way I would answer it is we're
23 able to make our own decisions as officers. Everybody is in
24 different positions, sees different things. So it's up to
25 our individual determination to make that.

1 MS. NADELL: Just want to clarify --

2 GRAND JUROR: To make that --

3 MS. NADELL: I don't want the detective talking
4 about hearsay. But --

5 GRAND JUROR: Yep.

6 THE WITNESS: Yeah.

7 GRAND JUROR: Cool, thank you.

8 THE WITNESS: Sure.

9 GRAND JUROR: At the time that he did the shot,
10 was there any knowledge of other people in the house or did
11 they just know of the daughter outside of the house?

12 THE WITNESS: The only information we had was
13 Mr. Stanton and then the daughter.

14 GRAND JUROR: And the daughter.

15 THE WITNESS: Yeah.

16 GRAND JUROR: Did the shot go through the body
17 into the house?

18 THE WITNESS: No, it did not penetrate.

19 GRAND JUROR: Did you guys --

20 MS. NADELL: And you know that based in large part
21 on your presence at the autopsy. Correct?

22 THE WITNESS: Correct. Yes.

23 GRAND JUROR: Had the officers had previous
24 contact with Mr. Stanton before this?

25 MS. NADELL: I think that's a potentially fair

1 question for officers that were on scene since Detective
2 Sims was not there at the time. I don't --

3 GRAND JUROR: Or like does he have a prior record?
4 Was he known --

5 MS. NADELL: That question would not be probably
6 admissible.

7 GRAND JUROR: Where in the torso was he shot?

8 THE WITNESS: It was kind of center stomach just
9 right here.

10 GRAND JUROR: Diaphragm-ish?

11 THE WITNESS: Yeah. Maybe just under the ribs.

12 GRAND JUROR: I don't know if you can answer this.
13 But is there a protocol or a use of force steppingstones to
14 it to like -- I'm sure he couldn't just walk up and shoot.
15 Is there -- you have to make contact then you can shoot or
16 is it all up to the officer's discretion?

17 THE WITNESS: I think the officer that was there
18 will be able to articulate their thought process
19 (indiscernible).

20 GRAND JUROR: But there is no -- nothing in police
21 training or handbook for that?

22 THE WITNESS: I'm trying to think how to answer
23 this. This circumstance -- it takes it to the highest
24 level, obviously, because he's actively shooting. Right.
25 And so, you know, you're going to hear from officers how

1 they -- the first step was to contact him, announce people
2 are here, come out with your hands up.

3 When he comes out and does not do that and then
4 comes out and is now firing when they're making those
5 challenges, it's obvious that they're not getting
6 cooperation. So that bumps it up another level, obviously.
7 So there wasn't really a whole lot of -- left on the force
8 escalation at that point.

9 MS. NADELL: And I think that's an important
10 question and one that I would encourage you to ask of some
11 of the officers that were on scene, too. Other questions?

12 THE WITNESS: Video? You don't need me to go
13 through the video anymore? Okay.

14 MS. NADELL: Again, it's still available --

15 THE WITNESS: Yeah.

16 MS. NADELL: -- whether or not he's here or not.
17 Thank you so much, Detective.

18 THE WITNESS: Thank you.

19 MS. NADELL: Would you all like to take a quick
20 break or -- okay. Thumbs up. We will go ahead and pause
21 the record and take a quick break.

22 (Off the record.)

23 (On the record.)

24 MS. NADELL: We're back on the record in the same
25 death investigation and we are going to hear from

1 Daniel Walker.

2 (Simultaneous comments.)

3 MS. NADELL: All right. Sir, so that is going to
4 be your seat. If you could go ahead and put your stuff down
5 and then stay standing and raise your right hand and the
6 foreperson will swear you in.

7 DANIEL WALKER

8 was thereupon called as a witness; and, having been first
9 duly sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MS. NADELL:

12 Q Have a seat. And once seated, can you state and
13 spell your first and last name, please?

14 A Daniel Walker. D-a-n-i-e-l W-a-l-k-e-r.

15 Q Mr. Walker, can you tell the grand jury where you
16 live?

17 A I live on .

18 Q And I saw you just looked at the screen. Is --
19 that's an aerial map. Do you see your address there? The
20 numbers are sort of small but --

21 GRAND JUROR: There's no numbers on that screen.

22 A Oh, yes, I do. On the upper left-hand corner.

23 Q Oh, great. So I'm just going to point behind you
24 if that's okay.

25 A Yeah.

1 Q Is it this residence right here?

2 A That's right.

3 Q And how long have you lived there?

4 A Close to five years now.

5 Q Were you home on July 27th of 2022?

6 A I was.

7 Q What were you doing that evening?

8 A I was in my front yard watering.

9 Q Do you remember what sort of day it was in terms
10 of the weather?

11 A I recall it was clear, warm.

12 Q Kind of typical Portland --

13 A Summer, yeah.

14 Q -- sunny day?

15 A Yeah, that's right.

16 Q Did anything happen while you were out watering
17 that caught your attention?

18 A Yes. There were bangs. There would be three and
19 four and then a pause and a group more. I'm a little bit
20 embarrassed about this. But it was -- there had been
21 several like that similarly around the neighborhood
22 following the July 4th and so I assumed that it was leftover
23 fireworks. I don't -- I'm privileged to not know anything
24 about guns and violence and so forth. So I kept watering.

25 Q And so you heard -- I'm sorry, just to clarify.

1 A Yeah.

2 Q So you -- can you kind of describe how many you
3 heard like when you still thought they were fireworks?

4 A I'd characterize it as about a dozen over the
5 course of five minutes.

6 Q And then what happened?

7 A Well, I looked over and I could see Aaron, the
8 neighbor in question, I could see his -- I could see him
9 moving around through the hedges. Kind of his head over the
10 hedges and he didn't seem to be in any great -- he was just
11 on his property kind of moving back and forth. He didn't
12 seem to be in any great hurry or -- and again, I sort of
13 naively kept watering until I saw my neighbor directly to
14 the south who has been in the military.

15 And he was on his porch in the crouched ready
16 position and he had his pistol in his hand and he was
17 looking at me wide eyed. And he mouths the words those are
18 gunshots or something like that. He's looking at me amazed
19 that I'm not -- right. So I dropped the hose and run
20 inside.

21 Q So based on your neighbor telling you those are
22 gunshots, you --

23 A Yeah, yeah, yeah.

24 Q -- get out of there?

25 A Immediately. I could tell by his stance and

1 expression.

2 Q And then what happens when you go inside?

3 A My daughter was home so I sent her down into the
4 basement. And then I took a position in the small window on
5 the south side of my home that looks -- it's got kind of a
6 fortuitous view of Aaron's home. It kind of -- it's a very
7 small narrow window but I can see right to his front door.

8 Q Is it on the -- is your home a one-story home
9 or --

10 A It is.

11 Q So on the main level there?

12 A Yeah, on the main level. So I take up a position
13 there just to keep my eye on the situation. And --

14 Q And what happens later?

15 A So what happens then is that he is -- he -- I
16 don't see him first. I've gone inside and he's clearly gone
17 inside or -- I can't see him but then what I do eventually
18 see is him step out onto his porch or deck. He's got a very
19 small deck just -- he's got a one-story house, as well.

20 Got a very small deck at his front door. And he
21 steps outside just barely outside. It's almost like one
22 foot in, one foot out. And I see him raise his gun and just
23 shoot into the air. He's not targeting anything. And it's
24 like several -- three, four bursts. And then he steps back
25 in. And I don't hear any yelling or anything like that.

1 But then he'll disappear for about five minutes
2 and then back out he'd come. And squeeze off a few more.
3 Again, not targeting anything but up in the air. At this
4 point, I'm texting with my neighbor Jesse (ph.), my neighbor
5 across the street. Have you all called 911. Yes, I have.
6 So on and so forth.

7 Q Did you personally call 911?

8 A I did. By the time I called, they clearly had
9 gotten the word. And so, it just continued on like that for
10 a while.

11 Q And by continued on, what do you mean?

12 A Of just me observing him in/out. At one point,
13 there was a -- again, I don't know much. But I knew enough.
14 It was a different gun.

15 Q And how was it different to you?

16 A It was -- before it was a pistol and this was a
17 long gun. And I just kept observing. It was scary but I
18 didn't feel threatened. He stayed in his porch, he stayed
19 -- his daughter was in there.

20 Q You saw her or --

21 A Well, no. Not during the incident.

22 Q No, okay.

23 A But I'd seen them earlier in the day playing.

24 Q Got it. So you assumed his daughter was home?

25 A Well, yeah. I guess I did because of -- and I

1 found out later that she was but I also saw -- they had
2 been riding bikes earlier that day and there was her helmet.
3 All the tell-tale signs of her still being there.

4 And so, and then it was just a wait for the cops.
5 My wife had been out at the gym so I was in touch with her.
6 By the time she got back, she wasn't -- she couldn't drive
7 back onto the street.

8 Q Like the police had --

9 A (Indiscernible) yeah.

10 Q -- shut it down?

11 A Shut down the street. When I finally was aware of
12 the police presence, they broke into the -- into our -- my
13 neighbor to the north, into his backyard, and kicked a hole
14 between our -- in the fence between our backyards and then
15 kicked another hole in the fence in the other side. Right.
16 So --

17 Q So I want to make sure -- I'm going to bring the
18 map back up if that's okay.

19 A Sure.

20 Q And have you --

21 A Yeah. You can't see it but --

22 Q -- show us what happened.

23 A -- they -- there is a neighbor here to the north.
24 They came in his -- kicked a hole in the fence here. Kicked
25 a hole in the fence here so that they could take up

1 positions -- I don't know if they went even farther on or
2 if those are the only two. But to take positions from cover
3 is what I --

4 Q And I'm just going to clarify for the record since
5 we're recording audio --

6 A Yes.

7 Q -- so you pointed to the north of your house.
8 That's where the first hole in the fence was.

9 A Yes.

10 Q Then at 114 --

11 A That's right.

12 Q -- there was also a hole.

13 A Right.

14 Q So you had holes on both sides of your fences?

15 A Yes. And I don't know how far it went down but
16 again --

17 Q Fair enough.

18 A -- to take up positions with cover.

19 Q Did you see them take cover anywhere in the front
20 of your house?

21 A Yes.

22 Q I don't know if you even --

23 A Well, I saw them approach and then when they
24 approached there, that's when I retreated down to the
25 basement with my daughter.

1 Q Could you still hear stuff when you were in the
2 basement?

3 A Oh, yeah. I could still -- yes, yes.

4 Q Tell us what you heard once you retreated.

5 A Pretty quickly after that, there was the cops on
6 the bullhorn and it didn't take long. The -- there was some
7 back and forth. But the only -- but quite little. The only
8 words I recall specifically is this is OPD and even -- I'll
9 screw this up. But it was -- this is OPD, come out, or put
10 the gun down. Or -- the standard issue warning. And here
11 I'm going to -- this is probably discouraged but I'll
12 speculate a little bit.

13 Q Don't speculate. Not discouraged. Not allowed.
14 But I appreciate it the warning.

15 A After that, there was -- very quickly after that,
16 there was gunfire. And it didn't last terribly long.

17 Q And you were in your basement for the --

18 A I was in the basement at the time. But after --
19 forgive me.

20 Q Go ahead.

21 A Well, after, I would say about five minutes after
22 the last shot, reemerged to look out the window. At this
23 point, it was cop cars everywhere and sirens. And -- or --
24 forgive me. Lights.

25 Q Can I ask you a couple more follow-up questions?

1 A Of course. Of course.

2 Q So when you were out watering and you heard the
3 bangs and you describe them as initially thinking they were
4 fireworks.

5 A Yeah.

6 Q You testified that you looked over and saw Aaron.
7 Was there any --

8 A Um-hum.

9 Q And first question, did you know him prior to this
10 incident?

11 A Yes and no. By sight. But he had been quite --
12 he kept to himself. I would often try to keep a gaze open,
13 right, like --

14 Q Sure.

15 A He just -- riding his bikes in front and -- but he
16 clearly didn't want to reciprocate. But we never really had
17 any bad interactions.

18 Q Did you know him as Aaron or did -- like did you
19 know --

20 A I knew him as Aaron because we had -- another
21 neighbor I am close with had chatted with him earlier on.

22 Q And so, you testified that after you were starting
23 to hear these bangs that you believe at the time to be
24 fireworks --

25 A Yes.

1 Q -- that you looked over at Mr. Stanton and he
2 was outside. Was there something -- was there a specific
3 reason you looked in that direction or was that just part of
4 you watering that you were looking there?

5 A You mean looked in the direction of my neighbor
6 who knew what was up?

7 Q Yes. No, no, no. When you earlier testified you
8 looked in -- towards Mr. Stanton's house, when you saw him
9 outside --

10 A That's Aaron's last name?

11 Q I'm sorry. Aaron's name. Yes.

12 A I -- okay, Mr. Stanton.

13 Q Aaron. What drew you to look there? Was it just
14 coincidence or was it something about --

15 A Oh, this was --

16 Q -- the sounds?

17 A That's where the sound was coming from. And
18 there'd had been times where he'd like -- there had been
19 instances where he played music super loud which -- for
20 short periods of time and I didn't really mind so much. But
21 from time to time, there'd be kind of like notable ruckuses.
22 But nothing outlandish. But again, I just -- I thought he
23 was --

24 Q But you recall the noise coming from the direction
25 of --

1 A Oh, yes.

2 Q -- that house.

3 A Oh, yes. Yes.

4 Q Could you tell -- when you first looked out, I
5 think you said he was just sort of outside. Was he doing
6 anything that you could see?

7 A My -- there was some hedges that sort of obscured
8 the view. So I could see him, you know, I could see the
9 shadow of his profile passing behind them. At low points, I
10 could see his head. But what I don't recall is seeing any
11 movement that seemed alarming. Right. Like, well, it's
12 Aaron. I guess he's setting up more fireworks and kept
13 watering.

14 Q Then after you go into the home, that is when --
15 am I understanding you correctly that's when you first see
16 him with a firearm?

17 A That's right.

18 MS. NADELL: I think those are the questions I
19 have. The grand jurors are allowed to ask questions and
20 we're going to see if they have any. Go ahead.

21 THE FOREPERSON: You said that when he was
22 shooting the handgun, it was into the air. How about when
23 he brought out the rifle, was it also into the air?

24 THE WITNESS: Yes. All of the shots that I
25 witnessed him take were to the east and up to the sky.

1 MS. NADELL: So the east would be towards like
2 your side of the street?

3 THE WITNESS: Yeah.

4 MS. NADELL: Got it.

5 GRAND JUROR: Was -- during those shootings or the
6 quiet parts, did you hear Mr. Stanton saying anything?

7 THE WITNESS: Not that I recall.

8 GRAND JUROR: When you went into the basement and
9 the police were giving commands, you said they were on the
10 bullhorn. Could you tell if they were just shouting or if
11 they did have like an amplified --

12 THE WITNESS: I couldn't say with certainty. But
13 I was under the impression that they had an amplification
14 device, bullhorn.

15 GRAND JUROR: Did you hear Aaron respond to any --

16 THE WITNESS: No.

17 MS. NADELL: Any other questions? Thank you so
18 much, Mr. Walker.

19 THE FOREPERSON: Thank you.

20 MS. NADELL: You are free to go. Don't forget
21 your stuff.

22 THE WITNESS: I won't.

23 GRAND JUROR: Thank you.

24 MS. NADELL: Thanks.

25 THE WITNESS: Yep.

1 MS. NADELL: I'm sorry for the delay. Can we
2 just pause really quick?

3 THE FOREPERSON: Yes.

4 (Off the record.)

5 (On the record.)

6 MS. NADELL: We are back on the record in the same
7 death investigation case. And Officer Pavon is here. And
8 raise your right hand to be sworn in.

9 LINO PAVON
10 was thereupon called as a witness; and, having been first
11 duly sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. NADELL:

14 Q Go ahead and have a seat. And state and spell
15 your first and last name, please.

16 A First name Lino, L-i-n-o. Last name Pavon, P-a-v-
17 o-n.

18 Q Can you tell the grand jury how you are employed?

19 A I'm a police officer with the Portland police.

20 Q And how long have you been an officer?

21 A Approximately 12 years.

22 Q Are you assigned to a particular precinct?

23 A Currently assigned to the East Precinct.

24 Q Were you working the evening of July 27th, 2022?

25 A I was.

1 Q Did you have a partner that day?

2 A I did.

3 Q Who was that?

4 A Officer Jimenez (ph.).

5 Q And did you and Officer Jimenez get dispatched to
6 a shooting investigation in the area of 125 Southeast 126 in
7 Portland?

8 A Yes.

9 Q Do you recall where you responded to? Like was it
10 that location or somewhere else?

11 A We got dispatched to that location. I set up a
12 staging location for officers to meet up and get together
13 and make a plan. And that location was 122nd Burnside at
14 the TriMet Park & Ride.

15 Q So right where the MAX runs.

16 A Right.

17 Q There's like a TriMet parking lot?

18 A Correct. Was just a few blocks away from the
19 target location.

20 Q What was the nature of the call or calls coming in
21 from what you remember?

22 A It came out as shots called. I believe a neighbor
23 called in and said one of their neighbors was outside firing
24 a gun.

25 Q And you've described the staging area. Did other

1 officers also go to that location?

2 A Yes.

3 Q Approximately how many other vehicles or officers?

4 Do you recall?

5 A Well, initially, it was just a few. But after
6 additional people start calling in reporting similar
7 behavior, multiple shots were being fired, so then I asked
8 for more. I don't recall how many but there were quite a
9 few.

10 Q Was there a sergeant on scene or at the staging
11 area?

12 A Officer -- Sergeant Pool showed up.

13 Q Is he assigned to a particular team? Do you know?

14 A He's assigned to the East Precinct.

15 Q And while you were at the staging area, could you
16 hear anything?

17 A Yes. We --

18 Q What could you hear?

19 A So we were getting ready to start doing intel on
20 the house and start assigning roles, we start hearing
21 multiple shots being fired again.

22 Q And what happened at that point when you could
23 hear multiple shots getting fired?

24 A Well, at that point, we decided that we needed to
25 move. We needed to put eyes on the house. We needed to see

1 what was going on. So I led the caravan, as you would,
2 and we went south on 126th and Burnside and we just stopped
3 to the north of the location.

4 Q When you say led a caravan, do you -- are you
5 talking about officer vehicles?

6 A Yes.

7 Q So you actually turn south onto 126th. Is that
8 correct?

9 A Yes.

10 Q And do you proceed to the location of where the
11 shots are coming from or do you remain away from that area?

12 A No. We stayed away. We parked the vehicles to
13 the north. I was getting my resources in place. Again, the
14 intent was to get eyes on the house. See if we could
15 identify which house we were looking at and where the shots
16 were coming from. So myself and a couple other officers
17 (indiscernible) as we move south on foot on the east side of
18 the street. We're about a few houses to the north from the
19 target area.

20 Q Do you remember the location that you moved to?

21 A I don't recall the actual address. It's on 126th.
22 It's on the east side of the street. And I would say
23 between three to four houses to the north.

24 Q So I have a map -- and if you -- if it doesn't
25 help refresh your memory, that's fine. But approximate area

1 if you can recall where you guys were at. The house
2 numbers are quite small but --

3 A I think it might have been 106th Southeast 126.
4 106.

5 Q Or thereabouts?

6 A Yeah. So there should be a big tree. So I see
7 the big tree up there which I was trying to use as cover.
8 And then a white SUV which we were standing behind. So
9 yeah, 106. That is on what -- during that time period.

10 Q And how many officers were at that location?

11 A At that location with me?

12 Q Yeah.

13 A At least three or four.

14 Q Was Sergeant Pool there?

15 A No, he was at the scene but not with me. Because
16 we --

17 Q Got it.

18 A -- were already attempting to move forward to put
19 eyes on the house.

20 Q Did any officers leave that area and go elsewhere?

21 Do you recall?

22 A Yes.

23 Q Who were those officers?

24 A I believe it was Officer Hertzler and Dyk.

25 Q And you mention an SUV. What role did that SUV

1 play?

2 A Well, we use it as cover. There was a big tree
3 (indiscernible) in the corner of the yard. And then the
4 vehicle, the SUV, was parked in the driveway. So we use it
5 as cover so we can have direct view of the house.

6 Q Could you personally have a view of 125 from that
7 location?

8 A Yes. So if I can point here?

9 Q Absolutely.

10 A Assuming the vehicle is kind of in the same area
11 here. So I was standing behind on the trunk side of the
12 vehicle. Then Officer Campbell (ph.) was standing on the
13 engine block so we could both see towards the house.

14 Q And was it just the two of you or others?

15 A No, there was other officers. We had somebody --
16 I think Officer Womble (ph.) was there, as well. He was
17 using some (indiscernible). Officer Lovato was there, as
18 well.

19 Q And what sort of gear did you have from that
20 location?

21 A Gear like equipment?

22 Q Were you in a uniform?

23 A Yeah, I was in full uniform.

24 Q Any extra equipment?

25 A I was carrying a rifle.

1 Q A rifle. Was that a bureau-issued rifle?

2 A Yes.

3 Q And was that something that you had to physically
4 remove from your car to take to that location?

5 A Yes.

6 Q And what was the reason for bringing the rifle to
7 where you positioned yourself?

8 A Well, the calls of shots fired. So when we have
9 calls involving guns, we bring those out. That gives the
10 ability to have more distance and be able to slow things
11 down a little bit.

12 Q Do -- are -- based on your training and
13 experience, is the rifle a preferred weapon for a shot
14 that's further distance, I guess?

15 A Absolutely, yes.

16 Q For accuracy?

17 A Yes.

18 Q And what do you recall seeing from the location at
19 the SUV?

20 A From there, at some point, we already identify the
21 house. We see an individual come out. We already talked
22 prior to that. We had a designated officer who was
23 dedicated only to commands. And the decision was that only
24 one officer was going to engage him verbally. We were going
25 to make ourselves known we were there. We're all in

1 uniform. We say that we're the Portland police and they
2 were just going to get a set of instructions to comply.
3 Drop the weapon, come out with your hands up. That was --
4 that's done prior to there.

5 Q I'm sorry. So that plan was put in place when you
6 were staging?

7 A Once we were at the location --

8 Q At the location.

9 A -- before we saw him the first time.

10 Q Who was designated as the person to give verbal
11 commands?

12 A Officer Lovato.

13 Q Were verbal commands given?

14 A Yes.

15 Q Do you remember what those were or what the
16 reaction was, if any?

17 A It was our first warning. Standard policy as the
18 Portland police. We know you're armed. Enforcement will be
19 used against you. Come out with your hands out. Commands
20 down the line.

21 Q Did the individual at the 125 Southeast 126th
22 Avenue residence respond at all?

23 A He did. He heard our commands and he responded
24 and he said suck my dick. You're a bunch of faggots.

25 Q So was he -- I mean, I guess, you're some distance

1 away from his residence. Was it your impression based on
2 what he was saying at the scene that he was responding to
3 the commands; it just wasn't --

4 A Yes, he was responding to us.

5 Q But was he -- did he seem to be compliant with
6 commands being given about hands or weapons or anything like
7 that?

8 A No, he was not compliant.

9 Q Did you see anyone else outside his residence?

10 A I did.

11 Q Who was that?

12 A A little girl. Child.

13 Q And walk us through sort of what happened when you
14 saw her and what unfolded.

15 A Well, from a distance -- and I have to go back in
16 memory here. From the distance where I'm at -- again, I'm
17 about three or four houses to the north. I would estimate a
18 little over 50 yards maybe. I can see her come out. I can
19 see the top of the head. I know it's a little person
20 walking back and forth. I see him coming out. After the
21 commands were given, he goes back inside. He comes back
22 out. Then he fires a single round into the air. Then he
23 goes back inside the house.

24 Q And where is your rifle when those commands are
25 given? I should have --

1 A I was pointed towards the direction of the
2 house.

3 Q So is that kind of how you positioned yourself
4 behind the SUV?

5 A Yes.

6 Q With your rifle aimed towards that location?

7 A Correct.

8 Q So he comes out, fires one round, and then seems
9 to go inside. What happens next?

10 A Again, the conversation was done between us -- as
11 long as he comes out, he starts firing in the air, we would
12 just continue to challenge him. We continue to give him
13 verbal commands and hope for compliance. The conversation
14 was also established if the gun gets leveled or starts
15 firing towards the direction, as the operator, then I would
16 have to make the independent decision either to take a shot
17 or not.

18 Q So I want to make sure we parse that out a little
19 bit. So there's a conversation amongst you and the other
20 officers at the SUV that as long as the shots being fired
21 are in the air, the only challenge Portland police would do
22 at that point is verbal --

23 A Right.

24 Q -- meaning try to get him to comply with verbal
25 commands. Is that accurate?

1 A Right.

2 Q And that there was further discussion amongst you
3 that if the position of his firearm changed -- and you used
4 the term level. What does that mean, level?

5 A If the -- well, it's pretty clear. If somebody
6 holds a gun and I'll illustrate it -- and they're shooting
7 up in the air. You can see the arm facing up that way.
8 Clearly, it's not directed towards us. Now, if you see the
9 hand began level, this direction, then it could be more of a
10 threat.

11 Q Then you mentioned that would be then the time
12 where you independently, as an officer, would have to make a
13 decision about what course of action you took.

14 A Correct.

15 Q What happened -- I think we left off with him
16 coming out shooting in the air and going back inside. What
17 happened next?

18 A I believe more commands were given. At some
19 point, I see him come back out. And multiple rounds started
20 shooting at that point. From a position, I can see that the
21 previous ones -- I can just see his hand. I can hear the
22 round. I didn't see it come out. (Indiscernible) time I
23 can see muzzle flashes coming out. And there was multiple
24 rounds. I can't say how many was it but it was a succession
25 of rounds coming. It was back-to-back, back-to-back. And

1 then all of a sudden, he disappears out of my sight.

2 Q Then what happens?

3 A Well, I see somebody on the radio say shots were
4 fired.

5 Q Got it. And by someone on the radio saying shots
6 fired, that was a Portland police officer announcing that?

7 A Correct.

8 Q And based on your training and experience, what
9 did that mean to you?

10 A That means an officer fired.

11 Q Got it. So in other words, when you saw this
12 individual shooting earlier, officers aren't -- the
13 terminology being used is not the same. Correct?

14 A The terminology used it was still -- like suspect
15 is still shooting, shots are being fired, and whatnot. But
16 this one -- an officer (indiscernible) said shots fired.

17 Q Based on your position at the SUV, what assessment
18 if any did you make about your ability -- if it got to the
19 point of you needing to take a shot, what factors were you
20 considering because of the girl being here?

21 A Well, I had a lot of factors. That was already on
22 my mind. I was rehearsing a scenario in case that happened.
23 From my distance, with the rifle I was in a pretty good
24 distance to take a shot. He was in my sights. He was in
25 elevated position. There was some bushes. I don't recall

1 if it was part of the fence from the previous -- from the
2 house next to it to the north or part of his property but
3 there was a fence around so there was bushes. Porch was a
4 little elevated.

5 And my main one was the fact there was a child
6 somewhere around him. I could see the upper part of her
7 like her head. I just -- I knew -- I believe she was kind
8 of like towards his right side of his body. And then
9 (indiscernible) with my sight and I just didn't feel it was
10 a good shot for me.

11 Q Were you part of the team that went over to the
12 location after it was announced that shots had been fired?

13 A Yeah.

14 Q And walk us through what you did as part of that
15 team.

16 A Well, I mean, once he disappeared from my sight, I
17 assumed that he was down. We all ran. We knew there was a
18 kid there so we all ran to make sure she was okay. That was
19 the main priority at that point really. So we all leapfrog
20 on the house and we got to it. We see her standing on the
21 porch and he was down.

22 Q Did you render aid or took the girl or what -- do
23 you recall what --

24 A We did.

25 Q -- you specifically did?

1 A I kept watching the door. Other officers
2 immediately went to try to render aid. Somebody brought the
3 girl and removed her from the scene.

4 Q Did you see -- and I don't want you to tell me
5 what you heard. Did you see an officer at -- where you were
6 positioned, did the -- did you see an officer shoot?

7 A No, I couldn't see that.

8 Q Is it your belief that happened somewhere else?

9 A Right.

10 MS. NADELL: I don't have any questions remaining.
11 The grand jurors may have some questions and we will check
12 in with them. Go ahead, sir.

13 GRAND JUROR: So it sounds like there were two
14 sets of commands. Like two different times given. Was that
15 it or were there more?

16 THE WITNESS: It could have been more. I know
17 Officer --

18 GRAND JUROR: Is that what you were --

19 THE WITNESS: -- Lovato -- every time he came out
20 of sight, he was verbalizing.

21 GRAND JUROR: No. You guys.

22 THE WITNESS: Like us giving him commands?

23 GRAND JUROR: Yeah.

24 THE WITNESS: Yeah.

25 GRAND JUROR: Oh, okay. Cool.

1 MS. NADELL: I think just so we're clear. You
2 said he would give commands every time he came out so --

3 THE WITNESS: Yes, Officer Lovato would. He was
4 our designated contact.

5 GRAND JUROR: Oh, okay.

6 MS. NADELL: Does that help clarify that?

7 GRAND JUROR: Yeah, yeah. Then was Dyk in that
8 meeting by the SUV about the rifle leveling?

9 THE WITNESS: He was already -- I don't know if he
10 was there. I know him and another officer had leapfrogged
11 to the south. So I don't know.

12 GRAND JUROR: So -- go ahead. No, go ahead.

13 GRAND JUROR: From your vantage point, did you
14 ever see the firearm leveled?

15 THE WITNESS: From my vantage point up here -- so
16 I mean, I can see the muzzle flashes and they were not up in
17 the air.

18 GRAND JUROR: But you don't know if he was
19 actually aiming at an officer or that he had just started to
20 level it.

21 THE WITNESS: Right. And just to be clear, I know
22 there were officers to the south. I don't know which house,
23 how close, or distance they were.

24 GRAND JUROR: Has there been any previous contact
25 with Mr. Stanton that you knew of before?

1 THE WITNESS: I've never had any contact with
2 him before. And prior to going to the house, I did search
3 the address and there was little history in our data system.
4 All we knew is that he was a concealed carry holder. And
5 there was some sort of domestic disturbance a few years --

6 MS. NADELL: So I'm going to -- we're not going to
7 get into that. And you'll strike that. Don't write that
8 down in your notes. I think that the fact that he had a
9 carry/conceal permit -- so he lawfully could possess the
10 firearm --

11 THE WITNESS: Correct.

12 MS. NADELL: Concealed on his person. Okay.

13 GRAND JUROR: Thank you.

14 MS. NADELL: Any other questions? Thank you so
15 much. You're free to go. We can go off the record.

16 (Whereupon, the proceedings ended at 3:14 p.m. on
17 December 13, 2022.)

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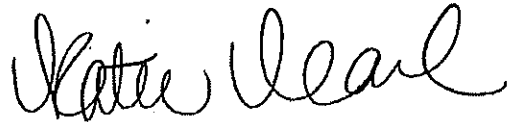
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C E R T I F I C A T E

I hereby certify that the proceedings set forth in the above-entitled matter were reported by audio recording; that thereafter I caused the said audio recorded notes to be transcribed into the foregoing transcript and the foregoing 75 pages constitute a full, true and accurate transcript of the proceedings as noted herein.

January 6, 2023



KATIE LEACH
Official Transcriber

Within this transcript of proceedings, some of the names and/or technical terms are spelled phonetically, inasmuch as exhibits, files and support documentation were not made available to us for reference.

