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

-----x  
STATE OF OREGON, :  
 :  
 : Nos. 051-1080053  
 Plaintiff : 051-1080462  
 : 051-1080463  
 : 051-1080464  
 v. :  
 :  
 PRECUP, MADISON, THURMAN, :  
 and RAMSEY :  
 :  
 Defendant :  
-----x

GRAND JURY B

Conducted by:

Kristen Kyle-Castelli, Deputy District Attorney

Case Nos. 051-1080053, 051-1080462, 051-108463, 051-1080464

Wednesday, September 4, 2024

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Transcribed by: Brianna Jackson

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

September 4, 2024

(9:09 a.m.)

(Whereupon, the following proceedings were held before Grand Jury.)

MS. KYLE-CASTELLI: All right. We are back on the record in an officer-involved shooting investigation, death investigation under DA case number 051-1080053, 051-1080462, 051-1080464, 051-1080463, and then a case against Paige Smouse (ph.), which is 051-1084813.

This is Grand Jury B, case number 42. Today is September 4, 2024, at 9:10 a.m. Kristen Kyle-Castelli on behalf of the state, that's K-y-l-e, hyphen, C-a-s-t-e-l-l-i, bar number 213028. We are going to resume testimony at the beginning of this day.

So I'm going to ask the foreperson to swear you in.

MS. SCHACKART: Okay.

ADRIANNE LISA SCHACKART

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

MS. KYLE-CASTELLI: Thank you very much.

DIRECT EXAMINATION

BY MS. KYLE-CASTELLI:

Q Can you please state and spell your name for the

1 record?

2 A Yes. My full name is Adrienne Lisa Schackart. My  
3 first name is spelled A-d-r-i-a-n-n-e, middle name L-i-s-a,  
4 last name, S-c-h-a-c-k-a-r-t.

5 Q Thank you. And where are you employed?

6 A I'm employed with the Oregon State Police as a  
7 forensic scientist. And my home lab -- there are five labs  
8 in the State of Oregon -- is the Portland Metro Laboratory  
9 housed in Clackamas.

10 Q Is there a particular type of forensic science  
11 that you specialize in?

12 A Yes. My primary duties are DNA analysis. I also  
13 do crime scene processing on occasion.

14 Q Thank you. What type of educational background do  
15 you have that qualifies you to do this type of work?

16 A Yes. I have a master's -- sorry. A bachelor's  
17 degree in microbiology from Oregon State University. During  
18 my tenure there, I did my crime field genetic work in a  
19 research laboratory.

20 I then went to work for the American Red Cross  
21 National Testing Laboratory where I tested blood for all Red  
22 Cross customers and some other private customers along the  
23 Western United States. I did testing there. I did  
24 equipment validation and maintenance. And the last four  
25 years I was there, I spent in the quality assurance

1 department. I also obtained a master's degree in public  
2 health administration and policy during my time there.

3 I then went to work for a private medical device  
4 company in a quality assurance capacity for a couple of  
5 years. And then with the Oregon State Police, where I've  
6 been about for the past 15 years. Most of the first year  
7 was spent in DNA analysis training.

8 Q So approximately about a year of DNA training once  
9 you started at Oregon State Police.

10 A Yes. There were some projects in there that  
11 trainees typically will do, organizing things, but yes.

12 Q And --

13 A About a year.

14 Q -- for 15 years, have you conduct -- have you  
15 participated in ongoing training about the field of DNA  
16 analysis?

17 A Yes. In fact, in order for us to be a CODIS  
18 participating laboratory, which the FBI controls, they  
19 require us to have eight hours of continuing education in  
20 DNA analysis every year. And I do complete that  
21 requirement.

22 Q Thank you. Just because you mentioned the CODIS,  
23 can you just explain what CODIS is?

24 A Sure.

25 Q Briefly.

1           A     Sure.  It's a database of DNA profiles.  It's  
2 called the Combined DNA Index System or CODIS for short.  
3 And it's a lot of individual DNA profiles from people  
4 submitting their DNA and DNA profiles from evidence.

5           Q     Thank you.

6           A     There's also a small subset for missing persons.

7           Q     Thank you.  The -- I want to turn just kind of  
8 generally to serology and just ask you, basically, I know  
9 this isn't your field of expertise, but can you give us kind  
10 of a rudimentary understanding of what serology is?

11          A     Sure.  So how we are structured in Oregon, at  
12 least within the last several years, is that evidence will  
13 come into the laboratory and a forensic biologist, someone  
14 who has different training than me, will receive the case,  
15 triage it, manage it, and they will do things like screen  
16 for biological fluids.  So serology testing is needed.

17                   And the types of screening they do vary from case  
18 to case.  So they will perform their screening, and they  
19 will make decisions about what forensic discipline to  
20 forward that evidence to.  So for example, if they decide  
21 that DNA is an important, would be important to answering  
22 the case question for the agency that's submitting the  
23 evidence, they will collect DNA in a manner that makes  
24 sense.

25                   So they'll usually swab the item and forward the

1 swabs to a DNA analyst such as myself. Or they will take a  
2 swab that they've received, and they will put it in a tube.  
3 That's typically how I receive evidence as a DNA analyst,  
4 just swabs and tubes in sealed packaging.

5 That makes our process much more efficient so I  
6 can just focus on DNA analysis.

7 Q And you said that they were kind of case specific.  
8 So just for kind of a hypothetical, like, in a rape case,  
9 would --

10 A Yes.

11 Q -- they be screening kind of for semen?

12 A Not how we normally screen rape cases at this  
13 time. So what they would do in that case is they would read  
14 the case scenario, and they would make a decision where we  
15 would expect semen to potentially be on an item or not. And  
16 then I, they will forward them appropriately, and I will  
17 test that a little bit differently if we suspect that  
18 there's semen versus not.

19 So if they allege that they were grabbed by the  
20 neck, that is not something we would normally suspect there  
21 to be semen on, so I would test them a little bit  
22 differently. But if it was a vaginal swab and they had  
23 alleged that semen was there, then we would test that for  
24 semen.

25 If the agency comes back and says it is important

1 not only to find DNA in her vaginal cavity, but we need to  
2 know if semen's there, at that point, we would take samples,  
3 the biologist would, and they would test for semen.

4 Q Okay. Thank you very much for the explanation.

5 A Yep.

6 Q So ultimately, would the biologist be swabbing for  
7 DNA in locations that they may expect to find DNA?

8 A Yes.

9 Q Okay. And then from there, once that swabbing is  
10 done by the biologist, can you explain, I know that you  
11 mentioned it would come to you in twos, but can you explain  
12 to us how that process would work of from the swab from the  
13 biologist getting to you.

14 A Certainly. So if they receive a swab, they're  
15 going to go ahead and sample that swab into a tube. If they  
16 receive an item such as clothing or a firearm and they want  
17 to swab that for DNA, they'll actually take a swab intended  
18 for this purpose. They'll swab the area, and they'll  
19 forward that swab to me. And all I do with that swab is put  
20 it into the tube. So either the biologist puts it into a  
21 tube, or I do.

22 And sometimes they'll collect extra swabs and  
23 retain it with the evidence for future testing as needed.  
24 So if something goes wrong with our equipment in the  
25 laboratory and we lose the sample, or if a defense expert

1 wants to do their own testing, we actually do our best to  
2 make sure that they have that option.

3 Q Thank you. So from there, once you actually have  
4 the swabs or the, somebody has put it in a tube, what --  
5 explain to us what your part in the process would be in your  
6 analysis.

7 A Certainly. So I'll, for brevity, I'll shorten it  
8 a little bit, so if there's any gaps in what I'm explaining,  
9 please ask. But we do have chain of custody measures that  
10 we take and secure measures that we take with the evidence  
11 locker. I don't have access to the evidence locker; I have  
12 to request evidence, and it's all tracked in the computer.

13 But I receive these tubes or the swabs that I'll  
14 put in a tube, and I'll secure it in my own personal  
15 evidence locker. And when I'm ready to do the analysis,  
16 that occurs in about four steps for DNA.

17 And so what I'll do is that swab will have  
18 cellular material on it. We'll pull the, in step one, we'll  
19 pull the cellular material off, break open the cell. And  
20 the DNA we're interested in forensically is the nuclear DNA,  
21 or the DNA in the center of the cell. So we'll break open  
22 the cells, pull out that DNA, kind of purify it, and then  
23 that is in the tube at the end of that process.

24 In the second step, we quantitate it. And what  
25 that means is we're just determining how much DNA we have.

1 And in certain cases, not this case, but in other cases  
2 like rape cases, we can get some information about how much  
3 male is there and make a decision about what pathway is best  
4 for that sample.

5 The third step will -- so the second step is  
6 determining how much DNA and forms the third step if we  
7 decide to carry it forward, which I did in this case, for  
8 the samples I received. And that's amplification. So  
9 that's making many, many, many copies of what I have so that  
10 I can analyze it in step four.

11 In step four, we obtain a DNA profile. I  
12 interpret that and I do any comparisons. And so what that  
13 means is typically, we have two types of samples that we're  
14 receiving. We call them unknown samples or forensic samples  
15 and known samples or samples taken from people that we know  
16 to be their DNA. So that can be the inside of their mouth;  
17 that can be their blood.

18 And so I'll take my unknown samples that I've  
19 interpreted, and I'll compare them to my known samples and  
20 write a report. All of my reports, all of my work is a  
21 hundred percent technically reviewed by another qualified  
22 analyst.

23 Q Thank you very much. So let's turn to the facts  
24 of this particular case. On May 22nd of 2024, did Biologist  
25 Shawna Jermaine (ph.) issue a report regarding serology

1 under OSP lab number 24L-110909, which is affiliated with  
2 a Portland Police Bureau incident number 24-680309?

3 A Yes.

4 Q And --

5 A And if I look down on my table, I'm looking at  
6 paperwork I have relating to this case, so I apologize if  
7 that's distracting.

8 Q No, that's perfectly fine. Thank you so much.  
9 And is Ms. Jermaine's report dated May 22, 2024, can you see  
10 that on the screen as well?

11 A Yes.

12 Q Okay. Could you just do just the favor of kind of  
13 walking us through kind of what Ms. Jermaine did in this  
14 report, documented in this report?

15 A Certainly. So in this report, she's describing  
16 the evidence that she's received and is analyzing.  
17 Sometimes they do receive evidence, and they don't look at  
18 it any further because there's evidence that they've  
19 received that might answer the case question better that  
20 they want to look at at first, or it may not answer a case  
21 question. So there's different reasons why they may not  
22 look at evidence.

23 But the evidence that they look at, they describe  
24 or have received. And it looks like she received a pistol,  
25 and so she's describing that, giving information. And she's

1 describing kind of her analysis and her results of that  
2 item. She also received a blood card as a known DNA  
3 standard from an individual, so she describes that and how  
4 she sampled that.

5 Q And to be clear, the pistol that she received,  
6 that's a Smith and Wesson M&P40 Shield pistol with a serial  
7 number of HNE6514; is that correct?

8 A That's what she reported, yes.

9 Q Okay. And then she, according to this report, she  
10 noted that there was some brown discoloration on various  
11 surfaces of the pistol; is that also correct?

12 A Yes.

13 Q Okay. Does it appear that Ms. Jermaine tested  
14 four of the areas on the slide and the frame of the pistol  
15 to see whether or not blood had been detected?

16 A Yes, she did.

17 Q And what did she determine as to those four areas  
18 that she tested?

19 A She reported that no blood was detected from that  
20 testing.

21 Q Okay. And then it appears that in the second  
22 paragraph underneath the Smith and Wesson pistol, is it  
23 correct, am I correct in saying that Ms. Jermain swabbed the  
24 textured -- two swabs from the textured surface of the,  
25 surfaces of the pistol?

1 A Yes. That's what she reported, yes.

2 Q Okay. And then she actually identified those as  
3 Exhibit 1.1.

4 A Mm-hmm.

5 Q And then two swabs were also collected from the  
6 front sight of the pistol as well.

7 A Yes.

8 Q She designated one of those as Exhibit 1.2.

9 A Yes.

10 Q And then from that point on, is that when  
11 Ms. Jermaine would have forwarded the Exhibit 1.1 and 1.2 of  
12 the swabs to you for DNA? Through the chain of custody,  
13 obviously.

14 A Yes.

15 Q Okay. And just so we're clear, chain of custody  
16 is kind of a procedure to make sure that internally within  
17 the Oregon State Police Crime Laboratory that the sample  
18 Exhibit 1.1 or Exhibit 1.2 that she has designated in that  
19 way is held secure until it gets to you; is that --

20 A Yes.

21 Q -- a rudimentary understanding of chain of  
22 custody?

23 A Yes.

24 Q Okay. And so the remaining swabs, she just kept  
25 those with the pistol?

1 A Yes.

2 Q And also in paragraph three, it does appear that  
3 she collected two swabs from the feet or lips and bridges of  
4 the bottom of the magazine. Okay.

5 A Yes.

6 Q And those swabs, she just retained with the  
7 magazine at that point in time.

8 A Yes.

9 Q Okay. So you were provided the Exhibit 1.1 and  
10 1.2 was what was sent to you in this.

11 A Yes, yes.

12 Q And --

13 A From the evidence. From the pistol.

14 Q From the pistol. Thank you very much. And then  
15 she also -- the one blood card, which was Exhibit 2.1, was  
16 the known standard of Richard Perez.

17 A Yes.

18 Q That was also forwarded to you.

19 A Mm-hmm.

20 Q Okay. So based off of once you received that  
21 information, those exhibits, Ms. Schackart, this is -- you  
22 began to work on your portion of the analysis that you were  
23 talking about with the quantification and amplification --

24 A Yes.

25 Q -- correct?

1 A That's -- yes, that's correct.

2 Q And did you issue a report on June 12th of 2024  
3 pertaining to the same agency case number, the PBB case  
4 number, and the lab case number?

5 A Yes.

6 Q. And can you see your report up on the screen right  
7 now?

8 A Yes.

9 Q Okay.

10 A I see page one.

11 Q You see page one. And just to scroll down,  
12 Ms. Schackart, is this page two of your report?

13 A Yes.

14 Q And is that your signature, the left-hand side of  
15 the page?

16 A That is my electronic signature, yes.

17 Q Okay. And then your report actually contains the  
18 report appendix, which is page three.

19 A Yes.

20 Q And at page four; is that correct?

21 A Yes, which is more appendix, yes.

22 Q Okay.

23 A That's correct.

24 Q So I'm going to go back to page one, which I  
25 believe is where the majority of your analysis is actually

1 located. Can you just kind of walk us through what you  
2 learned through your DNA analysis on the two exhibits that  
3 were provided to you; Exhibit 1.1 and 1.2?

4 A Certainly. So when I tested these unknowns, and I  
5 looked at them in my interpretation, I observed that they  
6 were each mixtures. And what that means is they were DNA  
7 profiles of more than one person. So a mixed DNA profile.  
8 And that is very obvious for me because your biological  
9 mother gives you one piece of DNA at conception and your  
10 biological father gives you the other piece of DNA at  
11 conception for these locations. Sometimes they're the same.  
12 Sometimes they're different.

13 So if I see three or more pieces of DNA at a  
14 location, I know there's more than one person there. And so  
15 in my analysis for Exhibit 1.1, I observed that there was a  
16 mixed DNA profile assumed to be from three contributors or  
17 three people, including at least one male. So when I see a  
18 DNA profile, I see a series of numbers. I don't know  
19 anything about the individual that's giving a rise to that  
20 DNA profile except for gender, and that's only sometimes.

21 Q Okay.

22 A So that's why we need our known standards to be  
23 able to compare the known numbers to the numbers I'm seeing  
24 in my unknown or evidentiary profile. And Exhibit 1.2, I  
25 also observed a mixture, and that was assumed to be from

1 four contributors or four people including at least two  
2 males.

3 Q So let me ask you this question about kind of the  
4 DNA analysis. Typically, when you see a mixture, it --  
5 actually, even if it is one person, can you tell when maybe  
6 that trace DNA was left on an item? Like, when the actual  
7 timing of the DNA was left on, say, a firearm.

8 A Not a firearm.

9 Q All right. And so in this particular case, you  
10 are analyzing swabs from two different areas of a pistol.

11 A Mm-hmm.

12 Q So is it possible for you to tell when those DNA  
13 samples were left on there?

14 A No.

15 Q So it could be that one person had the gun, that  
16 pistol, in their possession shortly before it was recovered  
17 by the police. And then maybe under 1.1, two of the  
18 contributors could have touched it previously.

19 A Yeah. I don't know if this DNA was a positive  
20 prior to the incident, during the incident, we don't, we  
21 can't tell when.

22 Q Thank you. But can you go through kind of, let's  
23 stay with Exhibit 1.1.

24 A Okay.

25 Q The swab from the textured surfaces of the pistol.

1 Can you walk us through a little bit more? I know that  
2 you said that you got three contributors.

3 A Yes.

4 Q But can you tell us a little bit more about your  
5 analysis?

6 A Certainly. And usually, these mixtures have a  
7 low-level contributor. So they're, if this contributor,  
8 this person is contributing quite a bit of DNA, there's more  
9 that we can say about that.

10 I apologize. I had something come in. So I was  
11 able to say that there was an unknown contributor profile  
12 that was a female. So I had enough information to say I  
13 have an unknown individual and this person is a female, that  
14 I have a profile because it has to have enough information  
15 for us to designate it as an unknown.

16 I was also able to say when I compared the known  
17 sample from a Mr. Richard Perez that he could not be  
18 excluded as a contributor to that DNA mixture. And I have a  
19 statistic that I can talk about to kind of support that  
20 association. That's why we report statistics in our  
21 reports. But as far as the third contributor, there wasn't  
22 anything I could say about that.

23 Q Okay. So let's focus for just a second on the  
24 Richard Perez standard, the comparison. Can you explain to  
25 us what that statistic is and what does that mean?

1           A       Sure.  So I'm going to read it directly from the  
2 report because that's part of our requirement.  It is  
3 approximately 1.68 times 10 to the 24th power, or 1.68  
4 septillion times more likely to observe this evidentiary  
5 profile if the contributors are Richard Perez and two  
6 unknown unrelated individuals rather than three unknown  
7 unrelated individuals.

8                   And a likelihood ratio, which is used by the  
9 forensic community.  It seems a little complicated, but it  
10 really is the best way to describe the association.  It's  
11 used globally as well.  So it is a ratio, which is just a  
12 fraction.  And the top part of the fraction is looking at a  
13 scenario where this person is included.  The bottom of the  
14 fraction is looking at a scenario where it's not this  
15 person, it's a random person from the population.

16                   And so if I have a likelihood ratio of one, it's  
17 equally likely that the one on the top, it could be from  
18 this person, or it could be someone randomly from the  
19 population.  If I have a likelihood ratio of zero, that  
20 person's excluded.  They are not there.  But I have a very  
21 large number, so there's a lot of support for that top  
22 scenario, that this person's DNA profile is included in my  
23 sample rather than it being someone, you know, randomly from  
24 the population.

25                   So another way you could think about it is like a

1 teeter totter with one of the, you know, kind of tip that  
2 ratio on the side with the scenario of that person being  
3 included here and the scenario that it's a random person.  
4 And we have a lot of tipping towards the scenario that it is  
5 that person being included. It's very heavily weighted  
6 towards that scenario to the 24th power, 24 zeroes --

7 Q So --

8 A -- after that.

9 Q Sorry, I didn't mean to cut you off.

10 A Go ahead.

11 Q So according to those 1.68 septillion that is  
12 heavily weighted that Richard Perez was one of the three  
13 contributors that was on the profile from the swab that you  
14 tested.

15 A His DNA profile would be included, yes.

16 Q Okay. The unknown --

17 A To not be excluded.

18 Q I'm sorry.

19 A Yeah. I'm -- go ahead.

20 Q The --

21 A Could not be excluded as a contributor, yeah.

22 Q Thank you. The unknown contributor, the second  
23 one, which is the line above it, the unknown female, I think  
24 you have it down as unknown number one female. Let me just  
25 ask you this question. Were you provided any other known

1 standards or samples of anybody else's DNA to compare the  
2 swabs that you received aside from Richard Perez?

3 A No, not in this case.

4 Q Okay. Thank you very much. So let's move onto  
5 the second Exhibit 1.2, the one swab from the front sight of  
6 the pistol. And you've already mentioned this is a mixed  
7 DNA profile assumed to be from four contributors including  
8 at least two males.

9 A Yes.

10 Q Can you tell us about what your analysis was with  
11 that particular swab?

12 A I -- when comparing Mr. Richard Perez's DNA  
13 profile, he could not be excluded as a contributor to that  
14 DNA mixture. It is approximately 1.11 times 10 to the 11th  
15 power -- it's a lot of ones -- or 111 billion times more  
16 likely to observe this evidentiary profile if the  
17 contributors are Richard Perez and three unknown unrelated  
18 individuals rather than four unknown unrelated individuals.

19 Q So that is also, to use the teeter totter slide  
20 that you previously used, that also appears to heavily be  
21 weighted towards Richard Perez being a contributor to that  
22 particular swab.

23 A To his DNA profile not being excluded as a  
24 contributor to the DNA mixture. I also have an analogy for  
25 likelihood ratios if you think they need further

1 clarification. Some people it helps, some it doesn't, so.

2 MS. KYLE-CASTELLI: Let me ask the grand jurors if  
3 they would like to seek more clarification. Does anybody  
4 want to hear more clarification from this witness?

5 GRAND JURORS: (No verbal response.)

6 MS. KYLE-CASTELLI: Okay. I think everybody is on  
7 board. You've done a phenomenal job of explaining it --

8 THE WITNESS: Thank you.

9 MS. KYLE-CASTELLI: -- Ms. Schackart.

10 THE WITNESS: Okay.

11 BY MS. KYLE-CASTELLI:

12 Q And just moving to the second page of your report,  
13 which I think is -- can you explain to us what the evidence  
14 disposition means?

15 A Certainly. So if there's any remaining evidence,  
16 we want to talk about what we have -- or the evidence I have  
17 received, what has happened with that. It's akin to, like,  
18 kind of a chain of custody. And then that work product that  
19 I've received, that DNA and the tubes, we talk about what we  
20 have done with that.

21 And so for example, the known sample, I'm  
22 reporting that there is evidence remaining for additional  
23 sampling. So in the future, if they want to do additional  
24 testing with this case, they'll be able to see, oh, there's  
25 more evidence to go back to that we can test. And the two

1 with the DNA in it that I obtained from my sampling of  
2 that, I'm going to go ahead and discard that. We're not  
3 going to retain it because I have more evidence to go back  
4 to.

5 And we actually store all of the extracts for the  
6 State of Oregon here, and we just don't have room for  
7 everything. So if there is evidence to go back to, and I've  
8 sufficiently obtained the profiles to answer the case  
9 question, we do not keep them.

10 Q Okay. And can you just explain to us extract  
11 disposition? Is that kind of included in the analysis that  
12 you just gave? Or can you tell us what the extract  
13 disposition means?

14 A Yeah. So that work product that DNA in that tube  
15 is called an extract. And so how I've dispositioned that  
16 extract for all of the samples is to throw it away. And  
17 that's either because I've consumed everything, or we have  
18 evidence to go back to.

19 So in this case, Shawna obtained additional swabs  
20 of both locations I had tested. So we had more evidence to  
21 go back to as needed, plus that known sample, we had more  
22 evidence. So I went ahead and discarded all of those. And  
23 I can look, I probably consumed all of the DNA that was in  
24 at least one of the samples. So I can look at that. Yes.

25 So Exhibit 1.2, I consumed everything, all of the

1 DNA that was in that tube. And Exhibit 1.1, I did have  
2 more DNA, but I went ahead and discarded that work product  
3 because we have that extra swab to go back to if we ever  
4 needed to.

5 MS. KYLE-CASTELLI: Okay. That is very helpful.  
6 I am going to ask the grand jury -- I've taken down your  
7 report off of the share screen, but I'm going to ask the  
8 grand jury if they have any questions for you,  
9 Ms. Schackart.

10 THE WITNESS: Okay.

11 GRAND JURORS: Does the extract have a holding  
12 time?

13 MS. KYLE-CASTELLI: Does the extract have a  
14 holding time?

15 THE WITNESS: Oh, that is a great question. We  
16 think that sometimes it may, the DNA may not hold as well  
17 over time, but I've gone back and tested cold case's  
18 extracts that have tons of DNA in them. So I think it  
19 really matters in terms of how much DNA it has to start  
20 with. But, yes, we -- it's not -- it's the best storage we  
21 have.

22 But there could be some degradation, although I  
23 don't have any official papers to say that's kind of what we  
24 think might be happening.

25 MS. KYLE-CASTELLI: One more question?

1 GRAND JUROR: The report stated that three or  
2 four unknown and unrelated individuals; is there any chance  
3 of bias if one or more individuals are related?

4 THE WITNESS: It is possible. Although, I don't  
5 have any standards from relatives to be able to compare to,  
6 so I wouldn't be able to say if there are relatives in that  
7 sample or not, but that's a great question. Our statistic  
8 is based upon the promise that they are unrelated  
9 individuals.

10 GRAND JUROR: And so then there's no ribosomal DNA  
11 tested for that as well?

12 THE WITNESS: I'm sorry?

13 GRAND JUROR: There's no ribosomal DNA tested?  
14 It's only nuclear, correct?

15 THE WITNESS: That's accurate, yes.

16 GRAND JUROR: You can't separate more between if  
17 they're familiially [sic] related on their mother's side at  
18 least, right?

19 THE WITNESS: I'm sorry, sir, you cut out. No,  
20 I'm sorry.

21 MS. KYLE-CASTELLI: You're going to have to --

22 THE WITNESS: I love your question, and I want to  
23 hear it.

24 GRAND JUROR: Oh, just that one?

25 MS. KYLE-CASTELLI: You can come over here.

1 JUROR: Hold on.

2 MS. KYLE-CASTELLI: Okay.

3 GRAND JUROR: I think those are just for the  
4 record.

5 THE WITNESS: I got the ribosomal part, but after,  
6 it was cutting out.

7 MS. KYLE-CASTELLI: We're going to have him come  
8 over here.

9 THE WITNESS: Okay. Good. I'm sorry.

10 GRAND JUROR: So my question was, because if  
11 familiarly it's important, you don't test any ribosomal DNA.

12 THE WITNESS: No.

13 GRAND JUROR: Which would then be able to  
14 determine at least on the mother's side whether there were  
15 relations between the unknowns, correct?

16 THE WITNESS: Potentially. I'm not an expert in  
17 that area, but there are absolutely methods we could use to  
18 determine relatedness. But in our crime laboratory, we  
19 don't employ those.

20 GRAND JUROR: You only do the nuclear DNA.

21 THE WITNESS: Yes.

22 GRAND JUROR: Okay.

23 THE WITNESS: Yeah. We can send samples to  
24 private lab -- have agency send samples to private  
25 laboratories if that's -- we do -- and I should back up a

1 little bit. We do have the ability to do some relatedness  
2 analysis, for example, criminal paternities where we have a  
3 trio of biological parents and a child, or reverse paternity  
4 if we're trying to identify a missing person.

5 So we do have -- but those are very clear, and  
6 they're nuclear comparisons using the same STR DNA that I  
7 look at, which is short tandem repeat, which means they're  
8 short segments of DNA. They're in tandem next to each  
9 other. And they repeat many, many times. And that  
10 repeating number varies from individual to individual, and  
11 that's where we get the (inaudible) of our profiles. So we  
12 still use that STR DNA to do those very simple relatedness  
13 comparisons.

14 GRAND JUROR: What percentage, or what ratio would  
15 they require for -- what ratio would they require for  
16 paternity, for example, to be inclusive --

17 THE WITNESS: It's not a ratio per se. It has to  
18 do with the number of locations before we can actually  
19 report. I don't do paternity anymore because they've kind  
20 of -- because I've, my focus is more crime scene work. And  
21 so some of the more specialty DNA is not something that is  
22 part of my case load, so I don't do that anymore. But I  
23 imagine that if there's only a partial profile, there'd be  
24 decisions about what they can say about that.

25 And if there's mutations that we also have

1 instructions about how to deal with that because that does  
2 occur. But in terms of overlap, they need to be the set,  
3 you know, they need to have overlapping information at every  
4 location unless there is a mutation or unless there isn't  
5 enough information at that location.

6 So for example, at one location, let's say that my  
7 biological mother gives me a number three and my biological  
8 father gives me a five, and if I have a, you know, if my  
9 father is, you know, a five/five, I can't be excluded as  
10 being his child at that location. Does that make sense?

11 MS. KYLE-CASTELLI: Yes.

12 THE WITNESS: Okay.

13 MS. KYLE-CASTELLI: I was just, I was interpreting  
14 the nod from across the room.

15 THE WITNESS: Okay. Yeah. But the ratios come  
16 into more, like, genetic genealogy and other types of  
17 analysis that we don't do, so.

18 MS. KYLE-CASTELLI: And it wasn't done in this  
19 particular either --

20 THE WITNESS: Yeah.

21 MS. KYLE-CASTELLI: -- correct?

22 THE WITNESS: Yeah.

23 MS. KYLE-CASTELLI: Okay. Does anybody else have  
24 any questions?

25 GRAND JUROR: (No verbal response.)

1 MS. KYLE-CASTELLI: All right. Thank you so  
2 much, Ms. Schackart.

3 THE WITNESS: Yes.

4 MS. KYLE-CASTELLI: I really appreciate your time.

5 THE WITNESS: Yeah. Great questions. Thank you.

6 (Witness excused.)

7 MS. KYLE-CASTELLI: Thanks. Okay. Can we pause  
8 the record for a second?

9 (Off the record at 9:43 a.m.)

10 (On the record at 9:46 a.m.)

11 MS. KYLE-CASTELLI: We are back on the record and  
12 resuming testimony with Detective Billy Winters.  
13 Ms. Foreperson, can you please swear him in?

14 WILLIAM WINTERS

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

17 DIRECT EXAMINATION

18 BY MS. KYLE-CASTELLI:

19 Q Can you please state and spell your name for the  
20 record?

21 A William Winters, W-i-l-l-i-a-m, last name is  
22 Winters, W-i-n-t-e-r-s.

23 Q And where are you employed?

24 A I work for the City of Portland, Portland Police  
25 Bureau as a homicide detective.

1 Q How long have you been a homicide detective with  
2 PPB?

3 A Seven years as a homicide detective.

4 Q And what other assignments did you have prior?

5 A Robbery for five years. And sex crimes for about  
6 a year before that. And then I was on patrol for just over  
7 ten prior to getting promoted.

8 Q Okay.

9 A So about 24 years of total law enforcement.

10 Q Thank you. Detective Winters, when an officer-  
11 involved shooting occurs and within Portland's jurisdiction,  
12 does the homicide unit respond to handle the investigation  
13 of the officer-involved shooting?

14 A Yes, we do.

15 Q Okay. And did that happen on May 6, 2024?

16 A Yes, it did.

17 Q And is that PBB case number 24-680309?

18 A Yes, it is.

19 Q And were you assigned to be the lead detective in  
20 the officer-involved shooting that occurred on that date?

21 A Yes, I was.

22 Q Has a PowerPoint been prepared today in order to  
23 help facilitate explaining to the grand jury about your  
24 investigation?

25 A Yes, it has.

1 Q And is that what is on the screen behind you?

2 A Yes, it is.

3 Q As being lead detective, do you also review all  
4 police officer's reports, speak to other officers or  
5 detectives, listen to interviews as part of your  
6 investigation?

7 A Yes, I do.

8 Q So even if you didn't personally conduct, say, an  
9 interview, you would have read and/or listened to that  
10 interview.

11 A That is correct.

12 Q Okay. So I'm just going to let you kind of  
13 explain through, about your investigation by walking us  
14 through this PowerPoint.

15 A So being part of the homicide detail, there's  
16 three teams of detectives, teams of six to eight detectives  
17 that investigate this. Our squad was up. We also have a  
18 supervisor that goes to that scene along with the forensic  
19 evidence team, which are criminalists that collect the  
20 evidence, take photos, video, do measurements of all the, of  
21 the scene.

22 Part of that homicide squad that comes out, or the  
23 team between the six or eight of us, there will be two, a  
24 primary detective and his partner; two detectives that are  
25 assigned to the criminal or assigned with forensic evidence

1 to help collect evidence, process the evidence so it's  
2 documented; and then the other officer, or the other  
3 detectives will assist in witness, of the witness officers  
4 or members that might have used the less lethal force, their  
5 interviews, or other supervisors and civilian witness  
6 interviews.

7 So with that six, there could be additional  
8 officers. If there's lots of officers, there could be lots  
9 of other detectives that respond to those things. So, like,  
10 this one, there was additional, there was a lot of  
11 detectives arriving.

12 For part of this investigation, I learned that it  
13 was a Major Crimes, Detective Baer was investigating a  
14 robbery. And they were able to determine that they needed  
15 to go to this location to serve a search warrant, so  
16 Detective Baer had written an affidavit and a search warrant  
17 that was approved by a judge. And so the SWAT team, based  
18 off the level of the nature of the crime, armed robberies  
19 and shots being fired at different robbery scenes, the SWAT  
20 team was assigned to serve the search warrant.

21 Through that, we learned that the briefing was  
22 done. The SWAT team had a briefing. They were going to  
23 serve the warrant as a contain and callout, call the  
24 occupants out to the, arrive on scene, surround the location  
25 to prevent anyone from escaping. And then they would serve

1 the search warrant from there by loud hailing everyone out  
2 to the pieces of armor for safety of purposes, and then  
3 clear the location before investigators will process the  
4 scene.

5 Q So ultimately, were you able to identify the  
6 person that was found deceased at the scene?

7 A Yes.

8 Q And is that person Richard Shawn (ph.) Perez?

9 A Yes, it is.

10 Q Okay. What was his date of birth?

11 A 4/7 -- April 7, 1979.

12 Q And how is his identity confirmed?

13 A Through fingerprints.

14 Q Okay. And was that conducted at the autopsy?

15 A Yes. The fingerprints were collected at the  
16 autopsy by the forensic evidence division, and then they are  
17 put in and reviewed to fingerprints on file. And that was  
18 compared.

19 Q Okay.

20 A And that was confirmed.

21 Q And he was, Mr. Perez was declared deceased on  
22 May 6, 2024; is that correct?

23 A That is correct, at the scene.

24 Q Okay. What are we looking at as far as this map?

25 A If you don't mind me standing up.

1 Q Absolutely.

2 A So this is a Google Map, obviously. This eastern  
3 side, which is east and west, this is the City of Portland,  
4 County of Multnomah; 124th is the street that they were on.  
5 And the red dot that you're showing here is the location in  
6 question, the 110 Southeast 124th Avenue --

7 Q Okay.

8 A -- where the incident occurred.

9 Q And what are we looking at in this?

10 A So this is an overall Google Maps picture of the  
11 location. This isn't taken on that day. This is just, if  
12 you look at street view of Google Maps, this is what the  
13 residence looked like at the time.

14 Q And Detective Winters, a lot of the -- let's talk  
15 about day versus night. The incident itself, the officer-  
16 involved shooting, that occurred during the daytime hours;  
17 is that right?

18 A Yes. So we, the homicide detail, received a page  
19 to respond to an officer-involved shooting approximately at,  
20 like, 6:58 p.m. This had occurred probably an hour and a  
21 half prior, an hour prior. So it was daytime. It was May  
22 time, so it was starting the summer, so it wasn't like this,  
23 but it was daylight.

24 Q By the time the criminalists were able to go in  
25 and photograph the scene and take photos, had dust started

1 to settle? And do they continue to work through the  
2 nighttime hours?

3 A Yes. We started the process, obviously. We  
4 arrived on scene about 7:15 p.m. Got our initial brief and  
5 probably started processing the scene by 8:00, and we had  
6 finished by 6:00 or 7:00 in the morning the following day.

7 Q Okay.

8 A Processing the scene.

9 Q So can you just walk us through, like, what  
10 happened when, I think you talked about some of it, but just  
11 when the homicide unit responded to the scene. Can you walk  
12 us through what happened?

13 A Yeah. I'll sit back down. We, when we arrive,  
14 the team arrives, we'll get an initial briefing from either  
15 an officer that was on scene that wasn't involved as, like,  
16 an involved member as a person who used lethal force or less  
17 lethal. They were a witness, and they can give a general  
18 idea of why the nature of the call, why we were there.

19 So we had received an initial briefing from  
20 Detective Baer who was the one that wrote the affidavit and  
21 search warrant for the location. And then we had also  
22 received a briefing from Officer Flipppo, who was part of the  
23 SERT team who conducted our walk-through of kind of giving a  
24 perspective of where all the involved officers were standing  
25 at that time.

1           So it's not all the details. It's just a very  
2 general brief so we can get a start for the forensic  
3 evidence team to start collecting evidence and for the  
4 responding detectives to conduct their interviews, to know  
5 what questions they need to ask through the, for the  
6 witnesses.

7           Q     So it's a pretty cursory type of overview at the  
8 very beginning. You're trying to look for what type of  
9 evidence may actually be relevant to, for the criminalist to  
10 actually collect.

11          A     That is correct. It is very -- and you learn  
12 stuff, like, we'll get this cursory briefing, and it could  
13 be five to ten minutes and that's all we have. Or we might  
14 not know anything, like, we arrive, and that's it. And you  
15 don't get anything from the officers because it happens,  
16 stuff happens so quickly.

17                 This one, there was, it wasn't more involved, but  
18 Detective Baer gave a little bit more detail of, like, there  
19 was all these people committing robberies, and this is how  
20 we ended up back at the house. And she wrote a search  
21 warrant for there.

22                 The SERT one, SERT briefing from Officer Flipppo  
23 was just the general overview because it was a long process  
24 of why they were serving that warrant of just how different  
25 things transpired and where people were standing so we could

1 collect the evidence. And then through the interviews,  
2 that's where we learn more about the investigation.

3 Q Okay. So I think you mentioned, touched on this a  
4 little bit as well. What did you learn about the Major  
5 Crime's briefing to the SERT team that occurred prior to  
6 SERT's arrival at 110 Southeast 124th Avenue?

7 A That there had been a robbery down the street that  
8 they had followed the vehicle. Patrol had followed a  
9 vehicle back to the location and located a vehicle in the  
10 area, this Honda Accord that was parked in front of the  
11 location. And they were able to determine that this was  
12 involved. So Rachel Baer wrote an affidavit and a search  
13 warrant for the occupants that were there.

14 Q So to clarify, the robbery occurred at Joseph's  
15 Deli at about 9:00 in the morning; is that correct?

16 A That --

17 Q On May 6th?

18 A That is correct.

19 Q Okay. Detective Baer's investigation, that  
20 actually involved the individual that was believed to have  
21 committed the robbery transferring over to that dark green  
22 Honda Accord in a different location and heading back to 110  
23 Southeast 124th Avenue; is that right?

24 A That is correct.

25 Q Okay. And so based off of that information and

1 surveillance that they had going on, Detective Baer  
2 believed that the two individuals involved in the robbery,  
3 whether it be the getaway driver or the person that  
4 conducted and actually committed the aggravated robbery,  
5 were actually at 110 Southeast 124th Avenue.

6 A That is correct based off the surveillance, based  
7 off finding the vehicle, following the vehicle, video  
8 surveillance, and bringing it back to this location.

9 Q Okay. And so because of that, Major Crimes and  
10 Detective Baer got the search warrant.

11 A That is correct. Then they were looking for  
12 evidence at the crime and, also, to take the occupants into  
13 custody for the robbery.

14 Q Okay. And based off of that information, the SERT  
15 team developed a contain and callout plan to execute the  
16 search warrant.

17 A That is correct.

18 Q Okay. So after the plan was developed, was SERT  
19 then briefed about all of the information that Detective  
20 Baer and Major Crimes had about the robbery from 9:00 that  
21 same day?

22 A That is correct. And then they were able to  
23 develop their plan. There is a planning team that comes in  
24 and plans the search warrant of how they're going to execute  
25 the warrant to the locations that they'll be.

1           The perimeter units will be standing to contain  
2 a call; or where the pieces of armor will be positioned at  
3 the time of the incident -- when they serve the search  
4 warrant; and what vehicle, what piece of armor will be loud  
5 hailing from to call the occupants out and where they'll  
6 take the custodies from there; and then what the plan is  
7 after they've cleared the location, where the people are  
8 taken to custody, where they'll be processed.

9           Q     Okay. So first and foremost, this map that we're  
10 using, is this drawn to scale?

11          A     It is not drawn to scale.

12          Q     Does it have every piece of information that was  
13 pertinent to the investigation on it?

14          A     No, it does not. This was just for a reference  
15 to, for us to use and for officers that are at the scene to  
16 use and the involved members to use.

17          Q     Okay. And so there's -- just to be a hundred  
18 percent clear, there are things in here that are just  
19 missing. A tree might be kind of important, but that's not  
20 listed on here; is that correct?

21          A     That is correct.

22          Q     And there was also another structure. There was a  
23 shed on the property that isn't reflected in this particular  
24 map; is that right?

25          A     That is correct because where the incident

1 occurred, that's, they didn't draw that in there, so.

2 Q Okay.

3 A Yeah.

4 Q Can you kind of walk us through how SERT kind of  
5 contained the situation when they arrived at 124th,  
6 Southeast 124th Avenue?

7 A If you don't mind me standing up.

8 Q Sure.

9 A So these IP positions, these are our perimeter  
10 positions. This, what they're drawing here, is the,  
11 basically, the property line at the fence area of the  
12 property. So we had SERT officers, which are the SWAT  
13 members, on this outside and on that side. We do that as  
14 concealment. They're not, they don't have protection.  
15 There is literally a fence there. Bullets aren't going to  
16 stop that with the fence. They're just there for perimeter  
17 assist in case someone comes out.

18 This is a parking lot on the north side. This is  
19 the Bear Truck. A large piece of armor. This right here is  
20 a, they call it the BearCat. This is on the south side of  
21 the property line outside in the neighbor's property, in  
22 their driveway. BearCat, this is a small piece of armor;  
23 you will see pictures of it later.

24 And this is the G3, this is a newer piece of  
25 armor. It's very large. This is the one that had the LRAD,

1 you'll learn about later, where the loud hails were coming  
2 from. And this is where they were going to take custodies  
3 of people.

4           The main residence, the MR, is what we're seeing  
5 here. This is a, I believe this was the truck that was  
6 parked out front. Right here is the, number one is the  
7 large trailer in question. This is where the incident, the  
8 shooting takes place. This is the ramp walkway that leads  
9 up to the front door of the residence. Where it says ramp,  
10 that's the lower part. It's going to raise up to the doors  
11 approximately right at the end of the fifth wheel trailer  
12 that you're going to see.

13           And number two is another blue and white trailer  
14 that butts up to this other trailer, or to the ramp.

15           Q     Just to clarify, the structure that's drawn above  
16 the main residence to the north of the main residence, is  
17 that actually garage?

18           A     It could be the -- that is the garage.

19           Q     Okay.

20           A     Sorry. Because there was a truck parked in front  
21 of it. So that is the garage.

22           Q     Thank you. So I think that we've actually covered  
23 this, but -- with some other witnesses -- but if you could  
24 just make sure we're clear about the numerical designations.  
25 Which side is one, two, three, and four that SERT would have

1 designated the property prior to arrival?

2 A So prior to arriving or when they arrive, they'll  
3 determine the sides, four sides of the piece of property or  
4 the residence. Side one is facing out to 124th, which is  
5 the, you'll hear in the audio later, and you've probably  
6 heard it already in testimony, is side one.

7 Side two is going to be the north side where the  
8 Bear Truck is. Side three is the back side where the IP  
9 positions are. Side four is going to be the south side of  
10 the residence where the fence line is, where the BearCat is,  
11 and another residence to the south.

12 Q The armor that, and the IP officers, the  
13 designations that are listed on these maps, is that the  
14 exact location, or is that just a general idea of where they  
15 were located?

16 A That is just a general idea of where they're  
17 located.

18 Q Okay. And on arrival, were specific officers  
19 designated to be in specific locations?

20 A Yes. At the -- prior to when they have the  
21 briefing that is held at the North Precinct where the SWAT  
22 team and SERT is assigned at, they'll have a briefing.  
23 Everybody is assigned a different position, different roles  
24 throughout the whole event. That does not mean it can't  
25 change throughout this situation, but upon arrival to the

1 search warrant, this is where everybody is assigned.

2 So there'll be different IP, which is the  
3 perimeter positions, that you'll have. There will be  
4 officers that are assigned in the BearCat. And each piece  
5 of armor has what is a turret. There could be, they call it  
6 perimeter or IP position, sitting in each. And that's kind  
7 of the overwatch of what's going on; they can see  
8 everything.

9 There will be officers that are assigned in armor  
10 that are going to be the clear team or the custody team or  
11 assigned as less lethal. There could be less lethal  
12 assigned here. And there could be less lethal assigned  
13 here. But there could be lethal force and less lethal force  
14 options here. Less lethal and lethal options assigned all  
15 the way around, but everyone is assigned a specific  
16 position.

17 Q Okay. Thank you. So this is -- what are we  
18 looking at in this photograph? And if you could just kind  
19 of -- it's a little confusing because the perspective  
20 changed. So maybe if we could kind of explain where this  
21 photo was taken --

22 A Okay.

23 Q -- on the map so that it's clear what angle we're  
24 looking at.

25 A Okay. So earlier, I talked about this is side

1 one. This is 124th, it runs north/south. The vehicle  
2 that is in question that we're looking at. Here is the G3  
3 that is pointed to the south. That is Burnside that you're  
4 seeing here, and this is the house in question that you saw.  
5 This would be the main residence, it's just off screen here.  
6 The vehicles, as you can tell, are cluttered. And this was  
7 the green Honda that we had talked about that Major Crimes  
8 was interested in related to the residence, to the robbery  
9 off of Halsey Street.

10 So what you're seeing here is the G3 in position  
11 of where it was at at the time of the search warrant. This  
12 is the turret area where an officer would be positioned to  
13 give overwatch. Up on top there is the LRAD, which is the  
14 loud hailer. Basically, we're, it's a big megaphone that is  
15 so loud that you can hear it from many blocks away if it's  
16 turned up super, super loud. And it can be toned down, it  
17 can be just on where we need to be and where we need to  
18 focus.

19 GRAND JUROR: Quick question.

20 THE WITNESS: Yes.

21 GRAND JUROR: How tall is the top of that vehicle?

22 And then how much further up does that turret stick?

23 THE WITNESS: This is probably close to ten feet.

24 GRAND JUROR: Okay.

25 THE WITNESS: And then this is another two to

1 three feet taller by the time it's all done. It's  
2 positioned like that all the time.

3 GRAND JUROR: Okay.

4 THE WITNESS: And it rotates 360 degrees. And  
5 there is ballistic glass there. There is a part that opens  
6 up for if officers or this IP position needs to have a clear  
7 view.

8 BY MS. KYLE-CASTELLI:

9 Q Can you walk us through a little bit more how the  
10 turret works?

11 A So inside the G3, there is a stand, about a foot-  
12 long tall stand. This is on a key radius, like, it's got  
13 teeth and they literally, it can move around. The officer  
14 can push and walk, and it will turn in the direction.  
15 Officers with a sniper rifle or handgun, probably a sniper  
16 rifle, would be positioned in that, and that is their  
17 overwatch, so they could do that.

18 And so they can position in any direction they  
19 want. We usually -- and they're constantly scanning. Or  
20 they're, if they're fixated on a window, they will stay in  
21 that direction of the window where they're at.

22 Q Okay. Does, is it a little difficult to move the  
23 turret from, like, one area to another? Does it take a  
24 little bit of time?

25 A It takes a little bit of time, and it takes a lot

1 of strength to move it. I will tell you that.

2 Q Okay.

3 A It doesn't move, like -- and it's not automatic.  
4 There's no buttons to push it. It's not on a motor. You  
5 have to physically move it yourself.

6 Q Okay.

7 GRAND JUROR: It's the same as the Bear Truck?

8 THE WITNESS: Bear Truck, yeah.

9 GRAND JUROR: It's the same?

10 THE WITNESS: It's a smaller version of it.  
11 You're going to see it.

12 GRAND JUROR: Okay.

13 THE WITNESS: It's a little easier to move, but it  
14 is super, super heavy to move.

15 GRAND JUROR: Okay.

16 BY MS. KYLE-CASTELLI:

17 Q And is part of that because it's ballistic? I  
18 mean, it's meant to be strong enough to stop bullets.

19 A Yes. And small blasts, yes.

20 Q Okay. And we'll get to the Bear Truck in just a  
21 second. Let's look at where the BearCat was located, if you  
22 could walk us through --

23 A Yep.

24 Q -- on this slide.

25 A This is the house in question, 110 Southeast

1 124th. BearCat was in position on the southside. This is  
2 the driveway between the two residents, and that is a  
3 position where it was as it arrived at the location to serve  
4 the search warrant.

5 Q Okay.

6 A This is the G -- or this is the Bear Truck. This  
7 is on the north side. This is the parking lot in question.  
8 Facing to the east, the turret, obviously, this is a  
9 different style. It literally pops up and it's, like, just  
10 a, looks like you opened a can. It's got the same thing.  
11 There's a step stool down below, it's about a foot off, a  
12 foot to 18 inches off the ground where an officer can  
13 position himself.

14 This turret has a gun port if you want to open it.  
15 At times, officers will just turn it to the side if they  
16 feel that they're not exposed, they will move it to the side  
17 position to rifle in the direction they need to to have a  
18 better view.

19 Q Okay.

20 A But it can be moved if they need to. If they  
21 start taking fire, they can rotate it if they need to. It's  
22 not super quick, but it will rotate if they need to rotate.

23 Q Okay.

24 GRAND JUROR: Is -- in this picture, what's  
25 propped up, is that what you're saying at the top?

1 THE WITNESS: This is the turret.

2 GRAND JUROR: It pops up?

3 THE WITNESS: Yep, that is popped up.

4 GRAND JUROR: Okay.

5 THE WITNESS: When it's down, it's down.

6 GRAND JUROR: Okay.

7 THE WITNESS: Yep. But it pops up. We usually  
8 keep it in position until we do -- on our way to a warrant,  
9 we will do a stop and go to a pause, and that's where the  
10 officers that are assigned to the turrets will get up into  
11 their positions and roll that way and get themselves all set  
12 and ready to go.

13 MS. KYLE-CASTELLI: Okay. So before we go  
14 forward, I, we need to pause for a break.

15 (Off the record at 10:07 a.m.)

16 (On the record at 10:18 a.m.)

17 MS. KYLE-CASTELLI: All right. So we're resuming  
18 testimony with Detective Billy Winters. Just as a reminder,  
19 Detective Winters, you're still under oath. So we are still  
20 looking at the Bear Truck on side two in the parking lot.

21 BY MS. KYLE-CASTELLI:

22 Q Is there anything else that we need to cover about  
23 this particular slide?

24 A Where the position of this is, it covers side two  
25 and the whole area of side three and the back of the house.

1 You'll see another perspective picture coming up, and it  
2 should be able to cover the whole backyard of where this  
3 position is.

4 GRAND JUROR: So is this photo taken looking  
5 southwest?

6 THE WITNESS: This is looking southwest, yes.

7 MS. KYLE-CASTELLI: Well --

8 GRAND JUROR: So if I'm standing looking southwest  
9 at the truck?

10 THE WITNESS: You are standing -- right now, this  
11 would be this position right here. You are looking to the  
12 west, a little bit --

13 GRAND JUROR: Okay.

14 THE WITNESS: -- to the south.

15 GRAND JUROR: Yeah.

16 THE WITNESS: Yes.

17 MS. KYLE-CASTELLI: Okay.

18 BY MS. KYLE-CASTELLI:

19 Q This white structure back here behind the  
20 property, is that the fifth wheel trailer?

21 A I don't, I can't tell for this image.

22 Q Okay.

23 A It possibly is.

24 Q Okay. So what are we looking at in this slide?

25 A This is side one. The front of the location 110

1 Southeast 124th. So this is the gate entrance facing to  
2 the east. This is the, as you saw in the drawing, this is  
3 the main residence. And this would be the garage that we're  
4 talking about. And this is the walkway leading to the back  
5 of the house. And you're catching just a glimpse of the  
6 fifth wheel trailer.

7 This is walking. This is a little closer distance  
8 of perspective of looking to the east down between the  
9 build, or the main residence and the garage. This is the  
10 walkway that you see. On the ground, it is not placarded  
11 yet, but this is a 40-millimeter gas launcher.

12 Q And is that a shield?

13 A That is the shield as well.

14 Q Okay.

15 A That was used by officers.

16 Q This is a pretty narrow walkway in between the  
17 main residence and the garage; is that --

18 A Yes. It is a narrow sidewalk with a little step  
19 up here, but it is very cluttered. As you can tell, it is  
20 very narrow to get through, yes.

21 Q So once you kind of crest behind, come out from  
22 the, in between the main residence and that garage area, is  
23 this kind of an approximate, this is kind of a view of what  
24 you would have seen?

25 A Yes.

1 Q Walking to the backyard.

2 A This is standing at the, just what we would say  
3 the two/three corner of the residence, just about a step  
4 past it. What you're picturing here is the front of the  
5 fifth wheel trailer, and the tree that is in question. And  
6 just off the picture, you'll start to see some windows --

7 Q Okay.

8 A -- of the fifth wheel. This is a picture looking  
9 to the south. This is the fifth wheel trailer entrance.  
10 The door here is the ramp that you're seeing. This is the  
11 front door of the location of the fifth wheel trailer, and  
12 this is the other trailer, the blue and white number two,  
13 which is on the eastside.

14 And then this is the little area that you'll learn  
15 about later.

16 Q Okay.

17 A Or you possibly have already learned about it.

18 Q Okay. The map refers to it as the involved  
19 trailer; that's the fifth wheel, right?

20 A That's correct.

21 Q Okay.

22 A The involved trailer, that is the fifth wheel  
23 trailer in question that we're --

24 Q Okay.

25 A -- where everything takes place.

1 Q And this is a view kind of looking from that  
2 parking lot -- well, not -- from the second side, the north  
3 side of the property looking kind of south, right?

4 A That is correct.

5 Q Okay.

6 A This is the north facing to the south, yes.

7 Q Thank you. So on May 6, 2024, tell us about after  
8 when SERT actually arrives at 110 Southeast 124th. What  
9 happened? And kind of give us a timeline of that.

10 A So from North Precinct where they do the briefing  
11 and let up all the SERT members and crisis negotiation team  
12 members inside the armor and their vehicles, they drive a  
13 specific route and location -- route to the location as  
14 they, part of the execution of the search warrant.

15 When we say execution, that is the time that  
16 they're actually serving the search warrant. That is  
17 broadcast on the radio. That's why you have the exact  
18 timing of 17:15:54; it's 5:15:54 on our CAD, which is our  
19 computer system that records everything, audio record it,  
20 and it also timestamps everything. That is when the loud  
21 hail started, and that is the execution of the search  
22 warrant announcing the police, and we are serving a search  
23 warrant at this location.

24 Q Okay. So within seconds of arriving, that's when  
25 the loud hail is conducted.

1           A     Yes, because they'll turn -- we, it's broad --  
2     or it's talked about in the briefing of the search warrant  
3     how, when we do the execution of a search warrant, it is  
4     usually lights, sirens, and starting loud hail. So I can  
5     tell you from doing this for many years and being on this  
6     team as part of this, loud hail and lights, siren at that  
7     time to announce, hey, it's the police. It's not just  
8     someone coming to their location unknown.

9           We are making it known that we are there very,  
10    very well. The amount of armor that is there, the amount  
11    of, the loud hail was so loud from there. So that's where  
12    you hear at 17:16:17, they are conducting the loud hail from  
13    the G3 and --

14          Q     Do the SERT officers wear uniforms that identify  
15    themselves as police officers?

16          A     Yes. They will either be in green, it's what --  
17    they call them their greens. Or they'll be in their police  
18    uniforms, which are blue. This one, they were in green with  
19    ballistic vests on, helmets that says police across the  
20    front, their badge, it says police across the back. It's  
21    most definitely, you're coming from a police vehicle with  
22    the lights and siren, their names are on there, it is  
23    announced that you are the police.

24          Q     And over the LRAD system, do they also mention  
25    that this is the Portland Police Bureau?

1           A     Multiple times. This is a standard. We don't  
2 say it's the police, we say it's the Portland Police Bureau.  
3 We are here to serve a search warrant at the location. All  
4 occupants of this residence, please come out with your hands  
5 up.

6           Q     Okay.

7           A     And it's repeated multiple times until it's told  
8 by the sergeant either SERT one, or SERT two, or SERT three,  
9 which would be Frankis (ph.), Townley, or Joel Cunzie (ph.)  
10 to tell you stop loud hailing for a sec because we have  
11 either people coming out and they're going to get addressed  
12 by a person, voice commands at that point.

13          Q     Yeah, okay.

14                GRAND JUROR: If someone's in a residence with  
15 noise-cancelling headphones, is the LRAD able to --

16                THE WITNESS: It will, it -- you could hear that  
17 for blocks away.

18                GRAND JUROR: Okay.

19                THE WITNESS: Even if you have noise cancelling  
20 on, you're going to hear it no matter what.

21                GRAND JUROR: Okay.

22 BY MS. KYLE-CASTELLI:

23           Q     So the loud hail and the LRAD system, is that  
24 located on the G3 armor on side one or in front of the front  
25 residence?

1           A     It's in front of the residence.  It's on the G3.  
2     And it depends.  Each search warrant's different.  If they  
3     say they're going to give commands off side two because  
4     that's a better view and they know that -- we know that  
5     based off of surveillance that, hey, everyone comes out of  
6     the residence on side two, they're going to direct the loud  
7     hail onto that side so it's clear as possible and it is in  
8     the direction of where people come out of the residence.

9           Q     So in this case, the G3 on the main street loud  
10    hails on the LRAD system towards the main residence; is that  
11    right?

12          A     That's correct.

13          Q     Did the Bear Truck do anything to indicate that  
14    the police were there while they were sitting on the  
15    northside of the parking lot --

16          A     Lights --

17          Q     -- as well?

18          A     -- and siren.

19          Q     All right.

20          A     When it's addressed that we need lights and  
21    sirens, all pieces of armor turn their lights and sirens on  
22    just so it announces from all three angles, or four angles  
23    if we have four pieces of armor, that it's the police.  So  
24    it's notified that we are there to serve a search warrant or  
25    identifying who we are.

1 Q And the loud hail that was conducted at 5:16  
2 p.m., did that also include force warnings?

3 A Yes.

4 Q Okay. So if that happens at 5:16, 5:16:17 p.m.,  
5 how much longer -- what time did the breakout occur?

6 A 5:16:44. So about 30 seconds after arriving,  
7 multiple officers spot a subject running from the main  
8 residence right after the loud hail started. So obviously,  
9 for doing this for a long time, that person who was running  
10 noticed that, I believe it's the police, I'm assuming. But  
11 based of what his actions are, based off of announcing the  
12 loud hail and the lights and siren, a breakout is someone  
13 trying to get away.

14 MS. KYLE-CASTELLI: Yes?

15 GRAND JUROR: Is the loud hail still going on 30  
16 seconds later? It's still continuously --

17 THE WITNESS: Yep.

18 GRAND JUROR: So while they're outside, it is --

19 THE WITNESS: And it will go -- they'll probably  
20 do it two to three times.

21 GRAND JUROR: Okay.

22 THE WITNESS: And then you'll hear, "Cease loud  
23 hail," because they might be getting -- by the time, I  
24 wouldn't be surprised if someone was saying cease loud hail  
25 because they're addressing a breakout.

1 GRAND JUROR: Okay.

2 BY MS. KYLE-CASTELLI:

3 Q So that individual, can you kind of explain to us  
4 what that, the individual that broke out of the main  
5 residence, what did they end up doing based off of  
6 communication and the reports that you've read?

7 A Based off of the interviews and based off the  
8 reports I read, he broke out the side, I believe it was the  
9 side three door and attempted to run and try to hop a fence  
10 and was addressed by multiple officers to put your hands up  
11 and stop what you're doing. That person, in turn, got back  
12 down and ran inside the trailer.

13 Q Did he, did that person try to jump over two  
14 separate fences?

15 A Yes.

16 Q Okay. So side three, and then he went to side  
17 four.

18 A Yes.

19 Q And then he entered the fifth wheel trailer.

20 A That is correct.

21 Q Okay.

22 A And he was addressed by side three officers, he  
23 was addressed by side four officers to get your hands up,  
24 comply. That person did not, turned around, and went back  
25 in, ran inside of the trailer.

1 Q That information was that information  
2 broadcasted over the radio.

3 A Yes.

4 Q Okay. The SHE2 radio that --

5 A The SHE2 radio, yeah.

6 Q -- SERT uses?

7 A Yes.

8 Q So at that point, after the breakout, did SERT  
9 then resume loud hailing occupants again?

10 A That is correct.

11 Q Okay.

12 A So you'll hear on the audio, like, "Cease loud  
13 hail," because they're addressing the breakout. Because  
14 you'll hear, "Breakout, breakout." They're giving a  
15 description of the person, hey, we're challenging him  
16 (inaudible). At that point, that is where they continue,  
17 they resume the loud hail. And now we know there's someone  
18 still there, would this person, with the loud hail, please  
19 come out.

20 Q Okay. So that was at approximately 5:20.

21 A Yeah. So about three minutes, three and a half  
22 minutes after their first initial, you know, hey, we've  
23 arrived. We've announced. We have a breakout 30 seconds  
24 after arriving. They tried to talk to this person for three  
25 minutes of trying to, you know, address the breakout. It

1 was broadcast that we need to resume, the SERT needed to  
2 resume the loud hail to get the occupants to come out.  
3 Obviously, about 18 seconds later, 15 seconds later, that  
4 person, people started coming out of the residence.

5 Q And that's six people exited the main residence --

6 A That is correct.

7 Q -- at that point in time.

8 A The main residence in question that we first were  
9 there for.

10 Q Okay. So tell us what timeline of what we're  
11 looking at here.

12 A So this right here is Paige Smouse following Perez  
13 taking a photo on a cell phone photo shortly before Paige  
14 comes out of the residence, Paige Smouse.

15 Q Does she come out of the fifth wheel?

16 A Yes, she did.

17 Q Okay.

18 A The fifth wheel in question. And at that time,  
19 she also came out with Christian Trout (ph.) at that time.  
20 At that -- and so the way we know that is at 5:24:05, that  
21 is based off of looking at the phone. And every phone  
22 creates a meta or a log of when a picture's taken. So she's  
23 taking those pictures at this time. And then she modified  
24 it five minutes later. So she takes that, and then modifies  
25 it five minutes later.

1 Q Okay. The -- is that, the male individuals that  
2 are in these photos, is that Shawn Perez? I mean, is that  
3 Richard Perez?

4 A That is Richard Perez. That is the same white  
5 shirt that I saw him at the scene after he was deceased at  
6 the scene. That is the same white shirt that I had seen him  
7 wearing. That's what he looked like; bald, goatee.

8 Q Okay. So at 5:28 p.m., what happens at that point  
9 in time?

10 A Two people, officers challenge two people coming  
11 from the fifth wheel. So --

12 Q What do you mean by challenge?

13 A So when you say challenge, that's police jargon.  
14 But we are giving commands. Two people have now -- let's  
15 say this door opens right here and there's police right  
16 here. I'm going to address, hey, it's Portland Police, get  
17 your hands up. They're going to address them. They're  
18 going to give them commands because they want to take them  
19 safely into custody because that person, someone ran into  
20 that trailer.

21 So we don't know what the unknown is. We don't  
22 know what's going on. We want to make sure the scene is  
23 safe for ourselves and for the investigators. So we have a  
24 search warrant to detain everyone at the location, so a  
25 challenge is where we give them commands and take them into

1 custody. And that is get your hands up, listen to the  
2 commands we're going to give you to include force warnings,  
3 less lethal up to lethal force.

4 Q Okay. Were officers able to identify the two  
5 individuals that exited the fifth wheel trailer at around  
6 5:28 p.m.?

7 A Yes. They were identified as Paige Smouse and  
8 Christian Nelson (ph.) Trout. Based off their names, based  
9 off of comparing the pictures when they were run in DMV.

10 Q And I want to go back to the challenge versus  
11 people exiting. Could it have been the scenario where the  
12 door to the trailer had been open, somebody saw them and  
13 challenged them before they exited the trailer?

14 A Correct.

15 Q Okay.

16 A And it's the same thing at the main residence.  
17 We'll say we give commands; they're challenging the  
18 occupants inside the residence to come out.

19 Q Okay.

20 A That's basically what -- they're giving commands  
21 to get them to come out.

22 Q Okay. Did -- was there an exchange that was  
23 broadcast over the radio about Nelson Trout and whether or  
24 not he was the person that had broken out from the main  
25 residence and entered the fifth wheel trailer?

1           A     So there was brief discussions saying, hey,  
2     yeah, I'm the one that came out. That is broadcast on the  
3     radio to our, on the SHE2 channel. Paige Smouse comes out,  
4     gets taken into custody. They comply. Nelson Trout comes  
5     out, taken into custody.

6                     When he's debriefed, everyone that comes out of  
7     the house, hey, who's in the house? Who else is, what other  
8     occupants? Is there any weapons? Is there any booby traps?  
9     Anything, dogs? Anything that we need to worry about?  
10    That's the standard questions we ask.

11                    Both of them were identified. Both were asked  
12    those questions. Paige Smouse says there was no one else in  
13    the residence. Nelson Trout says, hey, that was me that  
14    tried to break out, but I ran back inside. And he is  
15    wearing a sweatshirt, I believe, at that time, not a white  
16    shirt.

17           Q     Okay.

18           A     At the time.

19           Q     Okay. And so Nelson Trout did say to someone that  
20    he had changed clothes.

21           A     That is correct.

22           Q     Okay.

23                    GRAND JUROR: Sorry, really quick. Could you go  
24    back to the selfie thing? Okay. Thank you.

25                    MS. KYLE-CASTELLI: You're welcome. Is that

1 sufficient time?

2 GRAND JUROR: Mm-hmm.

3 THE WITNESS: Are you looking at the time?

4 GRAND JUROR: Yeah.

5 THE WITNESS: Some are off.

6 GRAND JUROR: Yeah.

7 THE WITNESS: We, we're -- it could be off by  
8 computer-wise, but --

9 GRAND JUROR: Sure.

10 THE WITNESS: -- based everything, it's modified.  
11 So did she modify that prior to the phone being taken from  
12 her? Possibly.

13 BY MS. KYLE-CASTELLI:

14 Q And the 5:28 p.m. as well, when they're talking  
15 about the officers challenging two people coming from the  
16 fifth wheel, does that necessarily mean that they  
17 immediately did come out of the fifth wheel?

18 A No. That is -- they're addressing that there's  
19 people. We know someone's inside. We watched someone run  
20 inside. They start addressing two, the people at that time  
21 at 5:28, hey, there's two people there. It doesn't mean  
22 they came right out and were taken into custody.

23 GRAND JUROR: Yeah, okay.

24 THE WITNESS: Right then and there.

25 GRAND JUROR: Helpful, thank you.

1 BY MS. KYLE-CASTELLI:

2 Q And so just, what are we looking at here? What  
3 are we looking at?

4 A Richard Perez and Christian Nelson Trout. To me,  
5 they look very similar, similar, sorry. Bald, a little bit  
6 of hair. A little bit of goatee. They kind of have their  
7 head, kind of have their ears -- they're similar in view.

8 GRAND JUROR: Do we know Trout's height?

9 THE WITNESS: I would have to look it up. I don't  
10 recall it right at this time, but I think it's pretty close  
11 to the same.

12 GRAND JUROR: And what are these pictures from?

13 THE WITNESS: This is an arrest booking photo. An  
14 arrest booking photo when they were previously arrested on  
15 some other incident.

16 BY MS. KYLE-CASTELLI:

17 Q So this is not -- these photographs are not from  
18 May 6, 2024.

19 A They are not, no.

20 Q Okay.

21 A These could have been a couple years old. They  
22 could have been any time that they were taken into custody  
23 and booked in the Multnomah County Jail.

24 Q And Detective Winters, just definitively, is there  
25 any way to tell which one of these two individuals, whether

1 it was Richard Perez or Christian Nelson Trout, broke out  
2 of the house and entered the fifth wheel?

3 A There is not.

4 Q Okay. So even to this very day, there's no way  
5 that anybody actually has definitive proof which one of  
6 these individuals ran.

7 A No. Based off the interviews of the officers,  
8 based off of their descriptions of what they saw, based off  
9 of seeing Christian and seeing Richard, they can't say  
10 definitively. Based off of what Christian says, they're  
11 going off what Christian says, hey, that was me. But we'll  
12 never know because we don't have Richard's, you know,  
13 version.

14 Q So after the two individuals were exited,  
15 eventually exited, were challenged from the fifth wheel and  
16 they complied, did SERT officers then presume loud hails?

17 A Yes. And the reason for that is just reassuring  
18 them that it's the police. We're not going anywhere.  
19 Everyone needs to come out so we can get them safely into  
20 custody. And sometimes that can go on for the whole time  
21 we're serving a search warrant, the whole time that we're,  
22 each building that they're going to, they're addressing  
23 that. Or, hey, we know you're here, we're trying to address  
24 you at the lowest level of force by voice commands to come  
25 out and listen to us.

1 Q Okay. So at 5:34, we resumed loud hails.

2 A Yes.

3 Q So were CNT officers then kind of debriefing the  
4 occupants that had exited either the main residence or the  
5 fifth wheel trailer?

6 A Yes. CNT, the crisis and negotiation team, part  
7 of their, and SERT intel, they interview every occupant that  
8 comes out trying to determine, hey, do we have all the  
9 occupants that are there? Who's in there? They're  
10 attempting to get phone numbers. They're attempting to get  
11 who else possibly showed up at the house, or numbers. We're  
12 looking for dogs. We're looking for anybody, any safety  
13 concerns that we really need to have, like guns, weapons.  
14 Anything that can hurt us or other people, that's what  
15 they're addressing at that time.

16 Everybody that was interviewed at that time was  
17 consistent with that's where Paige stayed in the back. She  
18 did not -- and mom even says, I don't know who else stays  
19 back there, but Paige is the main one that stays there.

20 Q Okay. Nelson Trout also denied knowing that  
21 anybody was in the fifth wheel; is that correct?

22 A That is correct.

23 Q Okay.

24 A During that time of when they were debriefed,  
25 specifically the two residents, the occupants that came out

1 of the fifth wheel, Paige and Christian, they said they  
2 were the only two that were in there. They denied saying  
3 anybody else was in there the whole time.

4 Q Okay. And so based off of those interviews, did  
5 SERT believe, have reason to believe that no one was in the  
6 fifth wheel?

7 A That is correct.

8 Q Okay. So let's talk about the timing of how long  
9 it took to actually clear the main residence at 110  
10 Southeast 124th. Was it a quick process? Was it a long  
11 process?

12 A A very long process, as you can tell. 17:41, so  
13 we loud hailed and debriefed for another seven to ten  
14 minutes. Seven minutes to eight minutes prior to SERT even  
15 deciding, hey, we feel confident enough that we can start  
16 making, make entry into the main residence to clear that  
17 location.

18 It was a long process. It was very, very messy.  
19 Very, very cluttered. To the point it takes 45 minutes,  
20 almost 50 minutes to clear just the main residence of that  
21 location.

22 Q Okay. During that period of time, did anybody  
23 exit the fifth wheel trailer?

24 A No one exited the fifth wheel trailer at that same  
25 time. And when we say we're going to clear a residence, I

1 don't know if it was talked about by Townley or other  
2 members; not the whole SERT team goes in and clears a  
3 residence. Up to seven to ten officers depending. They  
4 might need additional. They'll take a canine, they'll take  
5 a robot, they'll take a drone. All that kind of stuff that  
6 -- go ahead.

7 GRAND JUROR: During this whole process, is the  
8 perimeter officers staying put?

9 THE WITNESS: They are staying put. They are  
10 watching because their focus is the main residence right  
11 now. They know that they had a breakout from there. They  
12 know that they challenged two occupants that came there.  
13 They know perimeter's standing to make sure for the safety  
14 of the officers that are clearing the building, that we  
15 don't have anybody try to enter the residence or break out.  
16 Or for their safety, they're protecting everyone.

17 GRAND JUROR: Okay.

18 THE WITNESS: So at 8:30 or 16:30 or 18:30:18,  
19 it's broadcast over the radio the main residence is clear.  
20 And now, they're going to move forward to the next part of  
21 clearing the rest of the location. They're clearing the  
22 property.

23 BY MS. KYLE-CASTELLI:

24 Q Okay. And so, actually, did they start the search  
25 of the backyard before they completely cleared the house?

1           A     They did the garage, which was right next to  
2 that, on the side two. They were able to work up to the  
3 backyard. And from there, they cleared the other trailer,  
4 which was the blue and white trailer because no one, they  
5 had seen zero movement, no sounds, and they were saving the  
6 last residence or the last location as where the two people,  
7 last two people were taken into custody just because they  
8 didn't know what -- that was the unknown at the, on that  
9 part.

10           Q     Okay. So the fifth wheel is the last structure to  
11 be searched.

12           A     That is correct.

13           Q     Okay. Was it -- strategically, was it tactfully  
14 more difficult to search the fifth wheel than it would have  
15 been to search the other, like, the little shed on the  
16 property or the smaller RV? Tactically, might it have been  
17 more difficult to search the fifth wheel?

18           A     Yes, because it's an elevated, they had to go up  
19 that ramp. They had to make, in there, the door was locked  
20 -- or the door was closed, so they didn't, they weren't able  
21 to see inside. There was no way to get inside. The windows  
22 appeared to be tinted on the outside, as I was told through  
23 the interviews I reviewed, so they couldn't see what was  
24 going on inside.

25                     They heard no movement. They challenged that

1 trailer or gave loud hails and commands for people to come  
2 out, no response. So they wanted to save that for the last  
3 part. So tactically, they were developing a plan to go up  
4 and clear that at that point.

5 Q Okay. The officers that ended up being the  
6 involved officers, Officer Ramsey, Precup, and Madison, were  
7 they involved in the search of the backyard?

8 A Yes, they were.

9 Q And was Officer Flipppo -- I'm sorry --  
10 Officer Flipppo also present during the search of the  
11 backyard?

12 A Yes.

13 Q Okay. Tell us a little bit about where  
14 Sergeant Thurman was located while the backyard was being  
15 searched.

16 Q So Sergeant Thurman was in the Bear Truck. He  
17 was, his role was that he was in the turret. This is the  
18 view from him looking out of the turret. This is the  
19 perspective that you're seeing, this is his perspective of  
20 what he sees in the direction he is facing.

21 This is to the south. This is, the turret is  
22 turned to the side. How you saw it in position, that's  
23 exactly how it was. His main focus was the whole backyard.  
24 What you're seeing here is, obviously, we talked about, is  
25 the big tree. You only can see the lower half right here of

1 the door. It's propped open now. This is after the  
2 incident. Here's the slide-outs on this side. So he and  
3 the residence is just off of view.

4 And this is the other trailer in question, the  
5 blue and white, that you see. This is the ramp. And so  
6 that is his view of his perspective from there.

7 Q To the best of your knowledge, is this -- after  
8 Sergeant Thurman fires the shot, did he vacate the Bear  
9 Truck like it was, the turret positioned as it was the  
10 moment that, like, right after the shooting?

11 A Yeah, nothing gets moved.

12 Q Okay.

13 A He left everything, his rifle in position,  
14 everything was left exactly how it was in position.

15 Q So this is what he would have been seeing at the  
16 moment of the shots being fired.

17 A Yes.

18 Q Okay.

19 A Other than it is dark.

20 Q Yes.

21 A It is light time when the shooting happens. It is  
22 dark at that point. So his vision is a little bit different  
23 of what his, that is.

24 Q Thank you. Okay. Tell us about the beginning  
25 stuff of trying to clear the fifth wheel.

1           A       So a plan is made to go to the fifth wheel. As  
2 they go up to -- that's the last structure that they need to  
3 clear. They walk up the ramp. They attempt the door. They  
4 discover that it's locked.

5                    At that point, Officer Flippo and Officer Farris  
6 (ph.) reach the door. They use a Halligan to -- and if you  
7 don't know what a Halligan is, I wish I had a picture of it,  
8 it is a metal, it's like a piece of steel. It's got two big  
9 hooks on one end and, like, a crowbar, prybar. And they're  
10 just going to pop the door open. And that's what they did,  
11 they propped the door.

12           Q       And so it was around 6:33 p.m. that officers  
13 discovered that the door to the fifth wheel was locked; is  
14 that correct?

15           A       Yes.

16           Q       Okay. Do you have reports from the non-involved  
17 officers that before entering the trailer, the officers  
18 challenged anyone that might have been in the trailer?

19           A       Yes. There was multiple officers that reported  
20 hearing the officers that were going to make the approach  
21 addressing the trailer. When you say challenge, they're  
22 giving commands, hey, it's the police, come out with your  
23 hands up or force can be used. That was said multiple  
24 times. And officers respond to us nothing was heard, no  
25 movement in the trailer. It was quiet.

1           Q     And so I want to get a little bit more detail  
2 about kind of the perspective that some of the officers  
3 might have seen approaching the trailer and then kind of  
4 entering inside the trailer, what the trailer looked like  
5 before we delve into any more facts. Can you tell us about  
6 what we're looking at here?

7           A     So this is the ramp. It's two-by-ten pressure-  
8 treated wood. It is not attached to anything. It's  
9 literally just kind of sitting on some other pieces of wood  
10 below it and garbage. This is a makeshift little stepstool  
11 where you can kind of see -- or not stepstool but, like, a  
12 little base. And it is not very sturdy. Like, I stood on  
13 it, and it shakes. It's very unstable.

14                     So this is the ramp that these officers were going  
15 to approach. This is the door in question. What we're  
16 showing here is the unstable, where it's not attached to  
17 anything. It's literally, hey, it's like we wanted to throw  
18 a wheelbarrow out there and you wanted a ramp. That's what  
19 it looks like above the approach, going up that way.

20                     Okay. So this is the fifth wheel sole entry  
21 point; only one way in other than the windows that are  
22 there. This is what it looked like after the incident. The  
23 door is propped open. There is minimal damage. It's  
24 literally just a pop in the propped door.

25                     This is the little metal stool that is, or the

1 metal step that is connected to the fifth wheel trailer.  
2 Inside, you can see you're not going to be able to go very  
3 far. It's very cluttered once you enter this residence.

4 This is at the door of the fifth wheel trailer.  
5 This is what, perspective of what you saw and the first  
6 officer to go in would be Jake Ramsey. This is his  
7 perspective of walking into the door, obviously to the left,  
8 which would be the south side. You're met with a large tool  
9 chest and all this clutter. On the right is the kitchen  
10 area. Literally, you can't turn, so you're literally  
11 walking through an area no bigger than this, two feet and  
12 you're walking through, and you're met with a tool chest and  
13 halfway up is your cabinets.

14 Q Okay. So if you turned to kind of the south side,  
15 is this the, in this picture to the left, is this the same  
16 chair that you can see upon first entering the fifth wheel?

17 A That is correct.

18 Q Okay. So if I am kind of -- if I enter the fifth  
19 wheel, and I start turning to the left or to the south side,  
20 is this, are these the photos of what I would see?

21 A Yes. You are met with tons of clutter, it's hard  
22 to see where anyone is at. This is the south wall, the  
23 complete south wall. This is the window that's completely  
24 covered. We see a makeshift, it's just basically garbage  
25 everywhere and merchandise.

1 Q We'll get to it later in more detail, but I just  
2 want to, was this area right here, was this of significance?

3 A This is a bullet strike from inside.

4 Q Okay. And so if I am reentering kind of the fifth  
5 wheel from the main door, I think this is a photo that we --  
6 is this turning to the right or to the north side of the  
7 property?

8 A Yes. You would be looking to -- let's say if we  
9 were going to number these, side one is at the door. Side  
10 two is that, to the left. Side three would be the back side  
11 of the trailer, which is the main residence just past this.  
12 If you opened that, took that down, you're going to see the  
13 main residence there. And side four would be to the north  
14 side.

15 Q Okay.

16 A Where the bedrooms are.

17 Q So we have, in these two photos, we haven't made  
18 it all the way to the north side.

19 A Not at all.

20 Q Is that correct?

21 A This is literally --

22 Q Okay.

23 A This picture you're seeing right here is at the  
24 doorframe, the trailer. And this is as soon as you step in,  
25 what you're picturing if you were just to start to turn to

1 the right.

2 Q Okay. What are we looking at now?

3 A This is when you fully make your step into the  
4 trailer, and you're going to turn right, you are addressing,  
5 this would be the kitchen area. This is the little living  
6 room area with the slide-out. That's -- sorry. With the  
7 slide-out right here. And that is the two stairs or three  
8 stairs that lead into the residence, the bedroom area. The  
9 door in question, and another door that leads to the  
10 bathroom. There is the bed sitting right there.

11 Q Okay. And this is just a closer-up view of kind  
12 of the bedroom area; that is correct?

13 A Yes. This is a closer-up. And in question, this  
14 is bullet strikes. You will see a bullet strike here.  
15 There will be another one right here, and we'll get closer-  
16 up of that.

17 Q Okay. All right. So based off of your, the  
18 detective's interview with Officer Flipppo, did you learn who  
19 entered the trailer?

20 A Yes.

21 Q Tell us about who entered the trailer and what  
22 order they went in.

23 A Officer Ramsey was the first one to enter. He  
24 was, and Officer Flipppo was directly behind him. So Officer  
25 Ramsey steps in and turns to the right and, at that point,

1 is addressing a subject. Get your hands up, let me see  
2 your hands.

3 Q Okay.

4 A At that point, Officer Flippo turns to the left  
5 and is looking at a wall of, basically, at that height, that  
6 is the --

7 GRAND JUROR: Tool shed.

8 MS. KYLE-CASTELLI: So --

9 THE WITNESS: Tool shed, sorry. Tool shed. And  
10 the wall of clutter.

11 BY MS. KYLE-CASTELLI:

12 Q So per Officer Flippo, Officer Ramsey turns and  
13 faces the north direction towards the bedroom.

14 A That is correct.

15 Q And Officer Flippo turns south towards this area  
16 over here.

17 A That is correct.

18 Q Okay. Okay. So at what time did the radio  
19 communicate, the SHE2 radio start indicating that shots had  
20 been fired?

21 A 18:34:17.

22 Q Okay.

23 (Video recording played.)

24 BY MS. KYLE-CASTELLI:

25 Q Before we go any farther, is this a clip from the

1 SHE2 radio?

2 A That is correct.

3 Q Okay.

4 (Video recording resumed.)

5 BY MS. KYLE-CASTELLI:

6 Q So was it about 50 seconds -- oh.

7 (Video recording resumed.)

8 BY MS. KYLE-CASTELLI:

9 Q It's about 50 seconds of the radio transmission  
10 noting from time that they first indicated that shots had  
11 been fired to the first indication that Perez had actually  
12 been shot.

13 A That's correct.

14 Q Okay. So moving back to kind of Officer Ramsey  
15 enters the fifth wheel followed by Officer Flippo entering  
16 the fifth wheel. From Officer Flippo, what did you learn  
17 happened next?

18 A As they made entry, Officer Ramsey challenges a  
19 subject that is in the bedroom. At that point, Mr. Perez  
20 starts firing his gun at, in the direction of Officer Ramsey  
21 and Officer Flippo. Officer Flippo exits the trailer. As  
22 he is running out or stumbling out of the trailer, he falls  
23 and falls face first of the railing between the two trailers  
24 and is stuck face down in the garbage, stuck, and he can't  
25 move.

1           At that point, he realizes he starts to hear  
2 gunshots, and he thinks Ramsey is coming out at that time.

3           Q     Okay. Does this, the photograph, this is kind of  
4 going up that ramp area to the fifth wheel. The photograph  
5 to the left, is that an approximate location to where  
6 Officer Flippo is believed to have fallen?

7           A     That is, and it was pointed out by Officer Flippo  
8 in the area where he was at. He also addresses us that he  
9 is a breacher. Part of the breaching tools is some gorilla  
10 tape. He talks about losing his gorilla tape and that gives  
11 us perspective of where he was face down in the, off the  
12 ramp, had fallen off the ramp and fallen face first.

13                     And based off of his positioning, it wasn't an  
14 easy way to get up based off of the garbage that was there,  
15 his positioning where he was at, how narrow this was, and  
16 the footing.

17           Q     Was the duct tape eventually placarded and  
18 collected as evidence?

19           A     Yes, it was.

20           Q     Okay. And gorilla tape or duct tape.

21           A     Yes.

22           Q     Calling this, I'm going to call those  
23 interchangeable terms.

24           A     The reason I call it gorilla tape is it is orange,  
25 and it says gorilla tape on it.

1 Q Okay.

2 A But yes, it's interchangeable tape.

3 Q Thank you. Okay. Did other officers, aside from  
4 the four involved officers, did they take efforts to kind of  
5 contain the situation using non-lethal methods?

6 A Yes. There was multiple officers.  
7 Officer Farris, who was an original breacher, moved back to  
8 the location where early on, you saw pictures of a gas  
9 launcher laying on the ground between sides, or on side two  
10 between the main residence and the garage. He fired  
11 multiple gas rounds into the side three of the fifth wheel  
12 to get gas to prevent to -- or to force the gentleman to  
13 come out because we didn't want him to be firing anymore.  
14 That's why they did that.

15 Officer Bledsoe fired one gas round from the side  
16 three of the residence, he was in IP position, trying to  
17 penetrate into the trailer, but it hit branches and fell.  
18 It did not make it inside the trailer. So the officers also  
19 had to deal with there's a deadly force situation; now,  
20 there's a deployed gas that incapacitates people or forces  
21 them to -- so they have to deal with that burning and the  
22 coughing and all that while dealing with the deadly force  
23 situation at the same time.

24 Q And before Officer Farris could deploy the gas,  
25 did he have to run all the way to the front to get to the G3

1 to get the gas launcher, and then come back?

2 A There was other officers that were bringing up  
3 that --

4 Q Okay.

5 A -- located -- or bringing that stuff up, including  
6 the shield because it was, rounds were being fired by, from  
7 inside the trailer. They were using the shield to prevent  
8 Officer Farris to being struck by gunfire, so he was having  
9 a little bit of a defense.

10 Flash bang was also deployed. That is a diversion  
11 just to kind of, so people can get away or put themselves  
12 into concealment with that.

13 Q Okay. And was there also direction of the radio  
14 to the officers that could to kind of get out of the  
15 backyard?

16 A Yes, by the sergeants; Sergeant Townley and  
17 Frankis. If you were not directly involved in the rounds  
18 that we're firing, get to the front yard, get to a case of  
19 armor, get to a place that is safe for some cover,  
20 concealment because it was an active exchange of gunfire  
21 going on.

22 Q So you talked about kind of the locations of where  
23 the gas that deployed. What are we looking at here?

24 A This is side three facing to the south of the  
25 trailer, the fifth wheel in question. This is the slide-out

1 for the bedroom. These are the two rounds that are fired,  
2 or multiple rounds that were fired into these windows. This  
3 is the living area that you, where that -- inside there is  
4 that's where you see that green rocker chair. That's about  
5 the area, right below that is where that green rocking chair  
6 is at.

7 Go ahead.

8 GRAND JUROR: Those two holes that you said were  
9 the rounds, is that the gas round?

10 THE WITNESS: Those are the gas rounds.

11 GRAND JUROR: Okay.

12 BY MS. KYLE-CASTELLI:

13 Q Let me clarify something.

14 A Yes.

15 Q When you are saying side three, are you now saying  
16 side three involving to the trailer based off of where the  
17 front door of the trailer is?

18 A I am.

19 Q Okay.

20 A So --

21 Q So --

22 A So based off of your residence, what we saw  
23 earlier, side one of the main residence is that one. Side  
24 two is the Bear Truck. And side three is the IP that were  
25 in the back. And side four is where the BearCat is. I am

1 addressing this as the fifth wheel. The fifth wheel, I  
2 was calling, making the numbers for me so it makes it more  
3 --

4 Q So let's put them in terms, if you don't mind --

5 A Yes.

6 Q -- of how the property one, two, three, four  
7 designation would be. If this, if I was to the right of  
8 this picture, would I be the back side of the main  
9 residence?

10 A Yes.

11 Q Okay.

12 A This is --

13 Q And then outside of that would be side one where  
14 the G3 is located.

15 A That's correct.

16 Q Okay.

17 A Sorry for the confusion.

18 Q All right. That's okay. I just wanted to make  
19 sure we were clear on that.

20 A Yes. Sorry about that.

21 Q Okay.

22 A Does that make sense to everyone? Okay.

23 Q Okay. All right. So the pictures that, the  
24 circled area to the left that is the photograph of what we  
25 believe to be the bedroom inside.

1 A That is correct.

2 Q Okay. And on the right, that circle is the living  
3 room.

4 A That is correct.

5 Q Okay. And so what is -- is this a photograph from  
6 inside of the bedroom area?

7 A This is inside the bedroom area where the gas  
8 rounds came through. And the picture on the right-hand side  
9 is what the plastic round which holds the gas substance or  
10 the powder inside is marked as placard number four. It  
11 breaks apart once it hits the windshield, or the window.

12 Q So speaking of that, when it breaks apart, were  
13 there a lot more -- are these called Ferret Rounds?

14 A They are called Ferret Rounds.

15 Q Okay. Were there a lot more examples of, like,  
16 Ferret Rounds broken up inside of the trailer?

17 A Yes, there was.

18 Q Okay. So this is just an example of one of the  
19 Ferret Rounds without going through each one of the Ferret  
20 Rounds inside of the trailer one by one.

21 A That is correct.

22 Q Okay. Because they would have broken up and there  
23 would be fragments of it everywhere.

24 A That is correct.

25 Q Okay. And so this is that living room area. Can

1 you tell us what we're looking at here?

2 A So this right here is the living room area. This  
3 is, we marked it as DD, as where the strike is. This is the  
4 round where it first penetrates. This is the gas Ferret  
5 Round that first strikes. It goes into this is, like, a  
6 makeshift drape. It goes into that drape from there.

7 This right here is looking out the front door,  
8 where the front door is of the trailer. This is the,  
9 obviously, the tool shed. And DD2 is where the final impact  
10 is of that gas round. As you can see, it is at an upward  
11 angle. They're taught to fire them at an upward angle  
12 because they don't want to strike anyone, so that is why  
13 it's at an angle firing up.

14 Q Officer Hertzler (ph.) in particular during his  
15 interview kind of discussed SERT and the desire to contain a  
16 situation unless it's unsafe. Can you kind of explain to us  
17 what Officer Hertzler said during his interview?

18 A So based off of that, they want to contain it. So  
19 it's safer to be contained and away from and draw that  
20 person to them. Why would they want to go into a situation?  
21 So based off of what he's saying, they contain the callout.  
22 So they're drawing us to them to get them away from their  
23 own area to our, where we know it's safe around there, based  
24 off that.

25 Q And the radio communication, do you also hear, I

1 think you even said Sergeant Townley or Sergeant Frankis  
2 tried to call people out of the backyard area.

3 A Yeah. So they -- it was an unsafe area to be in  
4 that backyard. That's where all the rounds were fired. If  
5 you're not directly firing less lethal, if you're not  
6 containing position in which the IP positions are and you're  
7 not, you don't have a role, it's unsafe for you to be there.  
8 So they want you to get drawn back to a safe containment  
9 area or safe concealment area behind armor, unless it's  
10 unsafe to do so.

11 If you're pinned down, you can't do anything and  
12 you are stuck, that is where you're stuck, and you, officers  
13 are hopefully defending you and know that they're protecting  
14 you --

15 Q Okay.

16 A -- at that point.

17 GRAND JUROR: Where is Officer Hertzler when he's  
18 saying he's seeing something --

19 THE WITNESS: Officer -- oh, sorry. He's in the,  
20 he's between sides. He's on side two. He's in that walkway  
21 area.

22 BY MS. KYLE-CASTELLI:

23 Q The walkway in between the garage and kind of the  
24 main residence? That --

25 A Yeah.

1 Q -- narrow walkway?

2 A Yes.

3 Q So that's where you believe that Officer Hertzler  
4 is located?

5 A I believe so, yes.

6 Q Okay. Did Officer Hertzler also note seeing some  
7 of the involved officers while he was standing in that  
8 position or around that position?

9 A He was able to, where his positioning was down the  
10 walkway, he could see Officer Madison and Officer Precup.  
11 So they were exchanging gunfire. They don't know --  
12 Officer Hertzler broadcasts, or even talks about, he sees  
13 them firing, Officer Dewey and Officer Madison, in the  
14 direction to the south, but he does not know what they're  
15 firing at. He knows, obviously, they're firing their guns,  
16 but they're firing towards the rounds at the trailer.

17 Q Okay. Did he notice anything about their gaze?  
18 Whether it was, like, looking at something specifically, or  
19 did they look like they were fixated on something?

20 A They were fixated on something with the trailer.

21 Q Okay.

22 A Yes.

23 Q And just for clarification, I think you just  
24 previously mentioned Officer Dewey. Is --

25 A Sorry.

1 Q -- Dewey's name Dewey Madison?

2 A Yes. Officer Madison and Officer Precup. Sorry.

3 Q Okay.

4 A So It's Dewey Madison.

5 Q Thank you. Was there any indication from the  
6 other officers that were present about one of the gunshots  
7 or a noise that sounded different than the rest?

8 A So Officer Lovato broadcasted that he hears  
9 gunshots which sound like handgun shots. Then he heard a  
10 noise unlike the others, which was a lot louder. Unsure if  
11 it was a rifle round or a flashbang.

12 Q Okay.

13 A It was later determined that that was probably the  
14 single rifle round fired by Officer Thurman.

15 Q Okay. There was a flashbang that was discharged  
16 as well by Officer Flippo, though?

17 A Yes. And that was after the -- while everything  
18 was going on, at the very end.

19 Q Okay. After you eventually learn that Sergeant  
20 Thurman was, discharged his .223 rifle; is that correct?

21 A That is correct.

22 Q Was Officer Youngberg located in the Bear Truck  
23 that Officer Thurman was standing in that turret?

24 A Yes. She is the driver of the Bear Truck. She is  
25 part of SERT as an intel person, and part of that role is to

1 be driver, armor drivers.

2 Q And was Officer Youngberg also interviewed as part  
3 of the investigation?

4 A Yes.

5 Q And did she make any note or about how many times  
6 Sergeant Thurman might have fired his rifle?

7 A She believed it was one time.

8 Q Okay.

9 GRAND JUROR: I have a question.

10 MS. KYLE-CASTELLI: Sure.

11 THE WITNESS: Yes.

12 GRAND JUROR: And maybe it's coming. So the  
13 Officer Lovato heard a shot, heard a noise from -- is that  
14 from, did Officer Lovato say something like that, like, in,  
15 on the radio? Or is that from the interview?

16 THE WITNESS: Interview.

17 GRAND JUROR: Okay.

18 THE WITNESS: And I will tell you, when you hear  
19 the radio and all that's going on, they try to clear the,  
20 keep the radio as clear as possible because pertinent  
21 information is the one that needs to get out.

22 GRAND JUROR: Sure.

23 THE WITNESS: And not, hey, I'm hearing this, I'm  
24 hearing this. If it gets out -- we're pretty disciplined on  
25 our radio traffic when something like this is going on.

1 GRAND JUROR: Okay.

2 BY MS. KYLE-CASTELLI:

3 Q Okay. Were you provided a clip from an unknown  
4 residence that you believe to have been captured on May 6th  
5 of 2024?

6 A Yes, I was.

7 Q And when we say unknown residence, you don't know  
8 where the location was in relationship to 110 Southeast  
9 124th Avenue.

10 A That is correct.

11 Q Okay. But you were provided this, and so does it  
12 appear to have a lot of gunshots that are being exchanged or  
13 heard in this video clip?

14 A Yes.

15 Q Okay. Do you happen to know whether this was  
16 posted maybe on social media around the time of the incident  
17 on May 6, 2024?

18 A It was posted around that time on social media,  
19 unknown social media website, but it was up. It was posted.

20 Q Okay.

21 (Video recording played.)

22 BY MS. KYLE-CASTELLI:

23 Q Does the SHE2 radio, is there some type of buffer  
24 why we wouldn't have heard all of the shots being fired over  
25 that radio? Does that make sense, the question?

1           A       So when you keep in mind, there is a delay of a  
2 split second of stuff before it starts recording and picking  
3 up who is broadcasting that. So you might miss some  
4 gunshots. There is also, sometimes it's muffled based off  
5 of radio, how the radio mic is positioned.

6           Q       Okay.

7           A       So yes.

8           Q       Okay. So after the gunshots are, occur, can you  
9 tell us about how officers then took Richard Perez into  
10 custody?

11          A       So it was broadcast over the radio that the  
12 suspect was down. From there, a plan was developed pretty  
13 quickly by the involved officers or other officers that were  
14 directly still in the backyard to take Mr. Perez into  
15 custody and to get him medical aid as fast as possible.

16                 So Officer Flipppo was able to get himself out of  
17 the ramp area and to -- there's the main residence. Sorry.  
18 So they position themselves. They came around to the side  
19 two and drug Mr. Perez off who was laying down on the little  
20 stand leading into there with his firearm. They drug him  
21 off of there.

22                 Officer Flipppo did deploy his taser as part of the  
23 less lethal. They gave him commands with no response while  
24 he was still holding the firearm, so they gave him commands  
25 to take him into custody. As they did, they tasered him so

1 he could not do anything with the firearm. They took him  
2 into custody and put him into a safe spot to render aid off  
3 around the corner of side two.

4 And final positioning is this is where Mr. Perez  
5 was. He fell off. They drug him to a safe spot, which  
6 would be on the other side of the blue and grey trailer.

7 Q The -- Officer Flippo, did he deploy the taser  
8 because he was unsure whether or not Mr. Perez still had a  
9 weapon in his hand?

10 A That is correct.

11 Q Okay. And so did a medic come to the scene fairly  
12 quickly to render aid?

13 A Yes, you heard on the audio. Every time we serve  
14 out search warrants for SERT, there is medics. They're  
15 Portland Fire Bureau medics. They are trauma medics. So  
16 they are at every scene to treat victims, to treat officers,  
17 to treat other witnesses or anybody that's been injured at  
18 the scene immediately. So we're not waiting for the delay  
19 of fire to come, AMR to come.

20 Usually, 99 percent of the time, when we serve a  
21 search warrant, they have AMR based off the fire side. The  
22 SERT medics will have an ambulance on standby within the  
23 area, a staging area in case there is anything that needs to  
24 be done.

25 So Portland Fire Medic send them, was immediately

1 told to come up from a piece of armor. They ride in the  
2 armor with us. He has all his life saving equipment. He  
3 went up and attempted to render aid on Mr. Perez, which in  
4 turn, he was pronounced deceased at the scene.

5 Q So I think we heard a little bit on the radio, and  
6 I think we've heard about it from other testimony. Did  
7 officers undergo blood sweeps? Or was there a roll call  
8 done to make sure that officers involved or not involved  
9 were all not injured?

10 A That is correct. Yes.

11 Q And did officers, certain members, also go to  
12 nearby residents to check on them to make sure that no one  
13 had been injured at those locations?

14 A That is correct.

15 Q Okay. And so I -- at this point in time, you have  
16 not interviewed the four involved officers; is that correct?

17 A I have not.

18 Q Okay. You've already described this is probably  
19 the perspective that Sergeant Thurman may have had.

20 A That is --

21 Q At the time of the shooting.

22 A That is correct based off of where Sergeant  
23 Thurman's rifle was positioned, base off of a witness  
24 interview saying where Sergeant Thurman was. The  
25 walkthrough with Officer Flipppo and his perspective of where

1 people were at at the time of the shooting that he  
2 recalls.

3 Q And it was a very dynamic situation. Is it fair  
4 to say that it was a dynamic situation?

5 A Very dynamic, moving. As you can hear on the  
6 radio, it is very chaotic at that time.

7 Q So from your officer interviews, and from  
8 Officer Flippo in particular, but from other officers, have  
9 you been able to determine approximately where you believe  
10 some of the involved officers may have been at the time of  
11 the incident?

12 A Yes.

13 Q Okay. Can you please walk us through what you  
14 think?

15 A Perspective, this is Sergeant Thurman's view at  
16 the time of the shooting when it occurred. This tree is in  
17 question. This is where Officer Dewey and Officer Precup  
18 are positioned. And a little farther up would be Jake  
19 Ramsey, Officer Ramsey at the time of the shooting.

20 Q Okay.

21 A And then Flippo down here at the, down in the  
22 ramp.

23 Q Okay.

24 A Face down.

25 Q All right. So the tree is important for

1 Officer Madison and Officer Precup?

2 A Yes.

3 Q Okay. And Officer Ramsey and Officer Flipppo were  
4 closer to the actual fifth wheel trailer.

5 A That is correct.

6 Q Okay.

7 A Yes.

8 Q Was a firearm recovered at the scene that was not  
9 PBB issued?

10 A That is correct. A Smith and Wesson MP40 Shield  
11 pistol with that serial number. SN, serial number is  
12 HNE6514. And it is not a bureau-issued firearm.

13 Q Are all Portland Police Bureau officers, as far as  
14 a handgun, issued some type of Glock?

15 A Yes, Glock 9-millimeters.

16 Q Okay. And so can you tell us where, when you  
17 arrived at the scene, where Mr. Perez -- or where that  
18 firearm was located?

19 A So this was before it's placarded. This is where  
20 we are shown the firearm. This is the little landing. And  
21 it is literally sitting on the landing, at the edge of the  
22 landing at the time when I arrive.

23 Q Okay. And that edge, that's the closest to side  
24 four or the, that fence behind it.

25 A That is correct.

1 Q Okay.

2 A And then that is in the position that the firearm  
3 was found. No officers have touched that. No officers have  
4 made it safe. It shows that there is a magazine, which is  
5 where the bullets are stored inside the firearm. The slide  
6 is locked back because it's a semi-automatic, so it's an  
7 empty firearm at that point.

8 Q Okay. And so did you -- I want to ask this before  
9 I forget. Did you submit that Smith and Wesson .40 caliber  
10 to the Oregon State Police for analysis?

11 A Yes, I did.

12 Q Okay. Did you also submit the Glock 9-millimeters  
13 that the Portland Police Bureau officers, the involved  
14 officers had in their possession at the time of the  
15 shooting?

16 A Yes.

17 Q Okay. As well as the .223 colt action AR-15 style  
18 rifle that was in Sergeant Thurman's possession.

19 A That is correct.

20 Q Okay. And did Leland Samuelson conduct the  
21 analysis on those?

22 A Yes.

23 Q All right. So this -- did you also kind of -- the  
24 criminalists go through and detectives go through the scene  
25 to try to identify where the different cartridge casings

1 were at the scene.

2 A Yes. At this point, yes. There was the forensic  
3 evidence team, I think there was three of them, and there  
4 was two homicide detectives. So five of them searching the  
5 trailer at that point, yes.

6 Q Okay. And so during this initial search, were  
7 four casings recovered from the bedroom area, and one casing  
8 recovered from the door area?

9 A That is correct.

10 Q Okay. Subsequent to your, to the Homicide Unit  
11 releasing the scene, did Major Crimes and that initial  
12 search warrant that had been signed by a judge, did they go  
13 into the physical trailer and conduct a search of the fifth  
14 wheel trailer?

15 A Yes, because they were looking for items related  
16 to the robbery investigation that they were working on.

17 Q Okay. During their search, did they find an  
18 additional .40 caliber cartridge casing?

19 A Yes, they did.

20 Q Okay. And did you also submit that cartridge  
21 casing to the Oregon State Police Crime Lab?

22 A Yes.

23 Q Okay. And so the analysis was conducted on all of  
24 those .40 caliber casings --

25 A That's correct.

1 Q -- is that correct?

2 A Yes.

3 Q Okay.

4 A Go ahead.

5 GRAND JUROR: Was the one that was found by Major  
6 Crimes listed in these five?

7 THE WITNESS: No. So there's five that we find  
8 when homicide processed. And at the same time we finish our  
9 investigation, we're done at 4:45 in the morning; Major  
10 Crimes, you can now search for evidence of your crime for  
11 robbery. When they're searching, they go through  
12 everything. That's when they find the additional.

13 Why we might have missed it is the amount of  
14 clutter that you see and the amount of stuff that is there  
15 at that time.

16 GRAND JUROR: Okay.

17 BY MS. KYLE-CASTELLI:

18 Q Did they locate the additional .40 caliber shell  
19 casing, cartridge casing in the bedroom area of the fifth  
20 wheel trailer?

21 A Yes.

22 Q Okay.

23 GRAND JUROR: When it says casing recovered from  
24 door area, is that, like, outside on the ramp or is that  
25 inside?

1 THE WITNESS: Inside. Just inside.

2 GRAND JUROR: Okay.

3 THE WITNESS: I think. Hopefully, I think there  
4 will be pictures you'll see --

5 GRAND JUROR: Okay. Thanks.

6 THE WITNESS: -- where everything is recovered  
7 from.

8 GRAND JUROR: Okay.

9 BY MS. KYLE-CASTELLI:

10 Q So I want to be really clear. The cartridge  
11 casings that were found, the .40 caliber Smith and Wesson  
12 caliber cartridge casings, are those consistent with the  
13 bureau-issued, a Portland Police Bureau-issued firearm?

14 A They are not.

15 Q Okay. And I think that we've already covered the  
16 other two points on this particular slide. So have you gone  
17 through and kind of marked to the best of your ability where  
18 the cartridge casings were recovered within the trailer?

19 A Yes.

20 Q Okay. Can you kind of walk us through what we've  
21 got?

22 A So you're seeing 45 -- the first one's 45. This  
23 is on the bed. This is a .40 caliber casing that is swabbed  
24 and collected at the scene. Forty-four, same thing. This  
25 is inside the bedroom down on the, like, between the door --

1 or between the window and the bed is where the cartridge  
2 is casing again.

3 Fifty-two, on the bed as well, another cartridge  
4 casing, which is the .40 caliber.

5 MS. KYLE-CASTELLI: Yeah.

6 GRAND JUROR: When searching a cluttered area, do  
7 the criminalists or the Major Crimes Unit move stuff a lot?

8 THE WITNESS: Yeah. So what we do is we pick an  
9 area. We look at the area that we are looking at. We'll  
10 clear this area first, make sure it's completely empty, and  
11 then we'll slowly move everything to one side of that.

12 BY MS. KYLE-CASTELLI:

13 Q Do they, do the criminalists, when they find a  
14 piece of possibly relevant evidence, do they then placard  
15 it, photograph it and placard it without trying to move it?

16 A Yes. So they'll photograph it first just how they  
17 found it. Then they'll placard it, photograph it then. And  
18 then from there, if it needs to have any, like, DNA analysis  
19 or anything like that, then that's collected. Then it's  
20 collected as evidence.

21 Q Okay.

22 A It will all be collected as evidence.

23 Q Okay. So they --

24 A And they'll take a photo when we're all done with  
25 all the evidence collected at that point.

1 Q They don't necessarily move everything around  
2 in order to just search for the evidence.

3 A No. Because we are --

4 Q And they don't want to disturb the evidence they  
5 can see.

6 A That's correct.

7 Q Okay.

8 GRAND JUROR: Fifty-two is the one that's  
9 collected by Major Crimes? Or is that --

10 THE WITNESS: Nope. That is --

11 GRAND JUROR: That's not.

12 BY MS. KYLE-CASTELLI:

13 Q The photograph of the cartridge casing that was  
14 collected by Major Crimes is not in this PowerPoint; is that  
15 correct?

16 A That is correct.

17 Q Okay. So what are we looking at? This appears to  
18 be placard 50.

19 A Another shell casing or cartridge casing. That's  
20 a .40 caliber.

21 Q Okay. And this is also located in the bedroom  
22 area?

23 A Yes. So that is the four that you see that we  
24 discussed right now inside the bedroom. And the numbers  
25 don't go sequential because once they, they might be finding

1 other pieces of evidence, and that was the number that  
2 they're finding.

3 Q And so I think we previously talked about one that  
4 was found closer to the door. Is -- can you describe what  
5 we're looking at here?

6 A This is at the, on the landing. Here's the step.  
7 This is just inside where the tool shed, or the tool chest  
8 is at. This is a .40 caliber just inside the door, within a  
9 foot, I believe it is.

10 MS. KYLE-CASTELLI: Okay. Does that answer your  
11 question?

12 GRAND JUROR: Yes.

13 MS. KYLE-CASTELLI: Okay. Thank you. All right.

14 BY MS. KYLE-CASTELLI:

15 Q Do the criminalists and detectives also kind of go  
16 through and kind of mark the stripe marks from where bullet  
17 hits?

18 A Yeah. Based off of what we had learned from  
19 witness interviews. Officer Flippo saying, hey, Mr. Perez  
20 was in the bedroom. And where we are finding evidence, then  
21 we would look for bullet strikes to see the direction of  
22 travel where Mr. Perez was firing that gun at that time.

23 Q Okay. You also look at the strike marks from  
24 officers' --

25 A That is correct.

1 Q -- bullets as well; is that correct?

2 A Yeah. That's why we marked -- earlier, you saw  
3 where the strike marks were with the Ferret Rounds, the gas  
4 rounds. So we see the direction of travel and which way  
5 they were fired.

6 Q And so if memory serves me correctly, it said HH,  
7 and then HH1, and then HH2. Is that to indicate that the  
8 direction of travel in one specific projectile? So in that  
9 case, it would be the Ferret Round first hitting HH.

10 A Yes.

11 Q And then striking the HH1.

12 A Yes.

13 Q And then hitting this HH2.

14 A That is correct.

15 Q Okay. So that is to show the trajectory of one  
16 particular projectile.

17 A That is correct.

18 Q Okay. And so was that done with the rounds that  
19 we believe were potentially fired by Perez?

20 A That is correct.

21 Q Okay. And so can you tell us what we're looking  
22 at here?

23 A So this is CC. Early on, you guys saw photos of  
24 the trailer. So when you step into the trailer and you look  
25 immediate to the left, there is the tool chest. And above

1 that is this row, bank of cabinets. And earlier, we  
2 pointed out a bullet strike that had not been marked yet.  
3 This bullet track is marked as CC. CC1 is where it exits  
4 out of the trailer going to the south.

5 Q Okay. When a bullet enters one type of media, and  
6 then it exits or tries to exit the backside of that, are  
7 those markings distinctly different?

8 A Yes. Potentially, it could have a very small hole  
9 because that's the entrance, but the force of the coming  
10 out, it's going to blow it out, so it's going to open up and  
11 it's going to look a lot wider of direction, travel, and  
12 what the bullet's going to do while it's hitting something.

13 Q Okay. So did -- on the May 6, 2024, while the  
14 criminalists were, and the detectives were kind of  
15 documenting the scene and this trailer, did they measure the  
16 height from the floor of the trailer up to where that CC is  
17 marked?

18 A Yes.

19 Q And how tall was that? How long was it?

20 A So we cleared out -- they cleared out everything.  
21 They went to the carpet, that and measured up, it was 6'3".

22 Q Okay. Through your investigation, did you also  
23 look into the height of Officer Ramsey and Officer Flippo  
24 who were both inside of the trailer?

25 A Yes.

1 Q And how tall were, is Officer Flippo?

2 A 5'8".

3 Q And how tall is Officer Ramsey?

4 A 5'8". But then you add a helmet on top of that,  
5 which would add another probably inch or two based off of --  
6 maybe three inches more, based off of their padding that's  
7 inside the helmet and then putting the helmet on top.

8 Q Okay. But even without the helmet, it was about  
9 seven inches between their, the top of their head to where  
10 that strike mark is located; is that correct?

11 A That is correct.

12 Q Okay.

13 A In the direction of where they were at.

14 Q Okay. And we, you noted these earlier, the FF and  
15 GG. Do those appear to be strike marks as well?

16 A Yes.

17 Q Okay. And can you tell anything about kind of the  
18 direction of travel based off of these photographs?

19 A Very little narrow spot is where the bullet first  
20 strikes, or the projectile. And as it rips through the door  
21 and explodes out the end of it, that's where you're seeing  
22 that. The same with GG, the direction of how it's narrow  
23 and then is going in a downward angle.

24 Q Okay. And those are close-ups of that, right?

25 A That is correct.

1 Q Okay. Does it also have an impact based off of  
2 how the door is positioned? Would that have some type of  
3 impact on it?

4 A Yes.

5 Q Okay. Based on the angle of the gun to the door?

6 A That's correct.

7 Q Okay. What about EE?

8 A EE is another bullet strike. This is an entrance  
9 into the, as you see, it enters right at the lower part of  
10 the cabinet door here. And that is in a downward angle.

11 Q To the best of your knowledge, Detective Winters,  
12 did any of -- and obviously you haven't interviewed the four  
13 involved officers, but to the best of your knowledge so far  
14 in your investigation, were you able to determine if any of  
15 the officers actually came past that kitchen cabinet area?

16 A Based off of?

17 Q During the actual shooting incident.

18 A No.

19 Q Okay. All right. So we've also got some  
20 additional evidence that was noted at the scene. Can you  
21 walk us through what we have -- what you found?

22 A So this is a little closer-up of inside the  
23 bedroom. This is the door for the bathroom. There is a  
24 note: Paige, I promise that I love you more. Sorry that it  
25 had to end this way.

1           To me, that's kind of a distinctive note. I  
2 don't know when it was written, but based on all of the  
3 knowledge and everything that's going on, based off of  
4 pictures that were taken, I took this as evidence.

5           Q     You wanted to make sure that it was secured as  
6 evidence.

7           A     Yep.

8           Q     You can't say when that was actually written.

9           A     Nope.

10          Q     Okay. I think you previously mentioned this, the  
11 SERT gas launcher and the shield were located in that  
12 walkway in between the main residence and the garage --

13          A     That's correct.

14          Q     -- is that correct? Okay. And is this the photo  
15 of that where they have them placarded?

16          A     Yes.

17          Q     Okay.

18          A     It's placard two and placard three.

19          Q     Okay. And it's close-ups of the gas launcher and  
20 the shield?

21          A     Yes.

22          Q     Okay. And did you also find evidence that Officer  
23 Flippo had deployed a flashbang more towards the fourth side  
24 of the property?

25          A     Based off the walk-through, Flippo saying that was

1 the direction he threw, this is the flashbang that was  
2 located on the fourth side.

3 Q Okay. And did you also -- did evidence secure  
4 about the officers' firing of weapons?

5 A Yes.

6 Q Okay. In total, let's start with Sargeant  
7 Thurman, did detectives and criminalists look for how many  
8 .223 caliber cartridge casings were located at the scene?

9 A Yes.

10 Q How many were found?

11 A One.

12 Q Okay. And is this the location of where it was  
13 found?

14 A Yes, on the ground on the back side of the G -- or  
15 the Bear Truck.

16 Q Okay. And so that was placarded as number one,  
17 and that was collected as evidence?

18 A That is correct.

19 Q Okay. All told, did detectives and criminalists  
20 attempt to recover all of the cartridge casings that had  
21 been -- the 9-millimeter cartridge casings at the scene?

22 A Yes.

23 Q Okay. And in total, how many did, were recovered?

24 A Thirty-three.

25 Q Okay. And to be clear, Officer Madison, Ramsey,

1 and Precup were all using 9-millimeter.

2 A That is correct, Glock 9-millimeters.

3 Q Okay. And so if you can kind of walk us through  
4 kind of the placards that do indicate that that's where a  
5 shell casing was recovered. And try the best to kind of  
6 explain where this is in the backyard.

7 A So early -- if you can back up one slide. A  
8 couple slides to where it's showing the position of the .40  
9 looking down the -- okay. Yep. Right there. Okay. So  
10 you're going to see now, start to see evidence placards on  
11 the ground.

12 This is looking to the east. This is, if it was  
13 daylight, the tree was just right here next to the two  
14 lights. This is the four tires. And you're going to  
15 statement to discover casings, 9-millimeter casings on the  
16 ground around where the tires are at. And I will point them  
17 out.

18 So there's the tires in question. The tree is  
19 right here, literally, right here. You're starting to see  
20 9-millimeter casings four, five, six, seven, as we're  
21 getting closer, leading deeper into the back, backyard.

22 Q Okay. And is that eight, nine, eleven, and twelve  
23 as well?

24 A Those are all 9-millimeter casings as well.

25 Q Okay. Let me ask you this. When you fire a

1 semiautomatic pistol, do the cartridge casings get  
2 ejected from the pistol?

3 A Yes. So a revolver, they keep them inside, if  
4 you're not a gun expert. They're fired, the cartridge  
5 casing stays inside until you unload. Semiautomatic has, it  
6 recoils and reloads the weapon, or reloads the cartridge or  
7 a bullet every time, cartridge casing every time. And so  
8 when it's fired, there's a tooth inside the firearm, it  
9 grabs the casing, there's a little lip, hooks it, and it  
10 flies out to the left -- or to the right and back. And it's  
11 no consistent of how far they're going to fly every time.

12 Q Okay.

13 A But it is consistent with flying out to the left  
14 -- or to the right and back.

15 Q Okay. All right. So --

16 A Closer-up perspective of eight, seven, eleven,  
17 twelve, there's going to be some around the corner, nine,  
18 twenty-one. Those are all 9-millimeter casings.

19 Q And these are all kind of grouped around that tree  
20 and the tires.

21 A That is correct.

22 Q Okay. Is this also grouped near the tires --

23 A That is on --

24 Q -- and the tree?

25 A Yes. It's on the other side of the tires. This

1 is the barrels. This is -- at the base of the tree right  
2 here, this is where you start to see all the cartridge  
3 casings start to group close together.

4 Q So and obviously the picture to the left on this  
5 one actually shows the actual tree.

6 A Yes.

7 Q Is that correct?

8 A This is the tree in position based off of where  
9 one of the officers were standing at this time, either  
10 Precup or Dewey at this time. And then same with 32. As  
11 you can tell how cluttered it was, it was a challenge to  
12 find all the casings.

13 Q So on the picture to the left, was there actually  
14 one, placard number 28, was that an unfired bullet?

15 A Yes, it was.

16 Q Okay. So there was at least one unfired bullet  
17 that was located at the scene.

18 A Yes.

19 Q Okay. On the placard number 32, is that located  
20 closer to the actual RV and the trailers? Or can you tell  
21 from this perspective?

22 A I cannot tell from that perspective --

23 Q Okay.

24 A -- on that one.

25 Q Okay. So going back to the placards on the 12,

1 14, 17, 18, 19, 20, 21, 24, 25, and 26; are those all 9-  
2 millimeter placards? Placards indicating 9-millimeter  
3 cartridge casings were recovered.

4 A That is correct.

5 Q Okay. And then what about the picture on the  
6 right? Can you explain to us what we're looking at there?

7 A So 29 is an empty magazine. So when your magazine  
8 runs empty, you remove it from the gun position, put another  
9 magazine in the firearm. And we're taught at training, if  
10 you put a new magazine in, to rack one in the chamber. So  
11 that could be a potential why there is a live round on the  
12 ground that maybe the gun had not run empty or his, whoever  
13 it was, I believe it was Officer Dewey, racked it and had  
14 fired, exported a live round out.

15 Twenty-eight is the unfired bullet and thirty is  
16 the casing.

17 Q Okay. And are these just, placard 53 and 54, is  
18 this additional 9-millimeter cartridge casings that were  
19 recovered at the scene?

20 A That is correct.

21 Q Okay. Are they both near the tree as well?

22 A Yes, they are.

23 Q Okay. Now, placard six, seven, thirty-one, and  
24 placard thirty-three, let's start off with six, seven, and  
25 thirty-one. Are those also 9-millimeter cartridge casings

1 that were recovered?

2 A Yes, they are.

3 Q And at this point, are we getting closer to the  
4 trailer?

5 A We are getting closer to the trailer. This is the  
6 base of the ramp at this point.

7 Q Okay. And are these blue crates to the bottom-  
8 hand right side?

9 A Yes, they are.

10 Q Okay. Of this picture to the left.

11 A Yep.

12 Q And so there was another cartridge casing located  
13 near blue crates in placard number 33.

14 A That is correct.

15 Q Okay. So what are we looking at -- where are we  
16 in this photograph?

17 A So this is as we're starting to go up the ramp  
18 toward the front entrance of the trailer. Total of 33 9-  
19 millimeter casings. Most of them were located around that  
20 tree area where you saw that grouping of where  
21 Officer Madison and Officer Dewey, based off of what Flippo  
22 had said, where they were positioned.

23 And approximately three 9-millimeter cases were at  
24 the base of the ramp, which we learned from the walk-through  
25 that probably Officer Ramsey, that was his positioning where

1 he was standing.

2 Q And just to clarify, placard number 39 and 40 were  
3 actually 9-millimeter cartridge casings, correct?

4 A That is correct.

5 Q And 41, back here, that is actually a fragment, a  
6 bullet fragment.

7 A Yes. That is one that, it's the bullet struck  
8 something and that's where it landed.

9 Q Okay. And so if I was walking up the ramp, is  
10 this a photograph that kind of captures if I look down to  
11 the right, next to the actual fifth wheel?

12 A That is correct.

13 Q Okay. So this is not where Officer Flipppo fell,  
14 which would be on the left-hand side of the ramp, this is to  
15 the right-hand side.

16 A That is correct.

17 Q Okay. And did you also note kind of where the  
18 officer's potential strike marks from their gunshots were  
19 located?

20 A Yes, I did.

21 Q Okay. And just again, the match to the right,  
22 this is just kind of a demonstrative aid to just kind of  
23 show approximately where those rounds or bullet strike marks  
24 were located, correct?

25 A That is correct.

1 Q All right. This isn't scientifically done or  
2 anything along those lines.

3 A Not at all.

4 Q Okay. So A, B, and C, can you tell us where those  
5 were located?

6 A So that's the blue and white trailer that is  
7 obviously trailer number two. This is that, it would be the  
8 northwest corner. There are some ladders that are there,  
9 positioned in that northwest corner before you go up the  
10 ramp and where that little area is where Flippo was at,  
11 Officer Flippo. This is the direction of these three  
12 rounds.

13 A, that first strikes the ladder and then goes  
14 into the trailer, A1, and lodges in there. B lodges into  
15 the side of the ladder. And then strike C, which is a  
16 little farther, you can't see, is in the corner of the  
17 trailer right there in the direction to the south.

18 Q And if you'll just keep going through.

19 A This is on, this is between the two buildings, or  
20 the two -- the fifth wheel and the other trailer. This is  
21 bullet strike D. It is grazing along the side of the, this  
22 trailer right here, just where the windows are. Just  
23 grazing across that side.

24 And E and F, this is the garbage bags that you see  
25 as you're walking up the ramp. The bullet strikes into the

1 garbage bags in that direction going to the south in the  
2 direction of the, up the ramp.

3 And right here, this is where you start to see P,  
4 Q, T, W, X, V, Q, all of them. And it continues on to AA  
5 where a bullet strikes or into the top of that ramp area. G  
6 is right here. This is obviously, you see where the two  
7 wheels are on the fifth wheel as you're looking in that  
8 southwest direction towards the trailer front door.

9 BB, this is where it strikes the ramp, or the top  
10 of the ramp is that little base area where the landing, a  
11 round was struck into that. H continued in the door, lower,  
12 the door was propped open.

13 This is the corner of that tool shed, or the tool  
14 chest. Three rounds, K, J, and L directional wise to the  
15 south as they're firing. And from here, this is side four  
16 or side -- yeah, side four. This is the fence. This is the  
17 end of the fence. A strike into the tire, strike into the  
18 fence post right there. And 36 is the flashbang that was on  
19 the ground.

20 What you're seeing here is the M, N, Q, P, and O,  
21 just closer-up of the bullet strikes. What you're going to  
22 see in 49 is a piece of shrapnel or fragment from one of the  
23 bullets. P closer up is just what the bullet strike into  
24 the wood is. Same with U, a bullet strike into the wood.

25 And V and W, X, and Y is at the base of the ramp

1 right onto the landing right there in the direction of  
2 going to the south toward the door about, of the fifth  
3 wheel. Z, same thing, the landing in the direction that  
4 there's the ramp to start the step into the trailer. Same  
5 with AA. Right here is a skipped round that goes all the  
6 way into that base of the trailer.

7 Q Did you also -- after an officer is involved in an  
8 officer-involved shooting, are they kind of taken aside and  
9 are photographs taken of them?

10 A Yes. They are processed at the scene, what they  
11 look like at the time of the shooting, what police gear they  
12 had on when. When, at the same time, they do a round  
13 countdown of the officers at the same time. And so they're  
14 not taken to a precinct, they're photographed at the scene.  
15 We have command post, command centers there where they're,  
16 it's, they're there with the, and processed by the forensic  
17 evidence and other officer -- other detectives from the  
18 forensic.

19 So the forensic criminalists process them, and the  
20 detectives from homicide are there to instruct the round  
21 countdown.

22 Q Okay. And we'll get to the round count in just a  
23 second.

24 A Yes.

25 Q Typically, the officers are wearing the exact same

1 gear that they would have been wearing at the time of the  
2 shooting; is that correct? Typically.

3 A Typically, yes.

4 Q In this particular case, did one of the officers  
5 have a significant amount of blood on one of their uniforms?

6 A Yes. Officer Ramsey was covered with a  
7 significant amount of blood.

8 Q Okay. Was he allowed to remove some of that gear  
9 before he was allowed to be processed?

10 A Yes, he was.

11 Q Okay.

12 A For biohazard and for safety purposes, yes.

13 Q Okay. To the best of your knowledge, is it  
14 believed that Officer Ramsey helped pull the suspect from  
15 where he fell off of the ramp to around the back side of the  
16 trailer for safety purposes from, because the fifth wheel  
17 hadn't been cleared at that point?

18 A That is correct. Based off of what Officer Flippo  
19 told us, yes, in his interview is that Officer Ramsey  
20 assisted with that and that's why he's covered in blood.

21 Q Okay. We don't -- and we don't have any  
22 indication that it was Officer Ramsey's blood.

23 A That is correct.

24 Q Okay.

25 A There was blood sweeps, as we talked about early

1 on. All the officers that were involved, they had blood  
2 sweeps conducted. That means a fellow officer takes all  
3 their gear off of them to make sure they're checked from  
4 head to toe.

5           Once they are photographed and processed, the  
6 detectives took each one of their equipments and went head  
7 to toe on them to make sure they weren't struck by any  
8 gunfire. With those heavy ballistic vests, they might, we  
9 don't know. At this time, we didn't discover anything. You  
10 could be struck by that gunfire and not know it based off of  
11 adrenaline, based off of the equipment they have on.

12           Q     Okay.

13           A     So this is Officer Ramsey at the time. Obviously,  
14 his gear is off. He has that heavy vest. You're going to  
15 see the other officers. This is what Officer Ramsey --  
16 Officer Ramsey would look exactly like that. Not exactly,  
17 but it's the same heavy vest. Position wise of equipment is  
18 based on how each officer sets it up how it's comfortable  
19 with them.

20           Q     Okay.

21           A     It's --

22           Q     Then he would have had some type of vest on,  
23 Officer Ramsey?

24           A     Heavy vest like this.

25           Q     Okay.

1 A This is a heavy ballistic vest.

2 Q Okay. And is this Officer Dewey Madison?

3 A That is Officer Dewey Madison at the time --

4 Q Okay.

5 A -- what he looked like after the shooting.

6 Q Okay. And is this Sebastian Precup?

7 A That is Sebastian Precup.

8 Q Okay. And Justin Thurman?

9 A That is Justin Thurman at the time. He had  
10 glasses like that at the time of the shooting. I learned  
11 that based off of -- that's what he looked like at the time  
12 of the shooting.

13 Q Okay. All right. So can you describe to us what  
14 a round count is?

15 A Yes. So each officer, whatever firearm or  
16 firearms that they're assigned, we count down each magazine  
17 and including their firearm, how many rounds they're  
18 typically supposed to carry. Each magazine that meets  
19 current policy is supposed to be consistent with being full  
20 capacity. And we, all our firearms, we carry loaded with  
21 one in the chamber when we carry a round in the chamber for  
22 that.

23 So we unload each firearm and every magazine to  
24 count how many rounds are there. We're also doing that for  
25 evidence purposes to collect the right amount of casings

1 and, also, to determine potentially how many rounds were  
2 fired of lethal force.

3 Q Okay. So in typically, typically, when an  
4 officer, when a Portland Police Bureau officer loads their  
5 9-millimeter Glock handgun --

6 A Yes.

7 Q -- the magazines, do they typically hold 17?

8 A They do hold 17 rounds, yes.

9 Q Okay. So when an officer goes to load their gun  
10 before a shift, before an operation, they would take -- and  
11 I want to make sure I get this correct. They would take  
12 that magazine of 17 rounds and insert it into the gun.

13 A That is correct.

14 Q Okay.

15 A And then they will charge one because if it's not,  
16 at the time, if it's not, doesn't have one in the chamber,  
17 they will rack the chamber. That will load one round.  
18 You're down to 16 rounds from there.

19 Q Okay.

20 A Per policy or what they suggest, you will then be  
21 at capacity, so you'll take one more round and load it at  
22 capacity. So each, your gun that will be in your holster  
23 will have 18 rounds in it. Two other spare magazines you'll  
24 have with you will have seventeen rounds because each  
25 magazine carries seventeen rounds.

1 Q Okay. And that's the typical kind of thing?

2 A That is consistent with the whole Police Bureau  
3 and how we're taught.

4 Q Okay. Now, we mentioned earlier there was one  
5 unfired round located near the tree; that was placard number  
6 28, correct?

7 A That's correct.

8 Q Okay. And it was located near what we believe to  
9 be Officer Madison's empty magazine.

10 A That is correct.

11 Q Okay. There's no way to know whether or not that  
12 was actually from an officer, or it was there beforehand, or  
13 we really don't know much about that placard number 28 and  
14 that unfired round.

15 A At this time, no.

16 Q Okay. And so we don't know that that came from  
17 one of the officers that might have been located near that  
18 area.

19 A At that time, no.

20 Q Okay. So can you walk us through -- let's start  
21 off with Officer Jake Ramsey and the round count that was  
22 conducted for Officer Ramsey.

23 A Officer Jake Ramsey carries a 9-millimeter Glock  
24 17; that is the model. Serial number BWAE232. It's a  
25 handgun. It has a light or, well, that has a red dot for,

1 this is for scope, basically, or for tracking someone or  
2 getting on target. Capacity is one round in the chamber and  
3 seventeen in the magazine, which would be eighteen.

4 One round -- and for him, when we downloaded them,  
5 his two spare mags had seventeen. When we did the round  
6 count, one round was still in the chamber and fourteen were  
7 still left in the magazine, which was consistent of likely  
8 that Officer Jake Ramsey fired three shots.

9 Q Okay. And so is this a photo of the magazine on  
10 the left, this is the magazine from the pistol.

11 A That is correct.

12 Q And is the one from the top right, is that the  
13 round that was found in the chamber?

14 A That is the round found in the chamber. This is  
15 why you see it pointed up with the actual projectile still  
16 in it.

17 Q Okay. And then that is a photo of just the round  
18 from the chamber having been removed from the actual Glock.

19 A That is correct.

20 Q Okay. And did he also have -- I think you  
21 mentioned that he had some additional magazines. How many  
22 additional magazines did Officer Ramsey have on his person?

23 A Two.

24 Q Okay. And were they at capacity, at 17 rounds?

25 A That's correct.

1 Q Okay. Both of them were.

2 A Yes.

3 Q Okay. What about Officer Dewey Madison? Can you  
4 go through that with us?

5 A Officer Dewey Madison also carries a Glock 9-  
6 millimeter 17, serial number BWDR015. It is also a lighted  
7 Glock that can turn on with a switch right here, and the red  
8 dot to, for sighting.

9 When his round count -- standard capacity is one  
10 in the magazine, or seventeen in the magazine and one round  
11 in the chamber for eighteen. When they did the round count,  
12 inside the gun, there was one round in the chamber and nine  
13 left in the magazine. His spare magazines, he had two or a  
14 magazine left on his person at 17. And not his additional  
15 one, magazine left on scene that we have learned. So  
16 likelihood is Officer Dewey Madison fired 25 shots.

17 He also carries an AR-style-15 rifle. It was in  
18 the armory at the time. When the means it's in the armory,  
19 he didn't take it with him. He was assigned just to carry a  
20 Glock at this time to process.

21 Q And he had the magazines on him for the AR-15; is  
22 that correct?

23 A They -- yeah. He keeps them with him so if he's  
24 just --

25 Q But --

1           A     But he did not have a rifle with him at that  
2 time.

3           Q     So for the purposes of today's presentation, you  
4 focused on, there's a focus on the weapons that we believe  
5 were actually used.

6           A     That is correct.

7           Q     Okay. So we haven't gotten through all of the  
8 other potential magazines and things like that that might  
9 have been on their person.

10          A     That is correct.

11          Q     Okay.

12          A     So fired -- three rounds fired from Jake Ramsey,  
13 twenty-five from Officer Dewey Madison.

14          Q     Did you learn during the round count that the  
15 empty magazine likely belonged to Officer Madison?

16          A     Yes, we did.

17          Q     Okay. And that is where, near the location where  
18 the unfired bullet was located.

19          A     That is correct.

20          Q     Okay. So the 25 shots may be 24.

21          A     Correct.

22          Q     Okay. If, as you mentioned, something had  
23 happened, it maybe got ejected or something.

24          A     That is correct.

25          Q     Okay. And so just walk us through -- it's the

1 same type of thing we were looking at with Officer  
2 Ramsey's; is that correct?

3 A Yes. Officer Dewey Madison's magazine from his  
4 pistol had nine cartridge casings in it with the bullets.  
5 This is from, removed from the firearm, one still in the  
6 chamber. And this is the round that was in the chamber at  
7 that time.

8 Q And so he had one magazine on him, Officer Madison  
9 did, that was at full capacity of 17.

10 A That is correct. That was on his duty belt.

11 Q Okay.

12 A And then this is consistent with where the  
13 positioning where this case or magazine was at, the live  
14 round, and where Officer Dewey Madison was standing.

15 Q Okay. And so is Officer Madison the only one that  
16 didn't have two spare magazines for his Glock on his person?

17 A That is correct.

18 Q Okay. What about Officer Precup?

19 A Officer Sebastian Precup, Glock 9-millimeter,  
20 serial number BFN446. It is a, this one does not have --  
21 it has the light but does not have the laser sight on it or  
22 the red-dot sight as we call it. Capacity would be, for  
23 him, would be 17 in the chamber, 1 any the magazine for 18.

24 When they did a round count, he had one still in  
25 the chamber, seventeen in his magazine. His spare magazine

1 had 17 in it and the magazine that was in his pant pocket  
2 had 10. Likelihood is he, Sebastian Precup, fired seven  
3 rounds.

4 The reason why this is switched, we are taught on  
5 the range at times if there is a lull in the action or the  
6 shooting has stopped, reposition your gun so it's always  
7 loaded, ready to go at any time. So based off of that, I am  
8 confident that that's what he did. He did what is called a  
9 tactical reload.

10 Q Okay. And so overall, we believe Officer Precup  
11 likely fired about seven shots.

12 A That is correct.

13 Q Okay.

14 A He also carries a .223 rifle. He did not use that  
15 at that time.

16 Q Okay. And are these the same type of photos --  
17 yes?

18 GRAND JUROR: The .223 was also in the armory or,  
19 like (inaudible) --

20 THE WITNESS: His was not with him. It was  
21 probably in the armory, I believe.

22 BY MS. KYLE-CASTELLI:

23 Q And so are we looking at, this is the photograph  
24 of the magazine was inserted inside of Officer Precup's  
25 Glock and the round from the chamber?

1 A That is correct.

2 Q Okay. And these, are these the two magazines that  
3 Officer Precup had on his person?

4 A Yes. This is the one from his vest, his left  
5 magazine pouch. And then this was the one that was left-  
6 side back pocket.

7 Q Okay. So let's go through Officer Thurman.

8 A Officer Justin Thurman. Colt AR-15, .223  
9 semiautomatic with serial number LG016056. Capacity is 30-  
10 round magazine that it stores. PPB policy says we only can  
11 load them through 28 rounds with 1 in the chamber.

12 Rifle magazine count, one in the chamber, twenty-  
13 six in the magazine. Two spare magazines on his person.  
14 Each of those magazines had 21 rounds inside. And it is  
15 likely that he, Justin Thurman, based off the, he fired one  
16 round, and we only found one .223 casing in the area where  
17 he is at.

18 Q So just to clarify that there's a -- is there a  
19 difference between the Colt AR-15 and how you load that  
20 versus the 9-millimeter as far as putting one into the  
21 chamber and then taking the magazine back out and reloading  
22 an additional round into it? Do you do that with the Colt  
23 AR-15?

24 A You do.

25 Q Okay. So it would have been a total of 28 rounds

1 --

2 A No matter what.

3 Q -- that we would expect.

4 A That is correct.

5 Q Okay. And is this the photograph of the rounds  
6 that were found in the magazine that was inserted into the  
7 Colt AR-15 and the one from the chamber?

8 A Yes. Two spare magazines.

9 Q Okay. Both had 28 each?

10 A That is correct.

11 Q Okay. We briefly touched on this before, but were  
12 the involved officers in this case issued what's called a  
13 communications restriction order?

14 A Yes, it is.

15 Q And were they done -- were they issued those  
16 communications restriction orders directly after the  
17 incident?

18 A Yes. They were ordered the moment that they were  
19 done getting their round count done and photos of them, they  
20 were issued that restriction, communication restriction  
21 order.

22 Q And the witness officers that maybe heard or saw  
23 things leading up to the incident or directly after the  
24 incident, were they also issued communications restriction  
25 order?

1 A Yes.

2 Q So they, per these orders, the officers that were  
3 either involved or witnesses, they're not allowed to  
4 converse with one another.

5 A That is correct.

6 Q Okay. And that's been that case since May 6th --

7 A That is correct.

8 Q -- of 2024.

9 A Yes.

10 Q Okay. And here are just the -- are these  
11 communication restriction orders?

12 A Yes, they are.

13 Q Okay. And so just looking, is that Officer Ramsey  
14 on the left?

15 A Yes.

16 Q And Officer Madison on the right?

17 A Yes.

18 Q Officer Precup on the left.

19 A Yes.

20 Q Officer -- Sergeant Thurman on the right.

21 A Yes.

22 Q Okay. And anything else, Detective Winters, that  
23 you think that we need to cover that has not been covered?

24 A No.

25 MS. KYLE-CASTELLI: Okay. Questions?

1 GRAND JUROR: In four months since this, what's  
2 -- does it just take that long to put all this stuff  
3 together, or?

4 THE WITNESS: So --

5 GRAND JUROR: Is this normal?

6 THE WITNESS: We have to complete the thorough  
7 investigation. We have to -- why it takes four months is I  
8 have to get my investigation done within 30 days. But that  
9 does not mean that the scientific stuff is not done. The  
10 scientific testing, when the lab reports, we have to wait  
11 for those to be completed. So those can take, if we wait on  
12 that. The ballistics, those take time.

13 And then also, the medical examiner's report and  
14 the toxicology, we have to wait until those are processed  
15 and fully back so we can present this case.

16 GRAND JUROR: Okay.

17 MS. KYLE-CASTELLI: And we might be able to touch  
18 on that in a little more detail in a little bit.

19 GRAND JUROR: Has Paige Smouse been in custody the  
20 whole time or --

21 MS. KYLE-CASTELLI: That, I'm going to say, is  
22 probably not relevant inquiry before us right now, so.

23 GRAND JUROR: I just have some timing questions.

24 MS. KYLE-CASTELLI: Sure.

25 GRAND JUROR: So I just made a note. So it's

1 broadcasted over the radio, that subject goes down. Do  
2 we, are we able to tell what time that was broadcast over  
3 the radio? I know that's really specific, so --

4 THE WITNESS: If you give me --

5 GRAND JUROR: -- it's okay if --

6 THE WITNESS: -- a couple seconds, I can look  
7 through. So at 18:36:25, it says one suspect is in custody,  
8 and he has been shot. At 18:36:33, bring medic to the  
9 driveway and bring medic up, 18:36:37. And at 18:36:47, the  
10 medic is with him working on him.

11 GRAND JUROR: So 18:36 --

12 THE WITNESS: Yes.

13 GRAND JUROR: -- was the --

14 THE WITNESS: Yes.

15 GRAND JUROR: Okay.

16 MS. KYLE-CASTELLI: And to be clear, you're  
17 referencing the BOEC CAD report; is that correct?

18 THE WITNESS: That is correct.

19 MS. KYLE-CASTELLI: So the BOEC CAD report is  
20 relaying information that is relaying information that is  
21 communicated over the radio, and somebody has to type it.

22 THE WITNESS: That is correct.

23 MS. KYLE-CASTELLI: And they type it in short  
24 segments to get the information out.

25 THE WITNESS: That is correct. Then at 18:38:54,

1 the suspect is confirmed deceased by the medic.

2 GRAND JUROR: So the 18:36, when they're arrest --  
3 when he's in custody, is there a time before that that they  
4 say the suspect is down?

5 THE WITNESS: Yep. Hang on one second. At  
6 18:35:16, they broadcast, "Got him." And then at 18:35:19,  
7 they're challenging him. And they're saying at 18:36:25,  
8 "One suspect is in custody." But the initial shots being  
9 fired, I think we talked about it already --

10 MS. KYLE-CASTELLI: I think if you look at  
11 18:34:17.

12 THE WITNESS: 18:34:17 is when the initial  
13 gunshots take place.

14 GRAND JUROR: Do we have any timestamp correlation  
15 on the doorbell video from across the street?

16 THE WITNESS: Not on that. It didn't show any of  
17 that. That was just how it was sent to me.

18 MS. KYLE-CASTELLI: So there's no time date stamp.

19 THE WITNESS: No.

20 MS. KYLE-CASTELLI: We don't really know exactly  
21 where that was taken or the timeframe of when it was taken.  
22 Just based off the circumstantial timing, you pulled that  
23 video; is that correct?

24 THE WITNESS: That's correct.

25 MS. KYLE-CASTELLI: Okay.

1 GRAND JUROR: So there was a photo of the  
2 doorway from the bedroom and the trailer with two bullet  
3 tracks --

4 THE WITNESS: Going in a -- yeah.

5 GRAND JUROR: Was that consistent with the shooter  
6 laying on their back in the -- because they seem to be  
7 really low towards the floor.

8 THE WITNESS: I don't know what his positioning  
9 was when he fired those rounds. I do know he was in the  
10 bedroom. I'm hoping with some later testimony that you'll  
11 learn his positioning of where he was when he started  
12 firing. But the direction, if you look at them, they're in  
13 a downward angle. And it's consistently moving up as he's  
14 going.

15 GRAND JUROR: So firing wildly?

16 THE WITNESS: Yeah. Go ahead.

17 GRAND JUROR: Do the armor trucks have any dashcam  
18 video?

19 THE WITNESS: No, they do not.

20 MS. KYLE-CASTELLI: As of May 6, 2024, did any  
21 member of SERT or SERT equipment have body-worn camera  
22 footage?

23 THE WITNESS: No.

24 MS. KYLE-CASTELLI: Okay. Any other questions?

25 GRAND JUROR: (No verbal response.)

1 MS. KYLE-CASTELLI: Okay. We can pause the  
2 record.

3 (Witness excused.)

4 (Off the record at 11:59 a.m.)

5 (On the record at 1:19 p.m.)

6 MS. KYLE-CASTELLI: All right. We are back on the  
7 record in a Grand Jury B case number 42. We are resuming  
8 testimony after lunch. And we are going to begin with  
9 Officer Jake Ramsey. If the foreperson could just please  
10 swear Officer Ramsey in.

11 JAKE RAMSEY

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

14 MS. KYLE-CASTELLI: You can have a seat.

15 DIRECT EXAMINATION

16 BY MS. KYLE-CASTELLI:

17 Q Can you please state and spell your name for the  
18 record.

19 A My name is Jake Ramsey, J-a-k-e, R-a-m-s-e-y.

20 Q And how old are you?

21 A I'm 31 years old.

22 Q What is your educational background or what did  
23 you do prior to becoming a police officer?

24 A After high school, I served five years in the  
25 military. And I am going to complete my bachelor's degree

1 this week.

2 Q When did you decide you wanted to become a police  
3 officer?

4 A At some point when I was in the military, I  
5 decided that it would be a good fit for me because I enjoyed  
6 serving the public and enjoyed doing that type of work for  
7 my fellow Americans.

8 Q Did you ultimately then apply to become a police  
9 officer with the Portland Police Bureau?

10 A Yes.

11 Q How many years have you been a sworn police  
12 officer with PPB?

13 A I've worked for PPB for eight years this November.

14 Q Did you, as part of your training, attend the  
15 standard DPSST Academy for new officers in Salem?

16 A Yes.

17 Q Did you also successfully complete the advanced  
18 academy through the Portland Police Bureau?

19 A Yes.

20 Q Did you successfully complete the training to  
21 become an active sworn member of the Portland Police Bureau?

22 A Yes.

23 Q Did you complete that probationary period as well?

24 A Yes.

25 Q After you completed the probationary period, what

1 was your assignment?

2 A I was assigned to East Precinct Patrol as an  
3 officer.

4 Q Okay. And morning shift? Night shift?

5 A Afternoon shift, which is 4:00 p.m. to 2:00 a.m.

6 Q Did at some point you become a member of the SERT  
7 team?

8 A Yes.

9 Q And when did that happen?

10 A I was appointed a SERT in September of 2020.

11 Q Did you complete the SERT training requirements?

12 A Yes.

13 Q Have you also received ongoing training both as  
14 just the general Portland Police Bureau officer training,  
15 ongoing training, and ongoing SERT training?

16 A Yes.

17 Q On May 6 of 2024, was your position in SERT a  
18 detach position, meaning it wasn't full-time?

19 A Yes.

20 Q So what was your full-time position on that day?

21 A The same as it was when I began my work with  
22 Portland Police. I worked at East Precinct afternoon shift.

23 Q As a patrol officer?

24 A As a patrol officer.

25 Q Okay. Officer Ramsey, is your appearance here

1 before the grand jury compelled in any way by the  
2 District Attorney's Office or any other agency?

3 A No.

4 Q Are you under a subpoena today to testify before  
5 the grand jury?

6 A No.

7 Q Are you appearing voluntarily because you would  
8 like to come and speak to the grand jury?

9 A Yes.

10 Q Following the incident that occurred on May 6,  
11 2024, were you placed under a communications restriction  
12 order?

13 A Yes.

14 Q Is that still in effect?

15 A Yes.

16 Q Have you complied with that order?

17 A Yes.

18 Q On May 6, 2024, were you under the influence of  
19 any substances that would materially affect your job  
20 functions or decision making?

21 A No.

22 Q So let's turn to May 6, 2024. Were you paged to  
23 assist with execution of a search warrant at 110 Southeast  
24 124th Avenue as a member of SERT?

25 A Yes.

1 Q Did you originally attend a briefing at North  
2 Precinct to learn background information about the  
3 underlying investigation?

4 A Yes.

5 Q During that briefing, did you also learn  
6 information about the 110 Southeast 124th Avenue location?

7 A Yes.

8 Q Did you learn that a search warrant was for an  
9 armed robbery that had occurred the same morning on May 6,  
10 2024?

11 A Yes.

12 Q Were you aware that a white male was armed with a  
13 handgun during the robbery that occurred at Joseph's Deli  
14 and Lottery?

15 A Yes.

16 Q Did you also learn that the male met up with Paige  
17 Smouse a short distance away where he got into a green Honda  
18 Accord?

19 A Yes.

20 Q Were you shown a picture of Paige Smouse during  
21 the briefing?

22 A I was, yes.

23 Q Were you aware that the Portland Police Bureau  
24 Major Crimes Team was conducting surveillance on 110  
25 Southeast 124th Avenue in regards to a string of armed

1 robberies that had occurred throughout the metro area?

2 A Yes.

3 Q During that briefing, however, you didn't -- did  
4 you learn the identity of the male suspect that was believed  
5 to have committed the robbery at Joseph's Deli?

6 A No.

7 Q Did you learn during the briefing about the  
8 location of 110 Southeast 124th Avenue that there were  
9 multiple structures located in the backyard?

10 A Yes.

11 Q On May 6, 2024, what was your specific assignment  
12 with SERT?

13 A I was assigned to the entry element of SERT.

14 Q On that day, were you equipped with a Glock 9-  
15 millimeter semiautomatic handgun?

16 A Yes.

17 Q Typically, how many -- I'm sorry. Typically, how  
18 many rounds would be in your bureau-issued firearm in the  
19 beginning of an operation?

20 A There's 17 rounds in the magazine and 1 round in  
21 the chamber.

22 Q How many spare magazines for your Glock would you  
23 have on your person, or did you have on your person that  
24 day?

25 A Two spare handgun magazines.

1 Q And where were they located?

2 A On my chest, on my vest.

3 Q Typically, how many rounds would you have loaded  
4 in your spare magazine?

5 A Those would each have 17 rounds.

6 Q Did you have any other firearm or magazines for  
7 another firearm on your person on May 6, 2024?

8 A On that day, I was also equipped with an AR-15  
9 issued rifle and three magazines associated with that. So  
10 one in the, one for the rifle and two on my vest.

11 Q Okay. The rifle at the time of the incident,  
12 where was that rifle located?

13 A At the time of the incident, the rifle was located  
14 in the G3 piece of armor out front of the residence.

15 Q Okay. So at the time of the incident, the only  
16 weapon you had on you was the Glock 9-millimeter; is that  
17 correct?

18 A Correct.

19 Q Okay. Officer Ramsey, behind you, I am putting a  
20 map up of -- it's not a scale, but a map, an overview map of  
21 110 Southeast 124th Avenue. Are you familiar with this map?

22 A Yes, I am.

23 Q Okay. When you arrived, initially arrived at the  
24 scene, can you please point out where you were positioned?

25 A Yes. The G3 pulled up to the front of the main

1 residence and I was assigned to the custody team, which  
2 was at the G3.

3 Q Okay. As a member of the custody team, did you  
4 have a specific assignment within the custody team?

5 A I don't remember on this particular event. I was  
6 likely either a lethal person, assigned to be lethal for the  
7 custody team in case there was some sort of lethal threat  
8 that we encountered, or something similar to that. Maybe  
9 less lethal or gas plan. We have a variety of different  
10 roles, and I don't remember exactly what we did initially.

11 Q Okay. Where you were positioned, were you  
12 positioned in the G3 or around the G3 when the loud hailing  
13 began?

14 A I was, I remember being on the ground. So I was  
15 near the G3 with my feet on the ground. Like, we, I wasn't  
16 in the G3. We were all on the ground.

17 Q Okay. Did you hear the loud hailing?

18 A Yes.

19 Q Did you hear that that included force warnings?

20 A Yes, multiple force warnings.

21 Q Okay. Were you also listening to radio  
22 transmissions over the SERT dedicated line, SHE2, throughout  
23 the day?

24 A Yes.

25 Q From the radio, did you learn that shortly after

1 the loud hailing began that there had been a breakout  
2 from the main residence?

3 A Yes.

4 Q Did you learn that the individual that ran had  
5 been challenged by officers in the backyard?

6 A Yes.

7 Q And did you learn that that male eventually ran  
8 into the fifth wheel trailer in the backyard?

9 A Yes.

10 Q After that occurred, did you hear additional  
11 efforts to loud hail the occupants to exit the property?

12 A Yes.

13 Q Did the loud hailing go on for quite some period  
14 of time?

15 A Generally, yes.

16 Q Okay. Did you also learn from the radio that two  
17 individuals, a male and a female, had exited the fifth wheel  
18 trailer?

19 A Yes.

20 Q And did you know that the male had indicated that  
21 he was the same person that had broken out from the house  
22 and then entered the fifth wheel trailer?

23 A Yes.

24 Q Were you aware that there were other officers on  
25 the scene that were kind of debriefing the occupants that

1 came out of the property either from the main residence  
2 or the fifth wheel trailer?

3 A Yes.

4 Q Okay. Did you know that other officers were  
5 conducting those short interviews to determine if there was  
6 anybody else located on the property?

7 A I'm sorry, can you say that one one more time?

8 Q Of course. Did you know that there were other  
9 officers, maybe CNT officers, that were conducting brief  
10 interviews with those individuals to determine whether or  
11 not somebody else was on the property?

12 A Yes.

13 Q To the best of your knowledge, based on the  
14 information available to you at the time, did you believe  
15 that all the individuals had been cleared from the property  
16 and secured away from police activity on, at 110 Southeast  
17 124th Avenue?

18 A Yes.

19 Q When you are -- you said that you were a member of  
20 the entry team. Even though you may believe that somebody  
21 is, no one's left on the property, are you still prepared  
22 with your training to kind of assume that somebody still may  
23 be inside a structure, even though you can't see them?

24 A Absolutely.

25 Q Okay. Did members of the entry team eventually

1 enter the main residence to begin clearing the house to  
2 make it safe for detectives?

3 A Yes.

4 Q Were you part of that process in clearing the  
5 house?

6 A Yes.

7 Q Did that take a significant period of time?

8 A Yes.

9 Q So after the search, they did ultimately search  
10 the resident and that was completed, right?

11 A Yes.

12 Q Okay. What I would like you to do at this point,  
13 Officer Ramsey, is to kind of walk us through what you  
14 remember happening on May 6th of 2024. And I have both this  
15 map behind you, and I have a photograph available to you, so  
16 if you would just let me know at any point in time if one is  
17 more helpful to explain the situation or not, feel free to  
18 stand up and use them as references. You don't have to,  
19 there's no requirement to do so.

20 A Okay. Well, after the main residence was cleared,  
21 SERT still had the obligation to clear the backyard and the  
22 remaining structures in the backyard. I was a member of the  
23 entry element generally for SERT, and I was a direct member  
24 of the clear team for the backyard. And my role was being  
25 number one in the backyard, so it was my responsibility to

1 ensure that the backyard and the structures within the  
2 backyard were all clear for investigators and that there was  
3 nobody inside of them with ill intent.

4 We began clearing the backyard, myself and a  
5 variety of other officers that are members of SERT. We got  
6 through the backyard, and Officer Flippo and I, he was  
7 number two at the time, came together and had a brief  
8 discussion about the breakout that had happened earlier in  
9 the afternoon.

10 Officer Flippo and I talked briefly about  
11 remembering that it had happened because it had been a  
12 substantial period of time since we started the clear,  
13 remembered that this took place. And clearing up some facts  
14 that we wanted to be sure of before we dealt with either of  
15 the trailers.

16 We -- I felt confident that the person that had  
17 broken out had gone back into one of these trailers prior to  
18 learning that somebody had come out and given up. So  
19 Officer Flippo and I talked about it briefly, and I  
20 communicated via radio to some of the members of the IP, and  
21 I asked something similar to the person that broke out of  
22 the trailer went back into which trailer? The white trailer  
23 or the blue trailer?

24 For reference, the white trailer, what I was  
25 referring to is trailer number one. The blue trailer would

1 be trailer number two. I remembered it -- I remember it  
2 being blue.

3 Q So this is the white trailer and that's the blue  
4 trailer?

5 A Correct.

6 Q Okay.

7 A So I learned over the radio that the IP told me  
8 the person that broke out went back into the white trailer  
9 prior to coming back out again. Officer Flipppo and I agreed  
10 that we can then do the, clear the blue trailer of people  
11 and then deal with the white trailer last. So that's what  
12 we did. We cleared trailer number two, and we came together  
13 again prior to dealing with trailer number one, which was  
14 the last uncleared space on the property.

15 I went to another member of SERT and asked him,  
16 what is your confidence level here? Are we absolutely  
17 confident that the person that was in the white trailer that  
18 had broken out, gone back in the white trailer, and then was  
19 taken into the custody the same person?

20 The person that I was speaking with and myself  
21 agreed that we were highly confident there was no one left  
22 in that trailer. Debriefs had been happening for a  
23 significant amount of time. People had been questioning  
24 these folks about who else is in the house. The people that  
25 initially saw the breakout were confident that this was the

1 same person that was in custody at the moment.

2 So Officer Flippo and I decided that we were going  
3 to clear the white trailer after learning that our  
4 confidence levels as a group was really high. We approached  
5 the white trailer. I tried -- well, I don't know. I don't  
6 think I tried the door but maybe Officer Flippo tried the  
7 door. Somebody tried the door, and it was locked.

8 That's not uncommon. We serve a significant  
9 amount of search warrants. A lot of these search warrants  
10 include structures like this, RVs, fifth wheels. And  
11 oftentimes, people lock them prior to leaving or what have  
12 you in order to either protect evidence or they don't want  
13 their privacy invaded, whatever it may be. So it's not  
14 uncommon for a trailer door to be locked.

15 So I asked for a breacher, a couple -- a team of a  
16 couple folks came up with a prybar. We refer to it as a  
17 Halligan. They came up. They pried the door open. The  
18 door came open, and I was number one, meaning that I had the  
19 first view into this RV.

20 When the door came open, it was dark. We were  
21 standing outside of the door. And I think you probably know  
22 at this point, but for reference, the door is on the far  
23 side. Thank you.

24 Q Like, right about here?

25 A Yep.

1 Q Okay.

2 A And so we had to walk up that ramp. We had gotten  
3 to the flat portion of the ramp. We got the door open. The  
4 door comes open, it's dark inside and I don't hear anything  
5 or see anything. I'm using my weapon-mounted light to kind  
6 of look around, search, and I noticed that there was  
7 extremely limited area to move around within this trailer.  
8 There's a significant amount of stuff inside, whether it be  
9 clothes or furniture or whatever.

10 And generally, these types of fifth wheel trailers  
11 have eight, ten feet wide, maybe a little bit more, maybe a  
12 little bit less. But in this case, the walkway area was, in  
13 my recollection, maybe two feet, twenty-four -- I mean, it  
14 was small. And so part of that was slightly concerning in  
15 that there's not a lot of places to move around in here.

16 And so I knew that there was going, it was going  
17 to be tight for two people to fit inside of this trailer.  
18 And so prior to moving in, on top of that, the breakout and  
19 all these other things, I decided to give another force  
20 warning to this trailer in the hope that if there is  
21 somebody who we don't believe is in there in there, they  
22 will come out peacefully.

23 And so I gave a force warning, something to the  
24 effect of, hey, I know you're inside, this is the Portland  
25 Police. You need to come out right now with your hands up

1 or you may get hurt. I looked, and I listened, and I was  
2 shining my light around and I didn't hear anything or see  
3 anything.

4 And so I did it again; I said the same exact force  
5 warning, something similar to that and looked and listened.  
6 Didn't hear anything, didn't see anything. We paused  
7 briefly at the door, and I stepped in. My orientation prior  
8 to stepping in was looking this way. It was looking to the  
9 north, so I was on the furthest south end of the trailer  
10 looking north. I stepped in and made a right angle, so one  
11 step in and one to the right, and I'm looking north inside  
12 the trailer.

13 What I saw was at the very end of the trailer,  
14 which to me, maybe ten, fifteen feet away from me, was a man  
15 sitting on his bed upright with his feet hanging over the  
16 bed smoking a crystal pipe that has a stem on it. And it,  
17 my recollection was he was using a lighter or a torch or  
18 something to that effect.

19 In my eight years of policing experience, I know  
20 that to be used for methamphetamine or other narcotics. His  
21 head was down. He was using the torch to light the pipe.  
22 And when I initially stepped in and looked at him, he looked  
23 up at me, had a very surprised look on his face, dropped  
24 what he was holding in his hands and accessed a handgun that  
25 was on his lap that I couldn't see, pointed it at me and

1 shot.

2           And I heard it, and I saw the muzzle flash. And  
3 the only place for me to go was out. And so I shouldered  
4 Flippo out because he was trying to get in. And when he was  
5 getting out of the door, and I got out of the door, I  
6 started to work my way back down the ramp away from the  
7 trailer.

8           I think it's important to make a note about how  
9 quick this stuff happens and how much happens and how much  
10 you think about within a very short period of time from  
11 almost getting shot. And I think a component of that is you  
12 really just rely on your training and there's not a whole  
13 lot else you can do.

14           And so there's a lot that was going through my  
15 head, such as I could shoot back, or I could do this, or I  
16 could do that. But in this circumstance, I would have to be  
17 extremely responsible with my rounds generally as a police  
18 officer. It's dark inside. I can barely see the silhouette  
19 of a person who's shooting at me. I don't know if there's  
20 any other people inside this trailer. There's a lot that  
21 goes into that.

22           After stepping out, I recall the person who had  
23 just shot at me, his momentum kind of moving forward from  
24 the bed. So my perception was that he was continuing  
25 towards us. When I was working my way down the ramp, I was

1 walking backwards and kind of hearing continuous gunfire.  
2 So it was my recollection that he was just shooting at us  
3 through the walls or at us or wherever.

4 And then I heard Officer Flippo start calling my  
5 name, and I was oriented towards the door, the open door  
6 that I assumed the suspect was going to come out of. And I  
7 was approximately four feet away from it when I heard  
8 Officer Flippo calling my name multiple times. In my  
9 peripheral vision, I saw that he was on the ground stuck in  
10 between the trailer and the ramp, kind of in a hole. And he  
11 sounded scared.

12 And I felt like the only thing to do is save him  
13 because he can't protect himself in this circumstance. And  
14 so I don't remember exactly how it played out, but there's a  
15 period of time where the suspect would have to get from his  
16 bed to the door that would have taken a second or two. And  
17 so at some point, I remember maybe grabbing Flippo's hand or  
18 helping him up somehow or picking him up somehow, and then  
19 him trying to get around behind me.

20 And so in doing that, it was necessary for me to  
21 use cover fire to prevent this person from coming outside  
22 and shooting us at, basically, point-blank range and having  
23 the upper hand of surprise, which we did not have.

24 And so I decided that I was going to fire cover  
25 fire into the threshold of the door where there was what

1 appeared to be a black bookcase in the attempt, in the  
2 hope that it would provide enough resistance to this person  
3 that he would think twice about coming out of the door and  
4 shooting at us or trying to kill us right then and there.  
5 In order for us to have enough time to get to a spot where  
6 we could then create cover, distance, time, have other  
7 options to do things.

8           And that's exactly what happened. I fired three  
9 rounds of cover fire. I was able to hear Officer Madison  
10 behind me saying, "Jake, I got you," which to us as a team  
11 just makes us know that the person behind us is now covering  
12 the angle that we were covering, so now he can kind of cover  
13 our retreat. So I felt safe stopping cover fire, knowing  
14 that Flippo's behind me, and knowing that now,  
15 Officer Madison is covering the door, I can leave from the  
16 up-close and personal area of where this gunman is going to  
17 come out.

18           Officer Flippo and I worked our way around trailer  
19 number two to where there is a ladder, this, the -- yeah.

20           Q     Right here?

21           A     The line on the left, that's kind of where we got  
22 to. And from the moment I heard gunfire or saw gunfire in  
23 my face, I didn't really stop hearing gunfire. It was kind  
24 of, it felt like it just kind of ongoing between me firing  
25 cover fire, I'm assuming he was shooting at us, and him

1 maybe coming out and other officers potentially having to  
2 engage him because he's not stopping his behavior. It was  
3 kind of ongoing.

4 And so we made it to the corner, and my initial  
5 thought was we need to distract this person or affect this  
6 person in some way, whether that be, you know, CS munitions  
7 or gas, if you will. Or in my mind, another option is use a  
8 flashbang because it is a different sound, it's a, has  
9 overpressure, it has all these things that gunshots don't  
10 have, so it could be distracting or disorienting to  
11 somebody.

12 So I asked Officer Flipppo to deploy a flashbang  
13 because I was still up with my handgun kind of covering us.  
14 And this person could have stayed in the trailer, the person  
15 who tried to kill me and my friends, he could have stayed in  
16 the trailer and not come out and barricaded himself. And  
17 that would have been perfectly fine with us. We have a full  
18 SWAT team there. We could have had a standoff. We could  
19 have negotiated with him. We could have done a variety of  
20 different things in tactics to keep him safe, to keep us  
21 safe. But he decided to come out on his own, again, firing.

22 And it is my interpretation when he was outside of  
23 the trailer that other officers were shooting at him now. I  
24 was behind trailer number two near the ladder, as I had  
25 spoke about, asked Officer Flipppo deployed a flashbang. So

1 we moved to the far side of the trailer where I could now  
2 get a different angle on the front door assuming that he was  
3 going to come out of the front door.

4           And when he -- I didn't see him come out. When I  
5 made that corner, I didn't see him come out of the door.  
6 And so I was assuming he was either still inside shooting or  
7 was already out and I don't see him anymore because he went  
8 the other way. And I was right. I was looking at the door,  
9 and then he came back into my view away from us. As we sit  
10 here, he came back into my view. So he had to have come  
11 down the ramp towards us and then, when he was shot by  
12 officers, had fallen back over the other side, which was  
13 where I had an angle on him.

14           So I'm on the far corner. I'm looking at the  
15 door. I don't see him. I assume he may be inside. And  
16 then he comes back into my vision, now with blood in his  
17 chest area, slumping over and falls onto the ground. And I  
18 thought I was shot. I thought Officer Flippo was shot. I  
19 for sure thought that somebody was injured because this was  
20 way too close of a call for it not to be the case.

21           And so it was extremely important that we get him  
22 into custody as fast as possible in order for us to check  
23 ourselves, check the community at large because there was a  
24 significant amount of rounds fired, and make sure  
25 everybody's okay.

1           Additionally, we had to provide this person aid  
2 and do it as quickly as possible. And fortunately, on SERT,  
3 we have Portland Fire Bureau Medics that are exceptionally  
4 good at what they do. So we took him into custody. He was  
5 still breathing and moving around and reaching his hands  
6 around, and I didn't have view of his hands because his  
7 hands were underneath the fence. And so Officer Flippo  
8 announced he was going to use his taser.

9           Officer Flippo tased him. He got neuromuscular  
10 incapacitation. He basically froze up enough for us to walk  
11 up on it, feel safely walking up on him, grabbing his arms  
12 and putting him in handcuffs.

13           Once he was in handcuffs, it was important to now  
14 get him away from the trailer and the other officers away  
15 from the trailer because we still don't know if he's the  
16 only one in there or if there was multiple people in there  
17 or what. So we pulled him out to a safe location. Medics  
18 were already on scene, already began working on him  
19 immediately in the backyard.

20           I went to my immediate supervisor on SERT and  
21 asked him if I could go out front and take my gear off and  
22 make sure I didn't get shot. And that's what happened.

23           Q     I'm going to go back and ask you a few questions  
24 if that's okay.

25           A     Sure.

1           Q     So I want to make sure that I understand.  When  
2 you first stepped inside of the trailer, you turned to the  
3 right.

4           A     Correct.

5           Q     Okay.  Was Officer Flippo supposed to turn to the  
6 left and kind of look to the left?

7           A     Yes.

8           Q     Okay.  And it just -- I'm going to show you a few  
9 photos, if that's okay.  Is that kind of how it looked a  
10 little bit when you entered the trailer?

11          A     That's exactly what it looks like.

12          Q     Let me ask you this.  You mentioned --

13          A     Go ahead.

14          Q     -- that you -- you mentioned earlier that it was  
15 dark inside.  Do you mean, like, none of the lights were on?

16          A     Correct.  As you can see, all of the windows or  
17 would-be windows are covered.  There's no flash from any  
18 camera.  It's dark inside.

19          Q     Okay.  So there weren't any -- it's not for the  
20 flash -- the trailer lights weren't on.

21          A     There was no lights on whatsoever.

22          Q     Okay.  So it was difficult to kind of see what was  
23 going on inside --

24          A     Yes.

25          Q     -- of the trailer?

1 GRAND JUROR: And it was still light outside at  
2 the time?

3 THE WITNESS: Yes. It was, like, dusk, if I  
4 remember right.

5 MS. KYLE-CASTELLI: Okay. I didn't mean to  
6 interrupt the question. Is --

7 GRAND JUROR: Just --

8 MS. KYLE-CASTELLI: Yes.

9 GRAND JUROR: -- for reference.

10 MS. KYLE-CASTELLI: Yep.

11 GRAND JUROR: Can we dim these lights to --

12 MS. KYLE-CASTELLI: Sure.

13 GRAND JUROR: -- what you recall it would have  
14 looked like inside? She can dim the top lights pretty well.

15 THE WITNESS: Yeah.

16 GRAND JUROR: Can you let us know when we're at  
17 the point you would say it was inside?

18 THE WITNESS: You'd have to turn it off all the  
19 way. I mean, all -- yeah.

20 GRAND JUROR: Even with the lights here, this is  
21 still --

22 THE WITNESS: This is --

23 GRAND JUROR: -- lighter than it was inside, you  
24 would say?

25 THE WITNESS: Significantly, yeah.

1 GRAND JUROR: Okay.

2 GRAND JUROR: And your gun has a light on it?

3 THE WITNESS: My gun has a light on it, yes.

4 GRAND JUROR: Oh, God, don't --

5 MS. KYLE-CASTELLI: I just turned it back on.

6 THE WITNESS: But it's like --

7 MS. KYLE-CASTELLI: Sorry.

8 THE WITNESS: If I could elaborate a little bit.  
9 It's like using a flashlight.

10 GRAND JUROR: Right.

11 THE WITNESS: It only illuminates a certain area.  
12 It's, it is what it is.

13 BY MS. KYLE-CASTELLI:

14 Q So when you turned to the right, is this -- aside  
15 from the lighting, which would have been dark, is this what  
16 you saw?

17 A Yes.

18 Q Okay.

19 A And he was basically in front of the mirror with  
20 his feet hanging off the, what looks like now a gray  
21 comforter. His feet were hanging off with his feet on the  
22 ground sitting upright.

23 Q Would you mind just standing up and showing us  
24 what you're talking about?

25 A Sure. So just like this is a chair, this is a

1 mattress. Just like this is a chair, his feet are on the  
2 ground, his head is up here, and he's sitting upright  
3 smoking a pipe.

4 Q So --

5 A Initially.

6 Q Where does he -- does he put the pipe to the left  
7 of him? To the right of him? If he was sitting in that  
8 location, where does -- do you recall where he puts the  
9 pipe?

10 A Yeah. He dropped it out of his hands. So if I'm  
11 doing this, he looks up, surprised, drops it out of his  
12 hands, it falls on his lap. He quickly looks like he's  
13 scrambling for it and then pulls a gun out of his lap that I  
14 can't even see --

15 Q Okay.

16 A -- and starts firing.

17 Q Okay. When you were inside of the trailer, do you  
18 remember how many shots you heard while you were still  
19 inside?

20 A I recall hearing and seeing one, and then after  
21 that, I made the decision that I was going to get out  
22 because I was only 24 inches into this trailer.

23 Q Okay. You, I think you previously testified that  
24 you saw kind of a flash coming from the bedroom area.

25 A Yeah. Well, I put my gun light on him when I

1 turned to the right --

2 Q Okay.

3 A -- and saw him and saw what he was doing.

4 Q Okay.

5 A And when he lifted the handgun and fired, not only  
6 did I hear a gunshot, I saw an extremely bright and distinct  
7 muzzle flash.

8 Q Okay.

9 A That felt like it was right in front of my face.

10 Q Did you see one or did you see multiple?

11 A I saw one that I recall.

12 Q Okay. And so after that, that's when you exit  
13 back out of the trailer.

14 A Correct.

15 Q Okay. So you didn't hear another -- you didn't  
16 see another gunshot or hear another gunshot while you were  
17 still inside of the fifth wheel?

18 A Correct.

19 Q Okay.

20 GRAND JUROR: May I ask a question about this?

21 MS. KYLE-CASTELLI: Sure.

22 GRAND JUROR: So you said you were only about 24  
23 inches into, you see, hear and see the shot, and you go to  
24 get out. And Flippo, was he right -- like, when you  
25 shouldered into him, was he inside the trailer or was he on

1 the threshold? Like, do you recall where he was when you  
2 --

3 THE WITNESS: My perception is that he was trying  
4 to fit behind me, and there wasn't a lot of room. And so I  
5 recall kind of feeling where he was on my backside, feeling  
6 his body against the back of my body. And then, like, in a  
7 nudging, pushing manner, pushing him with me to get out. So  
8 we were kind of --

9 GRAND JUROR: He was pretty close to you when you  
10 were trying --

11 THE WITNESS: Yes.

12 GRAND JUROR: -- to get out.

13 THE WITNESS: He was, definitely --

14 GRAND JUROR: Okay.

15 THE WITNESS: -- close to me.

16 GRAND JUROR: So what initially attracted your  
17 attention to the person on the bed was the lighter they were  
18 using? Or something else?

19 THE WITNESS: Good question. So we have -- I have  
20 an obligation to protect everybody that is behind me, and  
21 it's tactic. And so generally speaking, in my initial area  
22 of responsibility is going to be the highest threat, like,  
23 area of where I'm going to look.

24 So in this particular circumstance, I know that  
25 these trailers typically have a living quarters up in that

1 area. And so not only am I having to control that whole  
2 area by turning right, meaning visually control that area, I  
3 also have a responsibility to protect the people behind me  
4 by kind of orienting what I'm focusing on to be the biggest  
5 threat area.

6 And in this case, the biggest threat area of this  
7 type of a structure is going to be the living area. If  
8 there's somebody hiding underneath something, I'm not going  
9 to see them initially. So I want to clear what I know I can  
10 see initially, and so that's what I did. And so by doing  
11 that, I immediately noticed the person in what we would  
12 call, like, the threat area.

13 BY MS. KYLE-CASTELLI:

14 Q When you were inside the trailer, did you fire any  
15 rounds off of your gun?

16 A No.

17 Q Do you know if anybody else fired any rounds from  
18 their guns while you were in the trailer aside from Perez?

19 A Nobody else fired any --

20 Q Okay.

21 A -- rounds, except for him.

22 Q The -- when Flippo -- when you saw Flippo, you  
23 turned around and you see Flippo kind of landing there in  
24 between the ramp and the second RV. Did it go through your  
25 mind that maybe Flippo had gotten shot?

1           A     It didn't go through my mind because I felt  
2 like if anybody was, had gotten shot, it would have been me  
3 because I knew he wasn't in as far as me, and he was behind  
4 me, and he's a little bit shorter than me.

5           Q     Okay. Let me ask you this question. Especially  
6 as you kind of crest around and you're behind the second  
7 trailer, would a gun and the bullet be able to traverse  
8 through the metal siding of a trailer? Did that cross your  
9 mind at any point during the --

10          A     Absolutely.

11          Q     -- incident? Okay. So was that ever a concern  
12 that he could actually shoot out and it didn't have to be  
13 from the entry or exit point of that door that you walked  
14 through?

15          A     Yes.

16          Q     Okay. Could he have also shot through the  
17 windows?

18          A     Yes.

19          Q     And I just want to -- I know that you said another  
20 officer said that they have your back or got you. I just  
21 want to clarify, was that Officer Madison that you said?

22          A     Yes.

23          Q     Okay. I just wanted to make sure I understood  
24 that. Do you recall where Officer Madison or Officer Precup  
25 were while this was going on?

1           A     Well, Officer Madison was behind me.  I don't  
2 know the exact layout, but if you -- the word ramp, there's  
3 a P, and to the north of the P and a little bit to the east  
4 would be a tree.  And that area, there's a big tree, and I  
5 knew that Officer Madison was back there because I saw him  
6 when I started going down the ramp where he was.

7           Q     Okay.

8           A     I heard him behind me and I kind of saw, and I saw  
9 him when we were, when we turned and left the ramp.

10          Q     Okay.  Did you know where Precup was,  
11 Officer Precup was?

12          A     I didn't know where he was immediately.  I shortly  
13 realized that he was with us when we took the -- Perez?

14          Q     Perez.

15          A     When we took Perez into custody.

16          Q     Okay.  So you fired three rounds from your bureau-  
17 issued firearm; is that correct?

18          A     Yes.

19          Q     Did -- and you said it was towards a black  
20 bookcase.

21          A     Yes.

22          Q     And was that in the main entrance door to the  
23 trailer?

24          A     Yes.

25          Q     Does this appear to be the three strike marks that

1 you made?

2 A Yes.

3 Q Okay. I want to be clear about this,  
4 Officer Ramsey. Did you actually ever fire your weapon at  
5 the individual inside of the trailer?

6 A I did not. I would have had I had an opportunity.

7 Q Okay. Did you believe that the individual that  
8 was inside the trailer when you were inside the trailer  
9 posed an immediate threat of death or serious physical  
10 injury to either you or to the other officers?

11 A Yes.

12 Q And by the time that that individual exited the  
13 trailer, did you perceive him to be an immediate threat of  
14 death or serious physical injury to you or other officers?

15 A Yes.

16 Q Okay. It -- did you see him -- I think your  
17 testimony was that you did not see him actually exit the  
18 trailer; is that correct?

19 A That's correct.

20 Q Okay. And Officer Flippo -- Officer Ramsey, I  
21 apologize, how tall are you?

22 A I'm 5'8".

23 MS. KYLE-CASTELLI: Okay. Does anybody in the  
24 grand jury have any questions for Officer Ramsey?

25 GRAND JUROR: Can you bring up the picture of the

1 yard again?

2 MS. KYLE-CASTELLI: Sure.

3 GRAND JUROR: So the last point you saw when Perez  
4 was active, he was reaching under the fence, you said?

5 THE WITNESS: Yes. The fence, what I mean by  
6 that, is a horizontal fence board. It's on the ground.

7 GRAND JUROR: Okay.

8 THE WITNESS: It's not upright. It was on the  
9 ground flat.

10 GRAND JUROR: Understood.

11 GRAND JUROR: Scrap fence, not a fence-fence.

12 THE WITNESS: Correct, yeah.

13 MS. KYLE-CASTELLI: Anybody else have any  
14 questions?

15 GRAND JUROR: (No verbal response.)

16 MS. KYLE-CASTELLI: Okay. Thank you.

17 THE WITNESS: Thank you very much.

18 (Witness excused.)

19 GRAND JUROR: Can we turn the lights up just a  
20 little bit?

21 GRAND JUROR: Not all the way.

22 GRAND JUROR: Yeah, yeah. Just -- okay.

23 (Inaudible). Thank you.

24 MS. KYLE-CASTELLI: All right. If the foreperson  
25 could please swear in Officer Madison.

1 DEWEY MADISON

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

4 MS. KYLE-CASTELLI: You can have a seat please.

5 DIRECT EXAMINATION

6 BY MS. KYLE-CASTELLI:

7 Q Can you please state and spell your name for the  
8 record?

9 A My name is Dewey Madison, D-e-w-e-y, M-a-d-i-s-o-  
10 n.

11 Q And how old are you?

12 A I'm 39.

13 Q Did you serve in the military prior to becoming a  
14 police officer?

15 A Yes.

16 Q And how long were you in the military?

17 A I was in the Army for eight years.

18 Q When did you decide that you wanted to become a  
19 police officer?

20 A During the last year of my service in the  
21 military. I was getting burnt out on it and wanted a new  
22 challenge, and so I started looking into law enforcement.

23 Q Did you ultimately apply to become a police  
24 officer with the Portland Police Bureau?

25 A Yes, I did.

1 Q How many years have you been a sworn officer  
2 with the Portland Police Bureau?

3 A Twelve years.

4 Q Did you attend the standard DPSST Academy for new  
5 officers in Salem?

6 A Yes.

7 Q Did you also successfully complete the advanced  
8 academy through the Portland Police Bureau?

9 A Yes.

10 Q Did you successfully complete the training to  
11 become an active sworn member of the Portland Police Bureau?

12 A Yes.

13 Q Did you complete the probationary period?

14 A Yes.

15 Q After you completed the probationary period, what  
16 was your assignment?

17 A My first assignment was to East Precinct as a  
18 night shift officer. I spent three years there -- or no. I  
19 spent five years on night shift. And then I applied to be a  
20 member of our gang enforcement team. I was there for --  
21 it's my current assignment, but I am on the investigative  
22 side with our Enhanced Community Safety Team as an acting  
23 detective.

24 Q Okay. At some point, did you become a member of  
25 SERT?

1 A Yes.

2 Q When did that happen?

3 A I've been on SERT for three years now.

4 Q Did you complete the additional training  
5 requirements for SERT?

6 A Yes. I've attended the Oregon Tactical Office  
7 Association Basic SWAT course and also the Basic Sniper  
8 School.

9 Q Have you also received ongoing training both for  
10 being a Portland Police Bureau officer and for the ongoing  
11 training for SERT?

12 A Yes. We train every week with SERT on Thursdays,  
13 and I also attend our annual in-service training as well as  
14 other training to maintain my certifications with the  
15 Bureau.

16 Q Is your position in SERT a detach position?

17 A Yes.

18 Q And you've already explained what your regular  
19 position is. So I want to talk a little bit just to make  
20 sure it's clear. Is your appearance here today before the  
21 grand jury compelled in any way by the District Attorney's  
22 Office or by any other agency?

23 A No.

24 Q Are you under a subpoena today to testify before  
25 the grand jury?

1 A No.

2 Q Are you appearing voluntarily because you would  
3 like to come and speak to the grand jury?

4 A Yes.

5 Q Following the incident that occurred on May 6,  
6 2024, were you placed under a communications restriction  
7 order?

8 A Yes.

9 Q And is that still in effect?

10 A Yes.

11 Q Have you complied with that order?

12 A Yes.

13 Q Were you under the influence of any substances  
14 that would materially affect your job functions or decision  
15 making on May 6th of 2024?

16 A No.

17 Q So on that day, were you paged to assist in the  
18 execution of a search warrant at 110 Southeast 124th Avenue?

19 A Yes.

20 Q And that was as a member of SERT?

21 A Correct.

22 Q Did you originally attend the briefing that  
23 occurred at North Precinct?

24 A Yes.

25 Q Did you learn the background information about the

1 ongoing investigation that had occurred by Major Crimes?

2 A Yes.

3 Q Did you learn that there had been the robbery at  
4 Joseph's Deli and Lottery?

5 A Yes.

6 Q And did you know that one of the individuals had  
7 been identified, there was a female that had been identified  
8 as Paige Smouse?

9 A Yes.

10 Q You were unaware, though, when you actually  
11 arrived at the location at 110 Southwest -- Southeast 124th  
12 Avenue who the male suspect had been in the robbery; is that  
13 correct?

14 A That's correct.

15 Q Okay. Did you also learn there were multiple  
16 structures in the backyard at 110 Southeast 124th Avenue?

17 A Yes.

18 Q So on that day when you arrived at the scene, were  
19 you a designated member of a team? Was it the IP team? Was  
20 it the entry team? Tell us about that.

21 A Yes. My primary assignment to SERT is on the  
22 entry team.

23 Q Okay. And did you have a specific assignment  
24 within the entry team upon arrival?

25 A Yes. Upon arrival, I was assigned as one of the

1 lethal cover officers from our G3, which is a piece of  
2 armor that we use. And it was on the front side of the  
3 house on Southeast 124th.

4 Q And did that designation occur prior to your  
5 arrival?

6 A Yes. I learned about my, the designation of my  
7 position during our brief at North Precinct.

8 Q On that day, were you equipped with a Glock model  
9 9-millimeter semiautomatic handgun?

10 A Yes.

11 Q Typically, how many rounds would be in your  
12 bureau-issued firearm at the beginning of an operation?

13 A The magazine holds 17 rounds, and then we load 1  
14 round into the chamber, and then we refill the magazine. So  
15 I'd have a total of 18 rounds.

16 Q Okay. How many spare magazines for your Glock  
17 would you have on your person?

18 A Two.

19 Q Would they -- where would they be located?

20 A They're on my duty belt.

21 Q Okay. And how many rounds typically would each  
22 one of those magazines hold?

23 A Seventeen.

24 Q Do you also carry magazines on your vest for an  
25 AR-15 style rifle?

1 A Yes.

2 Q At the time of the actual incident and when you  
3 deployed your firearm, did you have the AR-15 on your  
4 person?

5 A No.

6 Q Okay. Was it secured in an armory or the G3?

7 A Correct. After -- yes, it was secured in the G3.

8 Q Okay. So at the time of the shooting, the only  
9 firearm that you had on your person was the Glock.

10 A Correct.

11 Q Okay. So I'm going to put a map up on this, the  
12 screen here. Are you familiar with this map?

13 A Yes, I am.

14 Q Okay. Can you just kind of point out to us or  
15 direct me, and I will point out using the mouse where you  
16 were when you kind of arrived.

17 A I can stand up and --

18 Q If that's fine --

19 A Yeah, yeah.

20 Q Yeah.

21 A (Inaudible).

22 Q Sure.

23 A So when we arrived on the location, I was, the G3  
24 was parked out front, and I was on the rear of the G3  
25 covering between, like, the front door of the house and then

1 the garage was my kind of, like, area of responsibility.

2 There was a bunch of cars in the, inside the  
3 property kind of stacked, double-stacked here, and then in  
4 the driveway itself. And that was my responsibility, was to  
5 cover this area.

6 Q Okay. And so that was upon initial arrival. Do  
7 you recall seeing the, a dark green Honda Accord upon your  
8 arrival?

9 A Yes, it was parked in front of the house.

10 Q Okay. And are you, were you aware based off of  
11 the briefing that part of the search warrant was to search a  
12 dark green Honda Accord?

13 A Yes.

14 Q Okay. Were you in that approximate location when  
15 the loud hailing began?

16 A Yes, I was at my position at the rear of the G3.

17 Q Okay. And were you able to hear it? Oh, what?

18 GRAND JUROR: Oh.

19 THE WITNESS: It was all tangled.

20 (Background interruption.)

21 THE WITNESS: Yeah. Sorry about that.

22 BY MS. KYLE-CASTELLI:

23 Q When the loud hailing did occur, did you also hear  
24 force warnings during the initial loud hailing?

25 A Yes.

1 Q Okay. Were you listening to the radio  
2 transmission and learned about a breakout from the main  
3 residence?

4 A Yes.

5 Q Did you learn that other officers in that inner  
6 perimeter positions had challenged that individual and that  
7 individual then ran inside of the trailer?

8 A Yes. I believe it was two people.

9 Q Okay. Two officers?

10 A Well, the two people had broken out of the  
11 trailer.

12 Q Okay.

13 A And then were --

14 Q Two people had --

15 A -- challenged --

16 Q -- broken out of the trailer or left the trailer  
17 afterwards?

18 A Two people had gone into the trailer after they  
19 were challenged by police.

20 Q Okay.

21 A By the inner perimeter officers.

22 Q Okay. Were you in a position to see the breakout?

23 A No.

24 Q Okay. So from your vantage point, was still on  
25 side one near the G3 is when you started hearing information

1 about the breakout?

2 A That is correct.

3 Q Okay. So were you relying on the SHE2 network,  
4 radio network to --

5 A Correct.

6 Q -- gain information about the breakout?

7 A Correct.

8 Q Okay. And so did you hear loud hailing resume  
9 after you believed the two individual, or the individuals  
10 went inside of the fifth wheel?

11 A Yes.

12 Q Okay.

13 A Once that area was secured with additional  
14 officers, then we, the G3 started doing loud hails again to  
15 the occupants of the residence.

16 Q Okay. I'm going to fast-forward a little bit,  
17 Officer Madison. Were you present when other officers began  
18 clearing the main residence?

19 A Yes. I was assigned to the team that cleared the  
20 residence.

21 Q Okay. So you were inside of the residence helping  
22 to clear it?

23 A Correct.

24 Q Okay. Was that a lengthy process?

25 A I believe it took us over an hour to just get

1 through the house itself.

2 Q Okay. And so once the clearing of the residence  
3 was complete, was a search conducted or towards the end of  
4 the search of the house, was a search initiated to kind of  
5 clear the backyard area?

6 A Yes.

7 Q Okay. By the time the officers arrived at the  
8 fifth wheel, had all of the other structures in the backyard  
9 been cleared?

10 A Yes.

11 Q Okay. Officer, do you know if either yourself or  
12 another officer tried to use any tools to investigate  
13 whether anybody was still remaining inside of the fifth  
14 wheel trailer?

15 A Yes.

16 Q Tell us about that.

17 A So once I, once the house was done, the main  
18 residence was cleared, I moved to the backyard to see if  
19 there was anything left to be done. And I was told that the  
20 rest of the structures in the backyard had been cleared.

21 I used our pole cam, which is essentially a camera  
22 on an extended pole that can, has little monitors so we can  
23 see what the camera sees. And we attempted to look into the  
24 fifth wheel trailer to see if there was anybody inside  
25 before we made entry. And we couldn't see into the windows

1 because they were all covered.

2 Q Okay. Was there also a chance to kind of look  
3 underneath the trailer? Through --

4 A Yeah.

5 Q -- some of the rubbish and --

6 A Yes.

7 Q -- things like that surrounding it?

8 A Yeah. We use the camera to look underneath the  
9 trailer, underneath the ramp that was attached -- not  
10 necessarily attached, but the ramp that went up to the  
11 platform that gave you access to the front door, we used the  
12 camera to clear all that space as well.

13 Q Okay. But you weren't able to see inside of the  
14 fifth wheel trailer using that pole camera.

15 A Correct.

16 Q Okay. Officer Madison, I'm going to put this -- I  
17 have this map up, and I'm also going to, I also have  
18 accessible to you this photograph as well. What I would  
19 like you to do is to walk us through what you saw and what  
20 you heard that day, if that's okay.

21 A Yeah. Is it okay if I stand up?

22 Q Sure.

23 A And kind of use the maps as a pointer. Okay. So  
24 initially, so we used -- you can't really see them because  
25 of the tree branches, but there's a rope. There's, like,

1 windows here. And that's what we used the pole cam to  
2 clear into, but they were all covered.

3 And we went underneath this ramp here with the  
4 pole cam, and then underneath the trailer kind of where the  
5 tires are. And then where this, like, storage space is, we  
6 look underneath that as well with the pole cam. We weren't  
7 able to see anything.

8 I set the pole cam down, and I kind of stood at  
9 the base of this ramp here while Officers Ramsey,  
10 Officer Precup, and Officer Flippo were at the front door of  
11 the trailer. At one point, one of them checked the door,  
12 realized it was locked, so they requested some breaching  
13 tools to come up so that way they could force entry into the  
14 trailer.

15 Q Okay. And then what happened?

16 A Officer Flippo and Officer Farris forced entry  
17 into the trailer using a sledgehammer and a Halligan, which  
18 is essentially like a fireman's tool that we've adopted as a  
19 breaching tool. They were able to open the door.

20 Officer Ramsey provided, like, a force warning and  
21 announcement inside of the trailer. You know, it's the  
22 Portland Police, if anybody's inside, let yourself, you  
23 know, make yourself known. He was standing here, looking  
24 back into the trailer --

25 Q When you say he, who are you referencing?

1 A Officer Ramsey.

2 Q Okay.

3 A Was standing on the platform looking back into the  
4 trailer, back into, like, what would be, like, the living  
5 space of the trailer. Officer Flippo was standing next to  
6 him, but was facing kind of towards, like, the rear of the  
7 trailer.

8 Officer Ramsey's first initial announcement was  
9 very, like, conversational in tone. It was like, okay, it's  
10 the police. You know, if anybody's inside, make yourself  
11 known. Almost immediately, his tone changed to a very,  
12 like, direct and, like, forceful tone to, like, hey, I see  
13 you. This is the police. Like, show me your hands.

14 I thought that was -- standing here down at the  
15 base, I was like, there's definitely somebody inside. He  
16 sees something. This is all kind of going through my mind  
17 at this time. And so I was, like, preparing to deal with  
18 potentially a custody coming up out of the trailer.

19 Officer Ramsey was kind of, like, had half his  
20 body inside the trailer. His gun was pointed up as if he  
21 was challenging a person. And that's when I heard four to  
22 five gunshots coming from with, inside the trailer.

23 Standing down here, I had clear visibility of  
24 Officer Ramsey and Officer Flippo. I know the shooting did  
25 come from Officer Ramsey. I see him -- at that time, I

1 believe whoever was in the trailer had shot at officers  
2 after they had made themselves, made announcements and made  
3 their presence known.

4           Standing down here, I saw Officer Ramsey kind of  
5 step out, and then I saw Officer Flippo fall down in this  
6 space right here. From the way that his body fell,  
7 Officer Flippo's body fell, I believed he had been shot. It  
8 was, it's hard to explain. I've seen people, in my military  
9 service, I've seen people be shot and how they fall, their  
10 body reacts, and they look just like that.

11           He fell down into this crevice of stuff between  
12 this blue and white trailer and this ramp. And at that  
13 point, I thought in my mind, I was thinking, okay, we're  
14 going to have to go rescue them. We're going to have to go  
15 up to Officer Flippo and grab him.

16           Officer Ramsey, on his retreat, was able to reach  
17 down and grab Officer Flippo by the collar of his vest and  
18 pull him out. And they were able to move down to around  
19 kind of this way towards this side of the trailer.

20           Before they made it all the way, Officer Ramsey  
21 came back around and shot cover fire into the doorframe of  
22 the trailer. And I was, you know, standing back here, and I  
23 had told Officer Ramsey and Officer Flippo that I had their  
24 cover. And Officer Ramsey fired the cover fire into there.

25           I still had full clear visibility of this space,

1 so I knew he wasn't shooting, like, direct fire at a  
2 suspect. And when he did that, it made sense in my mind. I  
3 was like, okay. This guy just shot at us. This person  
4 inside the trailer just shot at us. We haven't had the  
5 ability to affect him in any way to control his movement.  
6 Officer Ramsey fires cover fire. Move back.

7 And at that point, I was standing, I had moved.  
8 This angle seems different, but I was standing on the left  
9 side of this tree covering back this way, and I had full  
10 visibility of the front door. And I was standing there by  
11 myself. Officer Flipppo and Officer Ramsey were over here.  
12 I look over at them, and I told Officer Ramsey, I was like,  
13 hey, check Flipppo, make sure he isn't shot because at that  
14 point, I still believed he had gotten shot by the way he had  
15 fallen down.

16 So they did quick buddy checks on each other.  
17 They both said they were okay. And then a couple seconds  
18 later, I hear from inside of the trailer, "I'm coming out."  
19 And it wasn't, like, I'm coming out to surrender; it was  
20 coming out to get in a gunfight.

21 We've had plenty of people hide from us in my  
22 experience as a police officer, and I can tell the  
23 difference between when somebody, like, wants to surrender  
24 peacefully and give up. Usually, there's, their tone of  
25 voice is very, like, hey, like, you know, not apologetic

1 but, like, hey, I'm coming out. I'm ready to give up. I  
2 don't want to hide anymore. This was not that. This was a  
3 very aggressive, very, like, angry-sounding tone.

4 And at that point, I was the only person that  
5 still had eyes on the front door. And in my mind, I was  
6 thinking, like, we're not prepared to deal with this guy as  
7 a team. I didn't know -- I knew where Officer Flipppo and  
8 Officer Ramsey were, I didn't know where the rest of my team  
9 was. So I felt like I was the only person that had any  
10 control or impact on the suspect as they presented  
11 themselves.

12 The first thing that I saw shortly after that  
13 announcement from the, from within the trailer was a black  
14 semiautomatic handgun. Like, if I'm standing at the door,  
15 like, if this is the door to the trailer, I see a black  
16 semiautomatic handgun coming out. And it's not, like, in,  
17 like, the surrender position, like, hands up. It's, like,  
18 straight level, like he's looking for somebody to, like the  
19 suspect's looking for somebody to shoot.

20 I see it start to turn towards my position, and  
21 all I can see is, like, the right shoulder and the right  
22 side of the body of the suspect. He was wearing a white t-  
23 shirt. At that point, I believed he was an immediate threat  
24 of death or serious physical injury to myself and to Officer  
25 Ramsey and Officer Flipppo who were standing behind this

1 trailer, which isn't much cover because this thin  
2 aluminum siding, our rounds will go right through it, and  
3 the suspect's rounds would have as well.

4           So I felt that they were defenseless. So I  
5 started shooting at the suspect, aiming center mass with the  
6 right side of his body. So I was aiming, like, right here.  
7 Knowing that we had officers on the other side of this  
8 fence, I didn't want to shoot any higher and potentially  
9 have my rounds miss and go through and either hit the house  
10 on the other side or the officers that were on the other  
11 side of that fence.

12           My first initial burst was, like, three to five  
13 rounds. And by that time, the suspect had moved all the way  
14 out on the platform, and I had made eye contact with him,  
15 and he was staring at me and pointing his handgun at me. So  
16 I had done my, like, assessment and the suspect was still  
17 pointing the gun at me, still looking at me, so I kind of  
18 changed my grip a little bit. Came back up on the suspect,  
19 and I was aiming, like, center mass of his lower right hip.

20           I fired another three to five rounds at him. It  
21 had no affect on him. It wasn't what I was expecting to  
22 happen in a shooting. I've never been in a shooting before,  
23 so I literally had no frame of reference as to that. But I  
24 was, I remember in my head being like, why isn't this  
25 working?

1           And so I had to shoot again. And the suspect  
2 was still, like, pointing his gun at me, still looking. And  
3 every time, like, he would, his gun would go up and down and  
4 he would, like, look like he was going to go down to the  
5 ground, and then he would stand back up and point his gun  
6 back at me. So I continued to shoot at him.

7           At one point, he, like, had gone down to a knee.  
8 Like, he was down on a knee like this. So like, his body  
9 side shrank, but he still had his gun up and he was still  
10 pointing at me, so my point of aim on his body had changed a  
11 little bit to more of, like, his lower groin area because I  
12 still didn't want to, like, try to shoot him higher,  
13 potentially miss and have rounds go into the house behind  
14 him that was occupied at this time with people that aren't  
15 involved in this whatsoever.

16           And then after he went down like this, my handgun  
17 went empty, so I had to -- I step behind this tree, which  
18 looks a lot smaller in this picture than I remember it in  
19 person, to do a reload. I do an empty magazine reload. Put  
20 another loaded magazine in my gun. I came back out from  
21 behind the tree. The suspect was still standing there  
22 pointing his gun at me, so I fired another six rounds at  
23 him.

24           And at that point, he had fallen off the porch  
25 right here, and he was, his body was on the other side of

1 it, but his head was still up, and he was still looking  
2 around, and he was still, like, looking at me. I couldn't  
3 see his hands. At that point, I didn't know where the gun  
4 was.

5 I heard somebody say, like, throw a flashbang. I  
6 didn't hear the flashbang go off. As I'm, like, aiming at  
7 his, at the suspect's head from the, like, from this other  
8 side of the trailer, I saw, like, light come on, which I,  
9 like, is -- our taser lights are very distinct. So I saw  
10 that light, and I was like, oh, that's a taser. And I heard  
11 Officer Flippo saying, like, we got him, we got him.

12 And then I heard that, like, taser deployment,  
13 which is a very, like, distinct noise of, like -- and so at  
14 that point, I didn't shoot anymore because I didn't believe  
15 that he was an immediate threat to us anymore. And then I  
16 saw Officer Flippo and Officer Ramsey move over to the  
17 suspect where he was taken into custody.

18 Q Thank you. You said at one point as you were  
19 firing, you were describing firing the round, why isn't this  
20 working? What do you mean by that?

21 A He just didn't go down.

22 Q Okay.

23 A I, you know, I -- in my mind, I wouldn't, I never  
24 thought I'd have to shoot so many times at a suspect to have  
25 that affect on them to change their behavior to, you know,

1 to get them into custody then to be able to get them  
2 medical aid.

3 And it seemed with him that, you know, it was, it  
4 wasn't working, you know? It, he was definitely, like,  
5 prepared -- to me, it seemed like he had prepared himself  
6 for a gunfight just in his mannerisms and his ability to,  
7 like, stay focused on me with his gun pointed at me while,  
8 you know, we were, I was shooting at him.

9 Q Okay. You've talked about this tree and the  
10 relationship of the tree. When you were firing those  
11 rounds, were you standing behind the tree as, like, using  
12 the tree as cover?

13 A No. I was standing -- from this view, I was  
14 standing to the left of the tree in the open so that way, I  
15 could maintain my visual on him. If I had stepped behind  
16 the tree, I would have lost complete visual of the suspect  
17 and wouldn't have been able to defend myself or the other  
18 officers who had no idea where he was at.

19 Q Okay. From your vantage point, Ramsey and --  
20 Officer Ramsey and Officer Flipppo couldn't actually see what  
21 he was doing. And so was it your position that you were  
22 there to kind of cover them?

23 A Correct.

24 Q Okay.

25 A Yes.

1 Q And in order to do that, you couldn't take  
2 cover behind the tree for yourself.

3 A Correct.

4 Q And while you were standing there without the  
5 cover of that tree, was he pointing the gun directly at you?

6 A Yes, the whole time.

7 Q Okay. Did you see him actually fire any shots  
8 after he exited the trailer?

9 A I don't remember him shooting at me. I, you know,  
10 there's a bunch of things that happen with the body during  
11 these, like, critical stress incidents, and I don't remember  
12 him shooting at me. I just remember, like, looking at his  
13 eyes, like, face to face with him and, like, you know,  
14 looking at the gun being pointed directly at me, being able  
15 to see the barrel --

16 Q Okay.

17 A -- pointed at me.

18 Q At some point, did you -- you talked about an  
19 empty, the empty magazine. Did you conduct an empty reload?

20 A Yes.

21 Q Okay. Meaning, so just to be clear, was the  
22 magazine that was inserted inside of your Glock initially,  
23 you ejected that out and inserted a fresh new magazine,  
24 correct?

25 A Correct.

1 Q Okay. And are you -- was it an -- when we say  
2 empty, like, the magazine that was ejected didn't have any  
3 more rounds in it?

4 A Correct. I had shot the 17 rounds that were in  
5 that magazine and 1 in my chamber.

6 Q Where were you located when you did the empty  
7 reload?

8 A I stepped behind the tree for cover.

9 Q Okay.

10 A And dropped my magazine, reloaded a new one, and  
11 then stepped out from behind cover to get eyes back on the  
12 suspect.

13 Q Okay. We've heard a little bit about auditory  
14 exclusion. Did you hear a rifle being -- or a larger  
15 caliber weapon being used aside from a handgun?

16 A No.

17 Q Okay.

18 A Like I said, I heard somebody say, throw a  
19 flashbang. I don't remember, I didn't hear the flashbang go  
20 off.

21 Q Okay.

22 A You know, I didn't hear anybody else shooting. I  
23 just, you know, I don't even know if I heard my own shots.  
24 I definitely remember the recoil of my handgun.

25 Q Okay.

1           A     But we have, we wear electronic hearing  
2 protection, and I had mine on, and so I don't, I can't say  
3 that I heard any other gunshots.

4           Q     All told, do you know how many rounds you fired  
5 that day?

6           A     Just after the shooting, through the  
7 investigation, I learned that I shot 25 times.

8           Q     Okay. Is that from the round count that was  
9 conducted at the scene?

10          A     Correct.

11          Q     Okay. And that's where you learned that  
12 information?

13          A     Correct.

14          Q     At the time before the round count, did you know  
15 how many shots you had fired?

16          A     No.

17          Q     Okay.

18          A     I mean, based off my empty magazine, knowing that  
19 I carry 18 in the gun when it's loaded, I knew that I had  
20 shot at least 18 times. And then I shot another, you know,  
21 six rounds --

22          Q     Okay.

23          A     -- from my other magazine. I don't think I did  
24 the math until the, I didn't do the math on it until the  
25 round count afterwards.

1 Q Okay. Do you remember seeing the individual  
2 from inside of the trailer falling off the ramp?

3 A Yes.

4 Q Okay. Do you remember how his body kind of  
5 turned? Or did he turn at all, or did he just fall  
6 backwards? Do you remember anything about kind of, like,  
7 how his body was positioned when it fell backwards? When it  
8 fell off the ramp. I'm sorry.

9 A I just, I remember him, he was, like, down on a  
10 knee and his gun was still pointed up at me. And he kind  
11 of, like, just slumped back.

12 Q Okay.

13 A And the way he landed, he was, like, propped up  
14 against the trailer, kind of, because I could still see his  
15 head, and he was up and looking. And I couldn't see his  
16 hands, so I couldn't tell if he was, like, still, you know,  
17 trying to point his, the gun that he had at me while he was  
18 on the ground.

19 Q Okay. Officer Madison, when you heard the shots,  
20 that shots were coming from inside the trailer, did you know  
21 who was firing those initial rounds? I know that you said  
22 that Officer Ramsey was inside of the trailer and possibly  
23 Officer Flippo as well. Did you know whether or not one of  
24 the officers was firing the round, or if it was somebody  
25 else inside?

1           A     I could clearly see Officer Ramsey and Officer  
2 Flippo. And it was not either one of them. So the rounds  
3 were fired from a suspect inside the trailer.

4           Q     Okay. Because you had seen only two officers go  
5 inside of the trailer.

6           A     Correct.

7           Q     Okay. When you first heard the shots being fired  
8 and thought it was from somebody inside of the trailer, did  
9 you believe that that person inside of the trailer posed an  
10 immediate threat of dangerous -- I'm sorry. Immediate  
11 threat to officers, either yourself or other officers?

12          A     Yes.

13          Q     Okay. When he exited, when that individual exited  
14 the trailer holding a firearm, did you consider him to still  
15 be an immediate threat of death or serious physical injury  
16 to yourself or other officers?

17          A     Yes.

18                MS. KYLE-CASTELLI: Does anybody have any  
19 questions for Officer Madison? Okay.

20                GRAND JUROR: At any time, did you see the suspect  
21 in a position where they could have been shot in the  
22 buttocks?

23                THE WITNESS: No. I -- pretty much the whole time  
24 he was facing me, he was, like, you know, squared up or down  
25 on a knee still pointing the gun at me.

1 GRAND JUROR: Okay.

2 MS. KYLE-CASTELLI: Let me ask you this follow up  
3 question. You didn't hear the rifle -- you didn't hear a  
4 .223 being shot when you were at the scene.

5 THE WITNESS: Correct.

6 MS. KYLE-CASTELLI: Okay. You physically stopped  
7 firing your weapon when you saw the taser being deployed.

8 THE WITNESS: Correct.

9 MS. KYLE-CASTELLI: Okay. I'll just leave it at  
10 that question.

11 THE WITNESS: Okay.

12 GRAND JUROR: You said you didn't hear the  
13 flashbang, but did you see it?

14 THE WITNESS: I didn't even see it.

15 GRAND JUROR: Okay.

16 THE WITNESS: I don't know where it got deployed.  
17 There was a flashbang body kind of in the vicinity of the  
18 suspect, but I didn't even see the flashbang go off or hear  
19 it.

20 GRAND JUROR: I have just kind of two real quick.  
21 When you were given the briefing before this all started,  
22 were you given a rough estimate of height of the victim, or  
23 the suspect you're looking for from the robbery? Like, was  
24 that part of the briefing? Would that be any of the --

25 THE WITNESS: Generally, it is. I don't believe

1 we got, like, a height on this --

2 GRAND JUROR: A rough --

3 THE WITNESS: -- the male suspect but just based  
4 off there wasn't a lot of information on him.

5 GRAND JUROR: Sure.

6 THE WITNESS: But generally, in our briefings, we  
7 --

8 GRAND JUROR: You would.

9 THE WITNESS: -- request the most information from  
10 our investigators, so that way, we can have very accurate  
11 information when we're dealing with the people that are  
12 coming out of the house.

13 GRAND JUROR: Sure.

14 MS. KYLE-CASTELLI: Did they show you any  
15 photographs of the suspect, whether or not they were inside  
16 of Joseph's Deli or exiting the green Accord? Do you  
17 remember seeing any of those photos during your briefing?

18 THE WITNESS: They showed us, like, surveillance,  
19 like, surveillance video from, like, a screenshot from,  
20 like, a deli, one of the deli security cameras.

21 GRAND JUROR: And then just real quick, and this  
22 might be a tactical thing, it's not -- with the CRO that you  
23 have that you complied to, but also you know information  
24 from an investigation, that's still fine, right? Like --

25 MS. KYLE-CASTELLI: Let me ask it a different --

1 GRAND JUROR: Yeah, yeah.

2 MS. KYLE-CASTELLI: And make sure I'm  
3 understanding the question that is -- actually, will you say  
4 the question one more time?

5 GRAND JUROR: Well, sure.

6 MS. KYLE-CASTELLI: I want to make sure.

7 GRAND JUROR: You had mentioned you found out  
8 afterwards of the investigation that there were 25 rounds  
9 that you fired through the investigation process. That is  
10 something that is outside of -- you were still in compliance  
11 with the CRO in that part of the investigation, correct? I  
12 just want to make -- for my own personal, I want to make,  
13 clarify this.

14 MS. KYLE-CASTELLI: That's -- let me ask.

15 GRAND JUROR: Yep.

16 MS. KYLE-CASTELLI: Let me ask it a different --

17 GRAND JUROR: Yep.

18 MS. KYLE-CASTELLI: -- in a slightly different  
19 way. During the round count, is the weapon on you and the  
20 magazines are still on you when the round count is  
21 conducted?

22 THE WITNESS: Yes. Yeah. We're pulled -- we have  
23 mobile command centers where our homestead detectives are,  
24 and we do the round count with them. Like, I took my gun  
25 out and, like, unloaded it, put the magazine on the table.

1 They counted the rounds. And then right after, I was  
2 issued the CRO.

3 GRAND JUROR: Yeah.

4 THE WITNESS: So the round count was done before  
5 the CRO was issued.

6 GRAND JUROR: Thanks. That's, yeah.

7 MS. KYLE-CASTELLI: And --

8 GRAND JUROR: The investigation is part of, in  
9 this before CRO. Any time investigation was mentioned, it  
10 was at that moment, not -- so once the CRO -- no. Okay.

11 MS. KYLE-CASTELLI: And officer, just to be  
12 perfectly clear and a hundred percent clear, you have not  
13 been privy to the ongoing investigation that's being  
14 conducted by the Homicide Unit; is that correct?

15 THE WITNESS: Yes.

16 MS. KYLE-CASTELLI: Okay. So you don't know the  
17 details of what Detective Winters has been doing.

18 THE WITNESS: That is correct.

19 MS. KYLE-CASTELLI: Okay. Does that answer your  
20 question?

21 GRAND JUROR: Yes.

22 MS. KYLE-CASTELLI: Thank you. Anything else?

23 GRAND JUROR: (No verbal response.)

24 MS. KYLE-CASTELLI: All right. Thank you so much.

25 THE WITNESS: Yep.

1 (Witness excused.)

2 MS. KYLE-CASTELLI: Ms. Foreperson, could you  
3 please swear in the next witness?

4 SEBASTIAN PRECUP

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

7 MS. KYLE-CASTELLI: You can have a seat.

8 DIRECT EXAMINATION

9 BY MS. KYLE-CASTELLI:

10 Q Can you please state and spell your name for the  
11 record.

12 A Sebastian Precup, S-e-b-a-s-t-i-a-n, P-r-e-c-u-p.

13 Q How old are you?

14 A I am -- shoot. Ninety-eight, twenty-six. Sorry.

15 Q Officer Precup, are you a little bit nervous right  
16 this second?

17 A A little bit, yeah.

18 Q Okay. What is your educational background and  
19 what did you do prior to entering, becoming a police  
20 officer?

21 A Prior to law enforcement, I went to Portland State  
22 University, and I got my bachelor's degree in leadership and  
23 management for business. And then prior work experience, I  
24 worked at TSA for two years. And I was a Portland Police  
25 cadet for a few years. And I also had an internship with

1 Homeland Security Investigations.

2 Q When did you decide to become a police officer?

3 A I think I was around 16 years old that I decided  
4 that.

5 Q Did you ultimately apply with the Portland Police  
6 Bureau to become a sworn officer?

7 A I did, yes.

8 Q How many years have you been a sworn officer?

9 A About four and a half.

10 Q Did you attend the standard DPSST academy for new  
11 officers in Salem?

12 A I did, yes.

13 Q Did you also attend the advanced academy through  
14 PPB?

15 A Yes.

16 Q What about the probationary period? Did you  
17 complete that as well?

18 A Yes, I did.

19 Q Did you successfully complete all of the training  
20 to become an active sworn member of the Portland Police  
21 Bureau?

22 A Yes.

23 Q So after you completed your probationary period,  
24 what was your assignment?

25 A After I finished my probationary period, I was

1 assigned to Central nights for a little bit, and then I  
2 went to East afternoons, and then finally, East nights.

3 Q So currently, are you East nights?

4 A No, I am East afternoon shift.

5 Q East afternoon shift.

6 A Yes.

7 Q Of patrol still?

8 A Correct.

9 Q Okay. Did you then become a member of SERT?

10 A Yes, I did.

11 Q And when did that occur?

12 A February 29, 2024.

13 Q Okay. So you're a pretty new addition to the SERT  
14 team.

15 A Correct.

16 Q Did you complete the SERT training requirements?

17 A Yes, I have.

18 Q And have you participated in the ongoing training  
19 for both SERT and for being a Portland Police Bureau  
20 officer?

21 A Yes, I have.

22 Q Officer Precup, is your attendance, your  
23 appearance here today before the grand jury compelled in any  
24 way by the District Attorney's Office or any other agency?

25 A No.

1 Q Are you under a subpoena today to testify  
2 before the grand jury?

3 A No.

4 Q Are you appearing here voluntarily because you  
5 would like to come and speak to the grand jury?

6 A Yes.

7 Q Following the incident that occurred on May 6,  
8 2024, were you placed on a communications restriction order?

9 A Yes.

10 Q Is that still in effect?

11 A Yes.

12 Q Have you complied with that order?

13 A Yes.

14 Q Were you under the influence of any substances  
15 that would have materially affected your job functions or  
16 decision making on May 6th of 2024?

17 A No.

18 Q On that day, were you paged as a member of SERT to  
19 assist in the execution of a search warrant at 110 Southeast  
20 124th Avenue?

21 A Yes.

22 Q Did you attend the briefing at North Precinct?

23 A Yes, I did.

24 Q And so were you aware through that briefing of  
25 information regarding 110 Southeast 124th Avenue, including

1 additional structures being in the backyard?

2 A Yes.

3 Q Were you aware of the ongoing investigation being  
4 conducted by the Major Crimes Team about a string of  
5 robberies in the Portland area?

6 A Yes.

7 Q Were you aware about a lone gunman going into  
8 Joseph's Deli earlier that day on May 6, 2024, and robbing  
9 that location?

10 A Yes, I was.

11 Q Okay. Were you aware that Paige Smouse was  
12 involved in, is potentially a getaway driver for that  
13 particular armed robbery?

14 A Yes, I was.

15 Q You did not, however, by the time you arrived at  
16 110 124th Avenue, didn't know the identity of the person  
17 that had actually committed the robbery at Joseph's Deli; is  
18 that correct?

19 A I did not know who committed the robbery.

20 Q Okay. On May 6, 2024, what was your specific  
21 assignment?

22 A Originally, so I'm on SERT. I'm a member of the  
23 entry team. So then my first assignment was to provide  
24 containment. I was assigned to one of our pieces of armor  
25 named the Bear Truck on the north side of the house. And in

1 my role, I would provide lethal cover to the custody  
2 team.

3 And custody teams, we have somebody that's lethal,  
4 less lethal, and then hands. So I was, that was my original  
5 role that day.

6 Q Okay. And that day, were you also equipped with a  
7 Glock model 9-millimeter semiautomatic handgun?

8 A Yes, a Glock 17.

9 Q Okay. And typically, how many rounds would be in  
10 that firearm at the beginning of an operation?

11 A So typically, we would have 17 in the magazine,  
12 and then 1 in the chamber, and then I would have 2  
13 additional magazines filled up with 17 rounds.

14 Q Okay. Where would those magazines, the additional  
15 magazines, be located?

16 A On my vest.

17 Q Okay. Were you -- did you have another firearm on  
18 your, in your possession at the time of the incident?

19 A I did not, no.

20 Q Okay. I think you mentioned that you were in the  
21 Bear Truck on the north side when you originally arrived; is  
22 that what you said earlier?

23 A That's correct.

24 Q Okay. From that -- were you there at that  
25 location when the loud hailing began?

1 A Yes, I was.

2 Q Could you hear the loud hailing from the position  
3 that you were in?

4 A Yes, I could.

5 Q And did you hear force warnings as part of the  
6 loud hailing?

7 A Yes, I did.

8 Q Did you later learn, shortly after the loud  
9 hailing started, did you hear a radio transmission over the  
10 SHE2 radio net that at least one individual had broken out  
11 from the main residence?

12 A Yes, I did.

13 Q Okay. And did you learn where that person or  
14 persons eventually went to?

15 A It was described as a male, and he went into an RV  
16 or trailer thing in the backyard.

17 Q Okay. Did you later learn that two people had  
18 exited the fifth wheel trailer through the radio?

19 A Yes, that's correct.

20 Q The -- eventually, did officers make their way to  
21 begin clearing the main residence?

22 A Yes.

23 Q Okay. Were you part of the team that went inside  
24 of the main residence to help clear it?

25 A I was not, no.

1 Q Okay. At some point, did your position change  
2 and your location change from the Bear Truck to somewhere  
3 else?

4 A Yeah. So I was called over by Sergeant Townley.  
5 Once the main residence, I think, was almost fully cleared,  
6 I was called over there to assist with clearing the garage,  
7 and then the backyard.

8 Q Okay. At that point, from that point, Officer  
9 Precup, can you just explain to us what happened? What did  
10 you see, what did you hear when the initiation of the search  
11 of the backyard began.

12 A Of the search of the backyard, yeah.

13 Q And just so we're clear, I've got two -- I've got  
14 a photograph up here, and I have a map. If it's helpful for  
15 you to stand up and kind of point things out, feel free to  
16 do so. You're under no obligation to do that, but if you do  
17 find the aid helpful, just feel free.

18 A Yeah. Will this still pick me up if I'm standing  
19 up here?

20 Q Yeah. Just don't whisper.

21 A Okay.

22 Q You'll be fine.

23 A Let's see. Okay. So this is the main residence.  
24 So we finished clearing the garage. And then after the  
25 garage, the plan was to clear the backyard. And in that

1 plan, Officer Ramsey would be the number one, and as the  
2 number one, he'd be the primary searcher. Zach Flippo would  
3 be the number two, so he would cover Ramsey as Ramsey was  
4 searching. And I would be number three, which is long  
5 coverage, providing some -- just providing security on  
6 angels that maybe they were not able to see.

7 So I don't remember the exact order of the entire  
8 clearing of the backyard. I know that we cleared the  
9 entirety of the backyard except for this RV. And then, so  
10 then we started making a plan to go up to the RV and make  
11 announcements and open the door and begin to clear it.

12 Ramsey went up as number one. Flippo went up as  
13 number two. They tried the door handle; the door handle was  
14 locked. And so they called up another officer, Farris, who  
15 was a breacher. And Farris and Flippo helped breach the  
16 door with a tool called a Halligan and a sledge.

17 So they got the door open. And then at that  
18 point, Officer Ramsey was here. I was -- Flippo was number  
19 two, and I was number three. I was watching a window that  
20 was completely covered up. I just wanted to watch that  
21 because there just wasn't enough room on this ramp for all  
22 of us to be stacked really close to the door, so I thought  
23 as number three, it'd be the easiest if I just watched this  
24 window in case I see some sort of movement in the window. I  
25 could later address it.

1 I remember Officer Ramsey making some sort of  
2 announcement. I think something to the effect of Portland  
3 Police. We know you're in there. Come on out. We don't  
4 want you to get hurt. After he did that, I remember seeing  
5 from the corner of my eye he took a half step into the door.  
6 It wasn't a full step, it was just, like, a half step. And  
7 in that moment, I heard him yell out something to the effect  
8 of let me see your fucking hands.

9 And right as that happened, I started hearing  
10 gunshots from inside the trailer. And I knew they were  
11 going towards Jake Ramsey because I saw wood splinters going  
12 off by his head. And in that moment, I -- they were so  
13 close that I truly believed he must have gotten hit.  
14 There's -- he didn't go down, so I thought he was going to  
15 still be okay, but they were, it was so close to his face, I  
16 thought he got shot.

17 And I remember after that point, I started  
18 retreating down the ramp. And as I looked back this way,  
19 because I knew Jake and Flippo were going to go down this  
20 way. As I turned around briefly, I saw that Flippo had  
21 fallen on the ground somewhere right here. But I still  
22 remember just shots going off.

23 And there was a tree somewhere around here, and  
24 Officer Dewey Madison was behind that tree. And as I was  
25 retreating down to Office Dewey, I looked over to my left

1 side, and I saw that there was a lot of other SERT  
2 members stacked up kind of back here. And so I thought to  
3 myself, well, if I go back here, we're just going to be a  
4 big pile up and I won't be able to help if anything else  
5 happens.

6 And so I looked to the right side, and I saw that  
7 there was another tree somewhere around here, somewhere.  
8 It's not to scale. Somewhere in this direction. And so I  
9 began to run for that tree because there was also a window  
10 right here, and I believe that the shots were coming from  
11 here out this way, and I believe that that guy, if whoever  
12 was inside shooting wanted to peak out the window, he could  
13 shoot me if I was hiding somewhere over here. So that's why  
14 I went behind the tree, just so I could at least have some  
15 cover.

16 And in that moment behind the tree, I know that,  
17 you know, as police officers, we often have the thought that  
18 we -- there's a chance that we might get hurt because we see  
19 it on the news. You might get killed. But honestly, that  
20 day, that was the realest day for me. I've never felt that  
21 level of fear. I truly thought I wasn't going to go home  
22 that day because it just, it was so chaotic.

23 And I thought I just witnessed one of my friends  
24 get shot in the face. And then one of my other coworkers  
25 was on the ground, so I didn't know if he got shot or not.

1           So I was behind this tree, but as I was behind  
2 the tree, I saw that Dewey was now, Officer Madison had  
3 started shooting. And so I believed -- I didn't know where  
4 Flippo and Ramsey were at because, like I said, I thought  
5 one or both of them may have just got shot.

6           And so I thought, now, Dewey was in a one-on-one  
7 gunfight with whoever the suspect was that came outside.  
8 And so I started moving towards Officer Madison. And as I  
9 started moving back towards him, I still couldn't see where  
10 the suspect was. But then the last thing I remember seeing  
11 Officer Madison doing is he did an empty reload, which to  
12 me, that signified that his gun had run completely dry.  
13 There was no more rounds in it.

14           And in my mind, he was completely vulnerable at  
15 that moment. If the suspect wanted to shoot him, all he had  
16 was a tree that I didn't believe was very big to protect  
17 him, and he wouldn't be able to defend himself while he was  
18 reloading his handgun.

19           And so I quickly took fast steps right next to  
20 him. And as I got right next to him to, like, to provide  
21 cover for him, I start turning in this direction, and as I'm  
22 turning in this direction, I see the suspect, who is a male,  
23 somewhere here on the ramp. And he's kind of kneeling down.  
24 He's not fully standing up, but he's not fully laying on the  
25 ground. He's kind of in a kneeling position.

1           It appears to me that he looks right at me and  
2 then raises his hand with the pistol in his hand and points  
3 it right at me. And at that point, I truly thought I was  
4 going to get shot. I had no cover. It appeared that the  
5 gun was pointed right at my direction. And so I raised my  
6 handgun, and I began to fire.

7           And I fired until he finally stopped presenting a  
8 threat. And that was because -- I kept -- I fired, and it  
9 was concerning because I, for some reason, I thought I'm  
10 going to fire once or twice, and he's going to go down. But  
11 that wasn't happening. I kept firing, and he just wasn't  
12 going down. And part of me wondered, like, am I making good  
13 hits? Or are the hits just not affecting him? Like, is he  
14 -- why is he still pointing the gun at me? That's what I  
15 was asking myself.

16           And then it was such a relief when I saw that he  
17 finally went down, and I stopped firing. After what felt  
18 like my last round that I fired, he fell backwards, and he  
19 wasn't pointing the gun at us anymore.

20           And while we were exchanging gunfire, I perceived  
21 what felt like a round flying past my left shoulder. I, it  
22 felt really close. I didn't know at that time if I got hit  
23 or not because I knew with adrenaline, if I did get hit,  
24 maybe I wouldn't feel it because I've heard stories of  
25 people not feeling getting shot. And so I didn't know if I

1 got hit or not.

2 But he -- so he went down. And as he went down, I  
3 realized I couldn't see his hands anymore from my position  
4 over here, so I decided to roll around to this position to  
5 try to see if I could get a different angle and see where  
6 his hands were because, ultimately, after we use deadly  
7 force, we want to begin rendering aid, but we want to do it  
8 safely. So I want to be able to see the subject's hands.

9 And when I was over here, I saw Dewey and Ramsey  
10 -- or not Dewey. Flippo and Ramsey. I saw that they were  
11 doing okay. And we could see the subject somewhere right  
12 here, and he had both of his hands up. And he was moving  
13 around, and he was making some sort of a noise; I can't tell  
14 what it was. And somebody suggested, hey, can two of us put  
15 our handguns away so that way we can go put him in  
16 handcuffs, and then we can begin rendering aid.

17 And as we were discussing that, and I was  
18 holstering my gun again to begin with that plan, one of his  
19 hands dropped beneath this piece of wood, and I couldn't see  
20 that hand anymore. And so I truly believed that he was  
21 trying to find the gun again because he shot at us two or  
22 three times at this point. And so I didn't think that he  
23 was trying to surrender, I thought he was trying to reach  
24 for the gun again.

25 So I redrew my gun. And as I was redrawing my

1 gun, Flippo used the taser. And while he was under the  
2 power of the taser, Officer Ramsey and I utilized that time  
3 to holster our weapons and move up and grab a hold of him.  
4 We grabbed a hold of one of, each of his arms.

5 And as I looked on the ramp, as we moved up to  
6 take him into custody, I looked up and I sawt he handgun  
7 somewhere right up here on the ramp. It was a black  
8 handgun, and it was completely locked back. And from my  
9 training and experience, that means that all the rounds were  
10 used up. So to me, it seemed as though he shot the gun  
11 until he had no more rounds.

12 And so because we still hadn't cleared this area,  
13 this was still possibly a threat area, so Officer Ramsey and  
14 I moved him back to where we had cover and concealment, and  
15 we placed him in handcuffs. And shortly after, maybe 30  
16 seconds to a minute, not even that much, one of her SERT  
17 medics came back here, and he began to render aid. And I  
18 tried to assist him with whatever he needed to render aid,  
19 but pretty soon the medic declared that the suspect was  
20 deceased.

21 Q Okay. Officer Precup, did you conduct what's  
22 called a tactical reload at some point?

23 A Yes, I did. So after the shooting and the, we had  
24 the suspect in custody and he was declared deceased, I  
25 realized that -- I re-realized that the fifth wheel hadn't

1    been cleared, so I knew that this event wasn't over.  And  
2    we're trained when you get into a shooting, if you don't  
3    know how many rounds you shot, it's always smart to do a  
4    tactical reload which is where you take the magazine that  
5    has spent rounds in it, you take it out, put it in a pocket,  
6    stow it away so you still have it, and then put a fresh  
7    magazine in just so you know that you have 17 plus 1 rounds.

8           Q     So you conducted the tactical reload after the  
9    individual was in custody.

10          A     That's correct.

11          Q     Okay.  Did you believe at the time when you saw  
12   the individual -- actually, from when the individual was  
13   still inside of the trailer and you heard the shots being  
14   fired, did you believe that that individual posed an  
15   immediate threat of death or serious physical injury to you  
16   or other officers?

17          A     From when he started shooting from inside --

18          Q     Yes.

19          A     Yes.

20          Q     Okay.

21          A     Absolutely.

22          Q     What about when he exited the -- or when you first  
23   encountered him outside of the trailer, or realized that he  
24   was outside of the trailer?  Did you believe that he  
25   continued to pose a threat, an immediate threat of death or

1 serious physical injury to you or others?

2 A Yes. I truly thought I was going to get shot.

3 MS. KYLE-CASTELLI: Okay. Does anybody have any  
4 questions for Officer Precup?

5 GRAND JUROR: Oh, sorry. I missed the -- which  
6 direction do you feel that the shot came from outside that  
7 was, came in your direction from the suspect?

8 THE WITNESS: The one that I thought almost hit  
9 me?

10 GRAND JUROR: Right.

11 THE WITNESS: That was when I was right here next  
12 to the tree. And it flew past my left shoulder -- it felt  
13 like it flew past my left shoulder, and I was facing this  
14 way.

15 GRAND JUROR: Okay.

16 THE WITNESS: So somewhere right this way.

17 GRAND JUROR: So you do remember firing while  
18 outside the --

19 THE WITNESS: I don't remember seeing --

20 GRAND JUROR: Okay.

21 THE WITNESS: -- his, like, muzzle of his gun or  
22 hearing any gunshots. I don't even remember hearing my own  
23 gunshots. I just remember feeling, it felt as though a  
24 bullet flew really fast past my shoulder.

25 GRAND JUROR: When the suspect finally went down,

1 do you remember, like, what, did they, how they moved as  
2 they were falling?

3 THE WITNESS: As he first went down, he just kind  
4 of fell back, it looks like he fell backwards. And by the  
5 time I had gotten around, I believe he was either on his  
6 knees or fully standing up with his hands both up in the  
7 air. And he was not on the ramp anymore; he was on the  
8 ground. So there was a little bit of disconnect for me by  
9 the time I ran around and saw him from a different position.

10 GRAND JUROR: So which way was he facing when he  
11 had his, at the moment he had his hands up?

12 THE WITNESS: It appears he's -- we're standing  
13 here, and he was facing this way towards us.

14 GRAND JUROR: Okay.

15 MS. KYLE-CASTELLI: Let me ask you this question,  
16 Officer Precup. Was there any point in time when he's on  
17 the ramp moving up, moving down, coming out of the ramp, out  
18 of the trailer, falling down? Was there any point in time  
19 where maybe he twisted his body a little bit either more to  
20 the left or more to the right? Was there any time that you  
21 saw his body move in that particular way that you can  
22 remember?

23 THE WITNESS: I can't remember.

24 MS. KYLE-CASTELLI: Okay. Thank you. Any other  
25 questions?

1 GRAND JUROR: (No verbal response.)

2 MS. KYLE-CASTELLI: All right. Thank you.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 MS. KYLE-CASTELLI: Can we pause?

6 (Off the record at 2:59 p.m.)

7 (On the record at 3:10 p.m.)

8 MS. KYLE-CASTELLI: All right. We are resuming  
9 testimony in front of Grand Jury B, case number 42. And so  
10 I want to ask the foreperson to swear in the next witness.

11 JUSTIN THURMAN

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

14 MS. KYLE-CASTELLI: You can have a seat.

15 DIRECT EXAMINATION

16 BY MS. KYLE-CASTELLI:

17 Q Can you please state and spell your name for the  
18 record?

19 A My name's Justin Thurman, J-u-s-t-i-n, T-h-u-r-m-  
20 a-n.

21 Q Okay. And how old are you?

22 A I am 46.

23 Q What is your educational background?

24 A I have a bachelor's in science and criminal  
25 justice and a minor in history.

1 Q When did you decide to become a police officer?

2 A Two, or -- I tested around 2006. And then was  
3 hired in 2007.

4 Q Okay. As a Portland Police Bureau officer in 2007  
5 --

6 A That's --

7 Q -- when you were hired?

8 A Yes, that's correct.

9 Q Okay. Have you been a sworn police officer since  
10 2007?

11 A That's correct, I have.

12 Q Did you attend the basic academy, the DPSST  
13 academy for new officers in Salem?

14 A Yes, I did.

15 Q And did you successfully complete that program and  
16 the advanced academy through the Portland Police Bureau?

17 A Yes, I did.

18 Q Did you successfully complete the training to  
19 become an active sworn member of the Portland Police Bureau?

20 A Yes.

21 Q Did you complete the probationary period as well?

22 A Yes.

23 Q After you completed the probationary period, what  
24 was your first assignment?

25 A After probation, it was North day shift for about

1 a month. And then I went to East Precinct on the night  
2 shift.

3 Q Okay. And did you, at some point, decide that you  
4 wanted to become a member of SERT?

5 A Yes.

6 Q Okay. And when did you become a member of SERT?

7 A September of 2012.

8 Q Did you complete the SERT training requirements?

9 A Yes.

10 Q And since you have been a Portland Police Bureau  
11 officer, have you received ongoing training as both a  
12 Portland Police Bureau officer and a member of SERT?

13 A Yes.

14 Q On May 6, 2024, what was -- were you a detached  
15 member of SERT?

16 A Yes.

17 Q What was your full-time position on that day?

18 A I was recently promoted as a sergeant at Central  
19 Precinct.

20 Q Okay. A sergeant over patrol or --

21 A Yes. Patrol for Central night shift.

22 Q Okay. And so SERT was more of a part-time or  
23 detached position --

24 A It is.

25 Q -- for you.

1 A Yes.

2 Q Okay. Is your appearance here today compelled,  
3 before the grand jury compelled in any way by the District  
4 Attorney's Office or any other agency?

5 A No.

6 Q Are you under a subpoena today to testify before  
7 the grand jury?

8 A Yes.

9 Q Are you under a subpoena --

10 A I'm sorry.

11 Q Have you been given a subpoena to testify?

12 A I have not. Excuse me. No, I have not.

13 Q Okay. Are you appearing voluntarily because you  
14 would like to come and speak to the grand jury?

15 A Yes.

16 Q Following the incident that occurred on May 6,  
17 2024, were you placed under a communication restrictions  
18 order?

19 A Yes.

20 Q Is that order still in effect?

21 A Yes.

22 Q Have you complied with that order?

23 A Yes.

24 Q Were you under the influence of any substances  
25 that may materially affect your job functions or decision

1 making on May 6th of 2024?

2 A No.

3 Q Okay. Were you paged to assist with the execution  
4 of a search warrant at Southwest -- 110 Southeast 124th  
5 Avenue on May 6, 2024 as a member of SERT?

6 A Yes.

7 Q Did you attend the briefing that Major Crimes put  
8 forth at North Precinct detailing their ongoing  
9 investigation?

10 A Yes.

11 Q Okay. And so did you learn about the details  
12 about the robberies, the string of robberies that Major  
13 Crimes had been investigating?

14 A Yes.

15 Q And did you learn specifically about the incident  
16 that had occurred at Joseph's Deli on that morning on  
17 May 6th?

18 A Yes.

19 Q Did you also learn about the property itself at  
20 110 124th Southeast Avenue?

21 A Yes.

22 Q Including the fact that there were multiple  
23 structures behind the property?

24 A Yes.

25 Q On May 6, 2024, what was your specific assignment?

1           A     I was placed in the turret of the Bear Truck.  
2     And I was there in a, for interior perimeter position, there  
3     to watch side two of the residence for this warrant.

4           Q     Okay. And there is a map behind you --

5           A     Yeah.

6           Q     -- Sergeant Thurman.

7           A     Oh, thank you.

8           Q     And I, we've talked extensively about this, but  
9     the Bear Truck, was it located in this parking lot to the  
10    north?

11          A     Yes.

12          Q     So this would also be side two?

13          A     That's correct.

14          Q     Okay. And you were in a perimeter position or IP  
15    position?

16          A     Yes.

17          Q     And your position was designated as lethal cover.

18          A     Yes.

19          Q     Okay.

20          A     Yes, yes.

21          Q     So you were watching to see what was going on on  
22    the side two or the northern part of the property.

23          A     That's correct.

24          Q     Okay. Were you equipped with a Colt AR-15 .223  
25    caliber semiautomatic rifle on May 6, 2024?

1 A Yes.

2 Q How many rounds does a magazine for that  
3 particular weapon hold?

4 A It can hold 30. I put 28 in.

5 Q And is that PPB policy?

6 A That's correct.

7 Q That requires 28 instead of 30?

8 A Yes.

9 Q Okay. Did you also have magazines on your person  
10 for that particular weapon?

11 A Yes.

12 Q How many magazines did you have on your person  
13 aside from the one that was inserted inside of the rifle?

14 A Two.

15 Q And did they both contain 28 rounds per the PPB  
16 policy when you began your shift that day?

17 A Yes.

18 Q Did you also have your bureau-issued Glock 9-  
19 millimeter on your person that day?

20 A Yes, I did.

21 Q Did you fire or discharge the Glock at any point  
22 during May 6, 2024?

23 A No.

24 Q From where you were positioned on side two, on the  
25 north side of the parking lot, when officers first arrived,

1 were you able to hear the loud hailing that was being  
2 conducted?

3 A Yes.

4 Q And could you hear force warnings as part of the  
5 loud hailing?

6 A Yes.

7 Q Did you also -- do you know whether or not the  
8 Bear Truck that you were in, did they activate their lights  
9 or sirens at any point to notify people maybe that the  
10 Portland Police Bureau was present at that scene?

11 A Yes.

12 Q Okay. Were you aware -- were you listening to the  
13 SERT radio, the SHE2 net?

14 A Yes.

15 Q Okay. Were you -- did you learn at some point  
16 shortly after police officers' arrival and the loud hail  
17 that somebody had broken out of the main residence and  
18 entered the fifth wheel trailer?

19 A Yes.

20 Q Okay. Eventually, did it get to a point where the  
21 entry team, members of the entry team had entered the main  
22 residence and were conducting a search of the main  
23 residence?

24 A Yes.

25 Q And were you listening to updates about that via

1 the SHE net radio?

2 A Yes.

3 Q So as that search of the main residence was  
4 nearing its completion, from your position in the turret on  
5 the Bear Truck, can you explain kind of where you might be  
6 facing at that point in time as the search of the main  
7 residence was occurring?

8 A Sure. So this is the main residence here. Bear  
9 Truck would be initially right in this area. My  
10 responsibility was to watch this side two area here. Also,  
11 we had this detached, or this garage right here. And then  
12 eventually, I asked for the Bear Truck to move forward --

13 Q Okay.

14 A -- with --

15 Q Why did you do that?

16 A I like to look ahead. I'm in a big piece of iron,  
17 and so I feel like I can help out by looking farther down.  
18 Like, moving just ahead and trying to get a view of some  
19 things before clear folks get up there because then that way  
20 if something pops out, I can warn them, maybe have them  
21 stay.

22 Q Okay. And so as those officers made their way to  
23 the backyard, Sergeant Thurman, can you please just walk us  
24 through what you saw, what you heard during the actual  
25 incident itself. And just so you're aware,

1 Sergeant Thurman, I have this map, and I also have this  
2 photograph.

3 Before we get into that, let me ask you, does this  
4 photograph look familiar to you?

5 A Yes.

6 Q And why is that? What is it a photograph of?

7 A That is my view from the turret of the Bear Truck.

8 Q Okay. At the time of the incident itself, was it  
9 daylight outside?

10 A Yes.

11 Q Okay. So here is some difference between this  
12 photograph and what you were seeing on that day --

13 A Yes.

14 Q -- is that correct? And this tree, was it  
15 obscuring part of your view?

16 A From what you see here is what you get. I mean, I  
17 could see down, I could see from here. I mean, what I see  
18 here is what I had, so I mean.

19 Q Okay.

20 A Everything up higher, of course, is obscured, yes.

21 Q Okay. And so I'm just going to leave both of  
22 those up there. If you want me to enlarge one, please let  
23 me know, and I'm more than happy to do so to help you kind  
24 of explain what happened. But as officers did make their  
25 way to the backyard, the entry team, the clear team, can you

1 explain what you saw and what you heard?

2 A Yeah. Okay. So as our officers are moving,  
3 they're pushing -- there's stuff everywhere. I mean,  
4 there's stuff along this, the fence line. There's shelving  
5 that's obscured where someone could be in. I had some  
6 concerns about just, there's just so many things in this  
7 yard. Cars and stuff all over the place.

8 So our guys were clearing around. They are trying  
9 to knock out these smaller thing, the smaller trailer. And  
10 once that's all finished up and they start focusing on the  
11 large fifth wheel trailer, so at that point, officers  
12 approached the fifth wheel trailer. This is the landing.

13 Can you go back to the --

14 Q Yep.

15 A So it's not this landing -- and as you can see,  
16 it's not very big. They're trying to get, you know, we  
17 don't have a lot of room for a lot of guys to stay up there,  
18 but we had two guys go to the door and try the door handle,  
19 and it's locked. So we had to have a breacher come up to  
20 pry open the door from the outside.

21 Once the door was opened up, I believe it was  
22 Officer Ramsey calling in towards whatever's inside the  
23 vehicle. This is just, you know -- to me, because I can't  
24 see what's going on in here, he's just calling in to  
25 somebody that could be in there. Hey, it's Portland Police.

1 I see you in there, put your hands up, you know, come on  
2 out, that kind of thing.

3 And then after a few seconds, then just chaos  
4 happens. Popping noises. I can't see what's happening.  
5 And I see officers bailing off of this landing. And just  
6 gunshots everywhere, and then it gets real cloudy. And then  
7 all of a sudden, I see someone appear from outside this, the  
8 fifth wheeler.

9 And I got people running all around here, so my  
10 view's now obscured. I've got concerns about foreground  
11 issues. And I'm not able to change angles. I'm stuck in an  
12 iron block. I can't move. So I am watching this chaos  
13 happening, and I can't do anything about it initially.

14 The person inside of the RV is firing. Officers  
15 are firing. At one point, that person falls down off this  
16 landing and towards the fence here. And I lose, I lose him.  
17 And officers are still trying to, our guys are trying to  
18 scurry to get to some cover.

19 And all of a sudden, the person inside pops back  
20 up with a gun in his hand, and he's aiming towards officers.  
21 There's one here. And I just see the backs of them. I  
22 don't get to see the front so I can't, I -- who was behind  
23 the tree and who's around here, I can't tell you which. I  
24 just see backs.

25 And the gentleman points a gun, and I had a

1 clearing, and I shot him once in this area because I  
2 didn't want him to continue to shoot and try to kill other  
3 officers.

4 Q Okay. I'm going to back up for just --

5 A Please.

6 Q -- a second. So you hear shots coming from inside  
7 the trailer. Did you know whether any officers were inside  
8 the trailer at the time?

9 A I don't remember that. I remember the door  
10 opening and Jake calling in. And then I just hear the shots  
11 ringing out.

12 Q And by Jake, you mean Jake Ramsey.

13 A Sorry, yes.

14 Q It's okay. So you hear the shots ring out. You  
15 don't really know who's firing at that point in time.

16 A I know officers are firing, but I can't --

17 Q Well, just as, in the moment inside of --

18 A No.

19 Q -- the trailer.

20 A No.

21 Q Okay. You couldn't see --

22 A No.

23 Q -- who was firing or --

24 A So my view, like I said, this is pretty much what  
25 it is. But when that door is open, all I can see is just a

1 sliver of the back of, what I'm assuming is the back of  
2 this RV and it's just black. I can't see anything inside of  
3 there.

4 Q Okay.

5 A My angle's really sharp.

6 Q So the door itself, did it swing, looking at this  
7 photograph, did it swing outward, like, towards your  
8 direction to obscure your view of inside of the trailer?

9 A I think it ended up shutting -- they ended up --  
10 because the officers that were up there, when the door got  
11 opened, you pin it.

12 Q Okay.

13 A So the door was pinned. It's not flopping  
14 outwards.

15 Q Okay.

16 A So but all I'm getting is just a sliver of the  
17 inside of the trailer. I don't see --

18 Q Okay. So you can't really see what's happening on  
19 the --

20 A No.

21 Q -- inside of the trailer.

22 A No. I just hear chaos.

23 Q So when -- and was your position at the time this  
24 started, were you in the turret facing exactly this angle,  
25 or did you have to move the turret?

1           A     I -- well, I moved, I asked for the driver of  
2 the Bear Truck to move. Can you go back to the other --

3           Q     Sure.

4           A     -- one we were just at? So initially when we came  
5 in -- and I'm sorry for --

6           Q     You can block me.

7           A     When we came in, coming into the parking lot, and  
8 then we stage here. I'm concerned about the house. I know  
9 that there's stuff here, but I get kind of a, I've got kind  
10 of a view of the landscape, but I'm concerned about the  
11 house.

12                         So once we dealt with the house, I start pushing,  
13 I start asking the armor driver to push us forward so I can,  
14 one, try to look ahead of where they're working their way  
15 in; and two, I just, I want to give ample cover for them.  
16 And so I ended up having the driver of the armor pull up to  
17 about here. So I just don't -- like I said, I just don't --  
18 and we stopped. We don't go any further. And I just don't  
19 have, you know, this is a pretty sharp angle. If I had been  
20 farther, I might have been able to see a little more, but I  
21 just don't have a great angle.

22           Q     Okay. Did you see either Officer Ramsey or  
23 Officer Flippo or Officer Precup -- well, Officer Ramsey or  
24 Officer Flippo, did you see them exit back out of the  
25 trailer?

1           A     All I remember is people jumping off -- I saw  
2 folks jumping off this landing.

3           Q     Okay.

4           A     And I mean, I -- I don't know if it's because I  
5 had people obstructing my view. I remember just seeing  
6 helmets flying around everywhere --

7           Q     Okay.

8           A     -- in my scope.

9           Q     Okay.

10          A     And I'm trying not to be buried into my scope, but  
11 I'm trying to pick through what bad things or what things I  
12 need to see. And so I just remember seeing officers come  
13 bailing off this thing.

14          Q     So let me ask you this to clarify that. You had  
15 the AR-15 style rifle.

16          A     Yes.

17          Q     In your possession.

18          A     Yes.

19          Q     So were you primarily not looking at the scene  
20 like this, but you were looking at it through the scope?

21          A     I cover, I try to cover everything without getting  
22 into the scope until there is something that draws my  
23 attention that I need to cover.

24          Q     Okay.

25          A     So I try to keep a view of everything because I

1 want to see as much as I can until there's something I  
2 need to focus on and then hone in on that.

3 Q Okay. So when you were looking out, you just see  
4 kind of mass chaos of --

5 A Yes.

6 Q -- of helmets. And when you're talking about  
7 helmets, I assume you're talking about a SERT helmet.

8 A Yes.

9 Q Okay. So the camo green type of SERT camo helmets  
10 --

11 A Yeah.

12 Q -- are flying every which direction.

13 A Yes.

14 Q At some point, did -- at what point did you  
15 realize that you had a person that, like, may be shooting at  
16 officers?

17 A When he stepped out.

18 Q Okay.

19 A I mean, I heard it. I could hear things, but it's  
20 confirmed when the guy steps out and he's shooting.

21 Q Okay. And can you -- do you remember, recall  
22 seeing him step outside of the trailer?

23 A Yes.

24 Q Can you tell us, like, what his body position was  
25 doing when he walked outside --

1 A Pointing guns, looking for targets, shooting.

2 Q Okay. Did you actually see him firing any shots?

3 A Yes.

4 Q Okay. So after he came out of the trailer, you  
5 saw him at least fire one shot?

6 A Yes.

7 Q Okay. Was it in the direction of any particular  
8 officer that you know of?

9 A Name wise --

10 Q Okay.

11 A -- but I saw officers in his sights, yes. Or in  
12 his line of -- where I see him pointing, I see officers --

13 Q Okay.

14 A -- in that general area, yes.

15 Q And I'm assuming but, so I want to make sure that  
16 we're clear. Did he have his gun out, like, leveled at an  
17 officer?

18 A Yes.

19 Q Okay. Did you see him at any point in time when  
20 he was up there, and the officers were exchanging bullets?  
21 So officers -- there were officers down here that were  
22 actually firing their weapons; you saw that as well?

23 A Yes.

24 Q And you couldn't identify who they were because --

25 A No.

1 Q -- you could just see their back.

2 A Yes.

3 Q Did you see the individual that was on the landing  
4 or on that ramp area twist his body in any way that was kind  
5 of unusual? Or was he just kind of straight head-on the  
6 entire time?

7 A I don't recall a twisting at all. The only, when  
8 he fell off and --

9 Q Okay.

10 A -- you know, he got back up. But I don't recall  
11 him every twisting around or anything like that. He was  
12 very adamant and very dynamic in what he was trying to do.

13 Q Okay. So he falls off of the ramp, I assume, kind  
14 of towards side four.

15 A Yes, towards that fence.

16 Q Okay. And does he fall kind of back first?

17 A I think so. I actually lose him.

18 Q Okay.

19 A And so I lose sight of him. I think at one point,  
20 I saw a leg.

21 Q Okay.

22 A And then he just comes right back up again.

23 Q Okay. And so you kind of see him fall off, but  
24 then you lose him for a second.

25 A Yes.

1 Q At that point, did you actually find him in the  
2 scope of your gun?

3 A Oh, yes. Yes.

4 Q Okay. And you fired how many shots?

5 A One.

6 Q During this incident, by the time he exited the  
7 trailer, did you believe that that person posed an imminent  
8 threat of death or serious physical injury to either  
9 yourself or to other officers?

10 A Yes.

11 Q Did you think the same thing when you heard shots  
12 being fired in the trailer possibly?

13 A Yes.

14 Q But was it more acute after you saw him exit the  
15 --

16 A It was confirmed, yes, when he exited out. It was  
17 confirmed in my eyes.

18 Q Okay.

19 A They're seeing other things but, in my eyes, it  
20 was confirmed when I saw him exit the RV and was shooting.

21 Q Okay. I think that you previously said that there  
22 was a specific area of his body that maybe you thought that  
23 your shot actually hit.

24 A Upper --

25 Q Did I miss that?

1 A Upper area.

2 Q Upper body area?

3 A Yeah, to the -- yeah. This area right here.

4 Q Okay.

5 A He was, when he was pointing a gun, when he was  
6 pointing the gun, he was leaning in. And so your body tends  
7 to shrink a little bit, so it's, it was just this area.

8 Q Okay. So the upper body kind of towards the head  
9 area.

10 A Yes.

11 Q Okay. What was his reaction after you fired your  
12 round?

13 A He fell back again.

14 Q Okay. On the ground?

15 A He fell back basically on the same spot. I mean,  
16 it was pretty instantaneous. He fell back and, and he's out  
17 of my view again. And so other officers approached at that  
18 point.

19 Q Okay.

20 A So I tried to, I keep watch and was still looking,  
21 but I couldn't see anything.

22 MS. KYLE-CASTELLI: Okay. Does anybody have any  
23 questions for Sergeant Thurman?

24 GRAND JUROR: I've got two questions.

25 THE WITNESS: Okay.

1 GRAND JUROR: One, when all this is happening,  
2 can you hear anybody saying anything? Or is it only  
3 whatever's coming over the radio?

4 THE WITNESS: I know people are saying things.  
5 The amount of gunfire that was going on, and I'm so locked  
6 into searching, I know people are saying stuff, but I can't  
7 hear what they're saying.

8 GRAND JUROR: Okay.

9 THE WITNESS: So.

10 GRAND JUROR: And there was a breakout earlier.  
11 Did you see the person running out? Or were you sitting --

12 THE WITNESS: Actually, I did.

13 GRAND JUROR: -- too far forward?

14 THE WITNESS: We were too far forward, and that's  
15 kind of why I ended up initially kind of pushing deeper  
16 before the clear team. I did it twice. I did it once a  
17 little bit once that breakout had happened to kind of help  
18 assist in getting them into custody. And then I pushed  
19 deeper once the team started pushing through the yard.

20 GRAND JUROR: Okay.

21 THE WITNESS: Because I still didn't want to lose  
22 my responsibility for this house because we hadn't even  
23 dealt with that yet.

24 MS. KYLE-CASTELLI: Any other questions?

25 GRAND JUROR: Best you could tell, when you fired,

1 what -- because you said he fell, popped back up. Was he  
2 on the ramp part or was he on the ground?

3 THE WITNESS: No, he was up on the landing.

4 GRAND JUROR: He's up on that landing part.

5 THE WITNESS: Yeah.

6 GRAND JUROR: Okay. So he fell, like, he fell  
7 down onto the, just down onto the landing --

8 THE WITNESS: Kind of behind it.

9 GRAND JUROR: -- and then maybe popped up?

10 THE WITNESS: Yeah.

11 GRAND JUROR: Or he fell on the ground and got up?

12 THE WITNESS: So that, this -- where this fence is  
13 -- and this is the landing. Where this fence, it's  
14 actually, it's a bit of a drop.

15 GRAND JUROR: Okay.

16 THE WITNESS: So he initially had disappeared.  
17 Then when he popped back up, he popped up and I don't, I  
18 can't remember -- he wasn't -- he popped back up, and I  
19 can't tell you if he had jumped on the landing or had a foot  
20 on the landing.

21 GRAND JUROR: Best you can remember he was on the  
22 landing --

23 THE WITNESS: Yes.

24 GRAND JUROR: -- at that point. Okay. Thank you.

25 GRAND JUROR: So he was on the landing when he was

1 shooting and when he shot?

2 THE WITNESS: Correct.

3 GRAND JUROR: Okay.

4 MS. KYLE-CASTELLI: Any other questions?

5 GRAND JUROR: (No verbal response.)

6 MS. KYLE-CASTELLI: All right. Thank you very  
7 much.

8 THE WITNESS: Have a great time, everybody.

9 (Witness excused.)

10 MS. KYLE-CASTELLI: Okay. We are back -- we are  
11 on the record still with -- now, we're coming back with  
12 sergeant -- sorry. Detective Billy Winters. Just as a  
13 reminder, Detective Winters, you are still under oath.

14 THE WITNESS: Yes.

15 MS. KYLE-CASTELLI: There had been a few questions  
16 that we wanted to just kind of clarify.

17 REDIRECT EXAMINATION

18 BY MS. KYLE-CASTELLI:

19 Q Have you looked up to see what Christian Nelson  
20 Trout's height was?

21 A Yes.

22 Q And how tall was Mr. Trout Nelson?

23 A 5'8".

24 Q And do you know what his weight was as well?

25 A It's approximately 135 pounds, it was shown at his

1 booking.

2 Q Okay. Compare that to -- do you happen to know  
3 off the top of your head? If not, that is perfectly fine --

4 A I do not.

5 Q Okay.

6 GRAND JUROR: It's in the --

7 BY MS. KYLE-CASTELLI:

8 Q About Mr. Perez. It's in the medical examiner's  
9 report.

10 A Yes.

11 Q Which we have access to. Finally, I also asked  
12 you to go back and kind of review whether or not the  
13 individual that broke out of the house and then exited the  
14 trailer, were they wearing a baseball cap?

15 A Yes. I learned this from Officer Seth Wingfield's  
16 (ph.) report that he broadcast on the radio, he gives the  
17 description that he's got a black hat on, a, like, a hoodie,  
18 a gray or a brownish hoodie, and light-colored jeans.

19 Q Okay. And the individual that exits the trailer,  
20 were they also wearing a black baseball cap?

21 A Yes.

22 Q Just the rest of the clothes had changed.

23 A That is correct.

24 MS. KYLE-CASTELLI: Okay. Does that answer  
25 questions? Does anybody have any other questions?

1 GRAND JUROR: (No verbal response.)

2 MS. KYLE-CASTELLI: Okay.

3 GRAND JUROR: I guess. They're roughly the same  
4 size person, right? For both the breakout. That's why they  
5 also thought it was similar?

6 THE WITNESS: That is correct.

7 GRAND JUROR: Unrelated to the baseball cap.

8 MS. KYLE-CASTELLI: Sure.

9 GRAND JUROR: And I'm sure this was covered, and  
10 sorry. How many Smith and Wesson casings were recovered?

11 THE WITNESS: A total of six.

12 GRAND JUROR: Six, okay.

13 MS. KYLE-CASTELLI: Five during the initial  
14 search, and then --

15 THE WITNESS: Five, then --

16 MS. KYLE-CASTELLI: -- one during the Major Crimes  
17 search --

18 GRAND JUROR: Okay.

19 MS. KYLE-CASTELLI: -- subsequent search.

20 GRAND JUROR: Okay.

21 THE WITNESS: Right. Four of them were located  
22 during the initial search on the bed or in the bedroom, in  
23 the bed area; one on the, right at the entry; and then when  
24 Major Crimes searched, they found a fifth one on the  
25 mattress.

1 GRAND JUROR: That's right. Thank you.

2 MS. KYLE-CASTELLI: Any other questions?

3 GRAND JUROR: Yeah. Were, was any, like, drug  
4 stuff found in the camper?

5 THE WITNESS: There was drug paraphernalia. I  
6 don't believe any of it was collected, but there was drug  
7 paraphernalia. Needles and other drug paraphernalia.

8 MS. KYLE-CASTELLI: Any other questions?

9 GRAND JUROR: (No verbal response.)

10 MS. KYLE-CASTELLI: At this time, I think that  
11 concludes testimony.

12 (Whereupon, the proceedings ended at 3:37 p.m. on  
13 September 4, 2024.)

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**C E R T I F I C A T E**

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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 242 pages constitute a full, true and accurate transcript of the proceedings as noted herein.

*Brianna Jackson*

September 30, 2024  
Date

\_\_\_\_\_  
BRIANNA JACKSON  
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.