
INTERVIEW OF OFFICER ROBERT WILLS

LEGEND:

WARRICK = SAN DIEGO POLICE DETECTIVE WARRICK

MARTIN = SAN DIEGO POLICE SGT. L.D. MARTIN

BREITENSTEIN = SAN DIEGO POLICE SGT. GLEN BREITENSTEIN

FIELDS = BRAD FIELDS, P.O. ATTORNEY

KEATING = SAN DIEGO POLICE OFFICER TIM KEATING

MARTIN: Okay, this is Sgt. L.D. Martin. I.D. number 1591. It's 0123 hours, and it is July 25th, 1999. We're in the homicide briefing room, present with me are Lt. Glen Breitenstein, Glen what is your I.D. number?

BREITENSTEIN: 1111.

MARTIN: Uh, attorney Brad Fields, the representative from the Police Officer's Association, and Officer Robert Wills. And you go by Rob?

WILLS: Rob is fine.

MARTIN: Okay, and your I.D. number?

WILLS: 4558.

MARTIN: All right. Officer Wills, what I would like you to do is just tell me in your own words what happened tonight. And just start from where you were before you got the call to respond to Strand Way.

WILLS: Me and my partner were at the 7/11 at, uh, 4300 Mission Boulevard, uh, we just gotten coffee, then we heard a dispatcher say that there was a 459 in progress, and started broadcasting it was a hot call, so we responded. Uhm, while we were in route, the operator (unintel.) she started giving us details, said that, uh, the RP said that there was, uh, a black male, uhm, in his apartment, and this was at, uh, 3747 Strand Way. Uhm, we got additional information that the male had left his apartment and, uh, went over to a neighboring apartment, and was on the balcony there.

MARTIN: Which, which male are you talking about now, the suspect male, or the . . .

1 WILLS: The suspect.

2 MARTIN: Person calling in . . .

3 WILLS: The suspect, had left the RP's apartment and went, and climbed onto the

4 balcony of a neighboring apartment.

5 MARTIN: And by RP you mean reporting party?

6 WILLS: Reporting party, yes.

7 MARTIN: All right.

8 WILLS: So, uhm, and then the RP also said that he thought that the suspect was, uh,

9 drunk.

10 MARTIN: Okay.

11 WILLS: So, we're in route, uhm, we go down Strand Way, we start going southbound in

12 the, uh, 3700 block, looking for the address, uhm, we pass three people that are

13 standing in the court just off, uh, Strand Way on Queenstown Court, and one

14 was a black male wearing all dark clothing which fit the suspect's description,

15 and he was holding a styrofoam cup. There was also two white males, uh,

16 one's standing next to, uh, the black male, another one standing closer to the

17 alley on a telephone, with a telephone up to his ear. Uhm, he didn't flag us

18 down as we drove by, so it was kind of weird, I didn't know if, maybe the

19 suspect had left the apartment and went downstairs and was, you know, uh,

20 talking to these two guys who had no knowledge of, of the calling, or, or what.

21 So, uhm, we kind of drove past them a little bit, stopped get out of the car, we

22 started to make contact with them. My partner asked the man on the phone if

23 he was the one who called. He says "yes." Uhm, my partner says "okay,

24 where's the suspect?" And he says "he's over there," and points towards the

25 black male. So then my partner goes "this guy right here?" because the guy

26 was just standing there.

27 MARTIN: Well, how, how, how close were they when, cause that's, because Queenstown

28 Court there is just a walk basically.

WILLS: Right.

MARTIN: So, and 3747 Strand Way, fronts on the alley there which is Strand Way . . .

WILLS: Right.

MARTIN: And it's probably 25 to 30 feet from the front door of that address to the, to the

1 walk.

2 WILLS: Correct.

3 MARTIN: Okay, so . . .

4 WILLS: And I never saw the numbers to the address . . .

5 MARTIN: Okay.

6 WILLS: I knew that we were in the area, but I didn't know exactly which unit it was.

7 MARTIN: Okay, so at the, where the walk is, that goes from Strand Way down to Mission
8 Boulevard . . .

9 WILLS: Right.

10 MARTIN: What relation to that intersection, where were the three people standing?

11 WILLS: Uhm, the RP was right where the walk meets, or the court meets the, uh, Strand
12 Way. The black male was probably about 10 feet east of them, and then the
13 other white male was just about, uh, 8 feet east of the RP, and just slightly to
14 the right of the black male.

15 MARTIN: Okay, I've drawn, I've drawn here a little, a quick little sketch.

16 WILLS: Okay.

17 MARTIN: So we have 3747, and this 3755, and 3755 is the building on the north side of,
18 uhm, uhm, the walk there with the steps that leads upstairs, okay.

19 WILLS: Okay.

20 MARTIN: Okay, could you just mark for me here, and this is 3700 Strand Way, we'll call
21 that 3700 Strand, so just mark like, uh, put an "R" for where you saw the RP
22 approximately. Okay, and then for the black male that you saw put "S1."
23 Okay, and there was a white, another white male there, right?

24 WILLS: Right.

25 MARTIN: And just for, let's put him has "W1." All right, so what you've indicated here
26 is that the RP was standing basically at the intersection of the walk and Strand
27 Way, and S1 and W1 are further up the walk towards Mission Boulevard?

28 WILLS: Yes.

MARTIN: Okay, okay, so you can go on from there.

WILLS: Okay, so as my partner's, once we determine who the suspect was, uhm, my
partner told him, uh, my partner told him to go sit on the steps, and he walked
over and sat on the steps. Uhm, at that time ABLE had arrived on the scene

1 was flying around, uhm, my partner asked for another unit, uhm, the, my
2 partner was try, I couldn't really hear their conversation, all of it, but I just
3 heard that, you know, him say "yeah, that was the guy that was in my
4 apartment," and, uh, while my partner was talking to him I stood right next to
5 the steps and, uh, watched him to make sure he didn't do anything, didn't try to
6 run or what have you.

7 MARTIN: But, when that was happening were S1 and W1 on the steps? (unintel.)
8 WILLS: No, just S1 was at that time.
9 MARTIN: S1 was on the steps?
10 WILLS: Right.
11 MARTIN: All right.
12 WILLS: And, uh,
13 MARTIN: And where was the W1? Where was he?
14 WILLS: W1 was still standing where he, where he initially was when we pulled up.
15 MARTIN: All right.
16 WILLS: Uhm, as my partner was talking to the RP, uh, he found out that, and I heard
17 part of this, that the W1 whose listed there, was a friend of the suspect's and
18 lived next door.
19 MARTIN: Okay.
20 WILLS: And . . .
21 MARTIN: Do you have any idea where next door is?
22 WILLS: Uhm, he kind of motioned like it was directly behind. To the east.
23 MARTIN: Okay, so to the east of 3747?
24 WILLS: Yeah.
25 MARTIN: So maybe like this?
26 WILLS: Yeah.
27 MARTIN: All right, and you don't, do you know that address?
28 WILLS: I don't know that for sure, that's just kind of like where he motioned towards.
MARTIN: So we can maybe just make that, uhm, "Q, Q1," and indicate that that's a
building, and you believe that that's possibly where the witness and/or the
suspect might have been from?
WILLS: Right.

1 MARTIN: Okay.

2 WILLS: And the whole, the whole, uh, situation was really odd to me, I mean even
3 when we first pulled up because, you know, no one flagged us down, the guy's
4 on the phone, the other guy's just standing there so it seemed kind of weird, and
5 as I walked up, you know, initially, the suspect was just kind of like staring off,
6 you know, like right, right past us. And he was just totally placid. I mean just
7 calm as could be, it was totally sedate. So I was really kind of wondering what,
8 what is going on here, but later on when we found out, yeah this is the guy, he
9 was in the guy's house, and he's sitting on the steps, I'm watching him, my
10 partner is still talking to them, uhm, determines that, uh, uh, did you call him
11 Witness 1?

12 MARTIN: Just W1.

13 WILLS: W1, that W1 may have been involved possibly, at least he's, he knows the
14 suspect, so my partner asked him to sit on the steps behind, uh, the suspect. So
15 while that's going on, uhm, he sits down, I'm watching both of them now, my
16 partner is still talking to the RP and, you know, I was thinking guy, this guy is
17 acting really weird he just kind of, you know, totally, uh, sedate, just kind of
18 blank stare forward, so I ask him what's in his cup?" Because the call said he
19 was possibly 647F, drunk, so I'm thinking, you know, maybe he's got beer or
20 some kind of alcohol in his cup, so I said "what's in your cup?" He says it's
21 coffee and kind of tilts it towards me, I could see in there, yeah, it's coffee.
22 Sets it down on the steps and then my partner kind of comes over and we ask
23 "have you ever been arrested before?" And he says "just for a minor traffic
24 violation."

25 FIELD: Can you hold on just for one second. Go ahead.

26 WILLS: So we say "we're not interested in minor traffic violations, we're interested in
27 anything that you might have went to county jail for. Did you ever go to county
28 jail?" And he says "yeah." So my partner says "what for?" And he says, uhm,
"possession of a controlled substance." So I'm thinking, you know, it's kind of
clicking, okay, you know, he's possibly, you know, under the influence of a
controlled substance based on his actions, and the fact that he's got priors for
being in possession of it, and just the whole way he was acting, it was just

1 really strange to me. It kind of made the hairs on my neck stand up, I was
2 really kind of nervous at that point I was thinking, you know, something,
3 something is not right here. You know, so I just decided, you know, I'm going
4 to handcuff this guy, I don't want him running or fighting with us because he's
5 on PCP or whatever just because of the way he was acting. I want to get him
6 controlled right now, since we know he was the guy that was in the apartment,
7 let's get him controlled, and then, you know, we can relax from there. So . . .
8 MARTIN: You mentioned PCP. Did you think he was under the influence of PCP?
9 WILLS: Well, yeah, because of the blank stare. That was my first thought, that maybe
10 he was under PCP or something similar.
11 MARTIN: Was he responsive, was he responsive to your directions?
12 WILLS: He was, but a lot of times when you ask them questions he wouldn't look at you
13 either, he was just look forward and answer you.
14 MARTIN: Okay.
15 WILLS: A couple of times he turned towards me, like when I asked him about the
16 coffee, he turned towards me, but when I was asking him about, you know, if
17 he had ever been arrested he was looking the other way.
18 MARTIN: Okay.
19 WILLS: So, uhm, I told him, I said "okay, what I need you to do is stand up, turn
20 around, put your hands behind your back, I'm going to detain you," and he
21 stood up and I said "I'm going to put handcuffs on you." As soon as I
22 mentioned handcuffs, boom, he sat back down, turned sat back down on the
23 steps like this, just kind of put his arms out to his side, and, and, uhm, my
24 partner . . .
25 MARTIN: Okay, when you say sat like this, what I really want you to do is verbally
26 describe what you're demonstrating to me.
27 WILLS: Okay, his hands were kind of like positioned on his legs like he was thinking
28 about maybe getting up again, but just kind of like he was in a ready, ready to
get up, run, do whatever, but I, I don't know.
MARTIN: But he's sitting on the step.
WILLS: But he's sitting on the step. And he kind of, kind of starts looking around a
little bit. So, that's when I pull out my pepper spray, and I shake it, and I got

1 my flashlight in this hand and I said "okay, what I need you to do is turn around
2 on the steps, but your knees on the steps and then put your hands behind your
3 back, I'm going to handcuff you." And he's like "no, no," you know, and kind
4 of like moving around a little bit more, so I said "if you don't turn around and
5 put your hands behind your back, I'm going to pepper spray you." And as soon
6 as I say that, all of a sudden he starts looking around even more, and he says
7 "I'm going to call the police," and starts getting up. So I pepper spray him as
8 he's getting up, and he just takes off, bolts. Uhm, Officer Keating tried to cut
9 him off, and grabbed him, and they go off into the wall, right where that little
10 planter box is there.

11 MARTIN: So that would be the building that I labeled 3755?

12 WILLS: Correct.

13 MARTIN: And when you say the, the little planter box, are we talking about the little
14 planter box we saw at the scene that's on the west side of that wall that runs
15 uhm east, it's on the south side of that wall, and it runs east-west?

16 WILLS: Yes.

17 MARTIN: All right.

18 WILLS: So they go up against the wall and the guy just turns and just flings Officer
19 Keating off of him. Keating goes backwards into the wall.

20 MARTIN: So, Keating was on his back when this happened?

21 WILLS: Kind of like on his side, back, uhm, I would say just over his right shoulder,
22 like trying to grab him like this.

23 MARTIN: Okay.

24 WILLS: And he just flings Keating off, boom. Takes off running towards the, towards
25 the court, you know, through the bushes. I start running after him, his arm
26 comes back one time, doesn't hit me, I'm too far back, and then he just runs,
27 full on, uhm, as fast as he can down, down the court. I've got my pepper spray
28 in this hand, my, uh, flashlight in this hand. Pepper spray didn't work, so I
stuck that in my, uhm, waistband, just stick it in my waist band to hold it, stick
my flashlight in there, and I start chasing him, and while I'm chasing him, I'm
thinking, you know, if I catch this guy by myself, cause I didn't know how far
Keating was behind me, that this guy is probably going to fight, you know, he's

1 definitely very strong and maybe under the influence, so I was kind of hesitant,
2 you know, to just run up on him, but I'm chasing him, and I pull my nunchakus
3 out cause I think if he's going to fight with me, I'm going to use my nunchakus.
4 So that way I have maybe a slight advantage. So we run all the way down the
5 walk, he turns around the corner, he just slows just before the corner, turns
6 around the corner and does like a little button hook right in front of where the
7 phone and the newspaper stand is, and turns . . .

8 MARTIN: Until your right in front of the market there?

9 WILLS: Yeah, just to the right of the front door. Turns and goes like this. So I come
10 around the corner, sorry, fists in the air.

11 MARTIN: Demonstrate, or, or, or verbally tell me what you're demonstrating.

12 WILLS: Okay.

13 MARTIN: He's, he's run east down the walk . . .

14 WILLS: Uhm hum.

15 MARTIN: And he's turned north on Mission Boulevard?

16 WILLS: Turned north on Mission Boulevard.

17 MARTIN: And he's on the west sidewalk?

18 WILLS: Correct.

19 MARTIN: And he's in front of the little Sam's Market.

20 WILLS: Correct.

21 MARTIN: Now he's done what you describe as a button hook, and now he's facing south,
22 is that true?

23 WILLS: He's face, yeah, well he's facing southeast.

24 MARTIN: Okay, and you have come off of the walk and now you are on Mission?

25 WILLS: Yes.

26 MARTIN: And you're facing him.

27 WILLS: And I'm facing him.

28 MARTIN: And as . . .

WILLS: As soon as I come around the corner, he's right there.

MARTIN: About how far away from you was he at that time in feet, approximately?

WILLS: Maybe 4 feet, 3 feet, 3 or 4 feet.

MARTIN: All right, and then what happened?

1 WILLS: So I think he's going to fight, so I grab my, cause his fists are clinched . . .

2 MARTIN: Okay, his fists are clinched, does he have them up raised?

3 WILLS: They're up raised. He's squared off to me, so I grab my nunchakus and smack

4 him in the leg right above the, uh, knee, cause it would be his left knee right

5 where the perenial nerve is.

6 MARTIN: All right.

7 WILLS: Nunchakus bounces off of him, no effect, doesn't even look down. I take

8 another swing, boom, and right then he reaches down and grabs my nunchakus,

9 cause it's bouncing off his leg . . .

10 MARTIN: After you hit him the second time and it started bouncing away, that's when he

11 grabbed it?

12 WILLS: He grabs it.

13 MARTIN: All right.

14 WILLS: And then starts pulling. And so we're fighting over the nunchakus for just a

15 split second, and he rips it out of my hand and as he rips it out of my hand, it

16 strikes my left hand right here. Uhm, so I back up, now he's got my nunchakus

17 and I'm thinking, you know, I'm going to my gun cause he's going to come at

18 me with my nunchakus. So Keating has just rounded the corner also, sees him,

19 Keating takes at least two swings, I remember him hitting him twice in the

20 other leg, his right leg.

21 MARTIN: What did Officer Keating use?

22 WILLS: Nunchakus.

23 MARTIN: His nunchakus also?

24 WILLS: Yes, his nunchakus also. And as I'm backing up to draw down, uh, Keating

25 and him start to struggle, they both start struggling, uh, over the nunchakus.

26 Next thing I know they're moving towards the street, and there's a little, uh,

27 street sign there, they go banging up against the sign, and he's got my

28 nunchakus in his right hand and he's holding them up like this and trying to

break through Keating which he is getting really successful at, so I'm telling

Keating, I see, see this, I say "Keating, Tim, back away from him, back away

from him." Cause, you know, because he's about ready to turn around and be

able to strike Tim. So I told Tim "back away from him, back away from him."

1 And I'm drawn down on him, and he flings Keating off again and he turns
2 around and he's got both of our nunchakus.

3 MARTIN: Okay, now, you're still on the sidewalk? All of you in general are you still on
4 that west sidewalk?

5 WILLS: We're still, yeah, we're still in, in general in that area, I can't remember if that,
6 I'm trying to think, at that point I was still on the sidewalk, I hadn't moved into
7 the street yet.

8 MARTIN: You're still in front of that little Sam's Market?

9 WILLS: Right in front of the Sam's Market.

10 MARTIN: Okay, now he just, sort of flung Officer Keating off, and he's got both sets of
11 nunchakus.

12 WILLS: Both sets of nunchakus.

13 MARTIN: Can you remember where he was standing in relationship to the door of the
14 market? North of the door, south of the door, in front of the door?

15 WILLS: When he, he had both pairs of nunchakus in his hands, he was, there's that city
16 street sign that I pointed out.

17 MARTIN: Yes.

18 WILLS: He was just like a foot or two, uhm, kind of southwest of that sign.

19 MARTIN: Okay.

20 WILLS: Uhm, Keating went off to my right. And I'm drawn down on him, the suspect
21 turns away from us. I'm ordering him "drop the nunchakus, get down on the
22 ground, drop the nunchakus, get down on the ground, drop the nunchakus, get
23 down on the ground." He just starts walking, slowly away from us.

24 MARTIN: So he's walking southbound on Mission?

25 WILLS: He's walking southbound.

26 MARTIN: And he's on the sidewalk?

27 WILLS: Yeah, he's kind of moved towards the center of the sidewalk going southbound.

28 MARTIN: When you're giving him directions, did he take, take or make any effort to
comply with them?

WILLS: He did at one point he stopped facing away from us and then started to set the
nunchakus down, he didn't, he never let go of them but he got them down to
where both opposite ends of the nunchakus were on the ground and he was just

1 getting ready to set them down it appeared to me while I was still yelling at
2 him, and then he just kind of looks up like this, back at us and then turns around
3 brings this nunchakus up here, he's got this one, I'm sorry the right nunchakus
4 just a little bit above his right shoulder, and he's got the other one right about at
5 chest height.

6 MARTIN: And holding the other one in this left hand.

7 WILLS: In his left hand.

8 MARTIN: Now which direction is he facing?

9 WILLS: He is, well he was facing south, he turned looked back at us, and then started
10 turning around.

11 MARTIN: Okay, so now he's back facing you again? Facing northbound generally?

12 WILLS: Yes, and just in one movement and then starts towards us. Towards Officer
13 Keating. I had moved, when he started walking away, I had moved out into the
14 street to kind of use the, the vehicle as cover, and I moved out to the street, and
15 Keating was still off to my right. So, while I'm still ordering him, and he turns
16 around now, he looks towards Officer Keating's direction and then starts going
17 towards Officer Keating's direction, while I'm still yelling orders.

18 MARTIN: All right. Now when you said he started going towards Officer Keating, you
19 raised your hand, was he still hold, are you demonstrating what he did?

20 WILLS: Oh, yeah, he still had the chakus, the nunchakus up in the same position, one
21 here, one here.

22 MARTIN: Okay, you're saying that he had one, you're saying he had one in his left hand
23 and one in his right hand.

24 WILLS: Correct.

25 MARTIN: And he had them both raised in the air.

26 WILLS: Both raised, right a little higher than the left.

27 MARTIN: All right. And then he's starting towards Officer Keating.

28 WILLS: Correct.

MARTIN: Did he say anything?

WILLS: Not a word.

MARTIN: All right, so now he's how far from you to him, or what distance was there
approximately between you and the suspect?

1 WILLS: When, when are you asking that?

2 MARTIN: When he turns around and faces you?

3 WILLS: When he first turns around?

4 MARTIN: When he turns around and faces you. You said he's bent down as if he was
5 going to comply with your directions, and then he sort of in one movement
6 comes back up and he turns and faces you and he raises up the nunchakus.

7 WILLS: Correct.

8 MARTIN: Now how far of a distance was there between where he was standing and where
9 you were standing.

10 WILLS: He got back to about where the phone was . . .

11 MARTIN: So he was almost back to the court?

12 WILLS: Yeah the, almost . . .

13 MARTIN: Or the walk.

14 WILLS: Right where the newspaper box and, uh, phone was.

15 MARTIN: All right.

16 WILLS: Right to about there when he started to put them down, and then he turned
17 around and started coming at us.

18 MARTIN: All right, so how many feet do you think that is, approximately?

19 WILLS: Maybe 10 to 12 at that point.

20 MARTIN: All right.

21 WILLS: And then . . .

22 MARTIN: So now he's turning toward you and he's got them up raised, and you said he
23 started towards Officer Keating.

24 WILLS: He started charging towards Officer Keating.

25 MARTIN: Okay, now can you describe to me his gait?

26 WILLS: Well like, almost like he was, not quite a full run, but just started to, like he was
27 going straight after him, rushing towards him. Quickly.

28 MARTIN: Like he was going to . . .

WILLS: Yeah, like he was going to attack.

MARTIN: All right, did he say anything then?

WILLS: Didn't say a word. And the whole time I'm screaming at him to drop the
nunchakus and get on the ground.

1 MARTIN: I want you to think about in the context from the first moment you contacted
2 him, up to this point, did he ever say anything?
3 WILLS: You mean . . .
4 MARTIN: Anything at all. When you were talking to him . . .
5 WILLS: Yeah, when we talked to him . . .
6 MARTIN: Did you ask him his name?
7 WILLS: Uhm, no we hadn't got that far yet.
8 MARTIN: But was he answering some of your questions?
9 WILLS: Yes, yes.
10 MARTIN: All right, but then once he took, took off running, uhm, down the walk there
11 towards Mission, he, uh, he never said anything . . .
12 WILLS: No.
13 MARTIN: Towards you guys?
14 WILLS: No.
15 MARTIN: And then when you had the fight, the struggle with nunchakus he didn't say
16 anything?
17 WILLS: Never said anything.
18 MARTIN: Then you're giving him directions to stop to put the nunchakus down, never
19 says anything when he turns around . . .
20 WILLS: Never says anything.
21 MARTIN: Never says a word when he starts towards Officer Keating?
22 WILLS: No.
23 MARTIN: Okay, you did make a comment that I want to go back to. You said that when
24 you told him to turn around when he was on the steps, and you wanted to put,
25 you wanted to handcuff him, you were going to detain him, and you were going
26 to handcuff him. And then he turned around and he said he was going to call
27 the police . . .
28 WILLS: Right, as he was getting up . . .
MARTIN: As he was getting up.
WILLS: And starting, kind of south, or eastbound.
MARTIN: Was there any reason why he would not recognize that you're the police being
as you're wearing a uniform and a badge and all that?

1 WILLS: No, we drove up in a police car, and stopped just a few feet away from him, got
2 out and we're talking to him, and talking to the other guys, and the helicopter is
3 flying around.

4 MARTIN: Okay so up to that point he never questioned that you were the police?

5 WILLS: No.

6 MARTIN: Okay, so now we're back, we're back on the sidewalk, he's turned around and
7 he started toward Officer Keating, what happened then?

8 WILLS: Okay, and another thing, that's just one more thing that really struck me, you
9 know, this guy's definitely under the influence, when he, when he said that he
10 was going to call the police, because I've had people not recognize me as a
11 police officer when they've been under the influence of something. So that was
12 another little bell that went off. But, okay you said go back to when?

13 MARTIN: We're back on the sidewalk in front of the little Sam's Market.

14 WILLS: Correct.

15 MARTIN: You told him to put them down, he's bent down, then he's come back up, he's
16 turned towards you, he's raised the nunchakus, and he's taken, as you described
17 a quick charge or a charging motion towards Officer Keating.

18 WILLS: Yes.

19 MARTIN: Okay, what happened then?

20 WILLS: Uhm, when he got within, I want to say about five feet of me, uhm, that's when
21 I fired. I thought he was going to be reaching Officer Keating in a few, in a half
22 a second, you know, he was going to be right there, and I thought he was going
23 after Officer Keating with nunchakus. And I was close enough that if he
24 turned, he could have swung at me, where I was.

25 MARTIN: All right. Do you remember how many rounds, how many times you fired?

26 WILLS: I don't remember how many rounds I fired, I just know I fired until he went
27 down and he was like on one knee and one arm, and then I remember stopping,
28 you know, that was it.

MARTIN: Okay, uhm, after you shot did he say anything then?

WILLS: No.

MARTIN: Did he drop the nunchakus?

WILLS: Yes.

1 MARTIN: Okay. Do you know if Officer Keating fired?

2 WILLS: I heard, I heard a pop almost simultaneous with my first shot, I heard a pop to

3 my right, so I assumed Officer Keating fired also.

4 MARTIN: Okay. Do you have a question? (unintel.)

5 BREITENSTEIN: Uh, when subject had first turned around, uhm, and faced you, and you said that

6 the nunchukas were in both hands and his hands were raised you estimated that

7 he was how far from you, as you stood in the street? Say that again.

8 WILLS: I'm going to say 10 to 12 feet.

9 BREITENSTIEN: All right.

10 WILLS: Roughly.

11 BREITENSTEIN: And at that same moment how far away was the subject from Keating?

12 WILLS: Keating was just off to my right on the sidewalk, just slightly behind me.

13 BREITENSTEIN: So how far would you estimate?

14 WILLS: At that point in time?

15 BREITENSTEIN: Yeah, yes.

16 WILLS: I'd add, uhm, a couple feet, no more than 14 probably.

17 BREITENSTEIN: Okay, and you said that you were standing in the street. Can you tell us where

18 you were standing in the street?

19 WILLS: Well, originally when I stepped off into the street, right in front, there was like

20 a little truck, I stepped right in front of that truck, then as he was going south I

21 moved up to where the other vehicle was, I think it was a van or something, it

22 was a larger vehicle. I moved up to that vehicle, and when he turned and came

23 back, I backed up a little bit back to the front of the truck again.

24 BREITENSTEIN: Now were these, these two vehicles that you're talking about, were they in

25 traffic, or were they moving?

26 WILLS: No they were parked on the right in front of the market.

27 BREITENSTEIN: At the curb line?

28 WILLS: At the curb line.

BREITENSTEIN: So in other words you stepped off the curb between two parked vehicles?

WILLS: Yes.

BREITENSTEIN: Is that accurate?

WILLS: Yes.

1 BREITENSTEIN: Okay. Let's go back to the time that you were first making contact and you
2 said ABLE the helicopter, was in the air. Was the helicopter using any, any
3 lighting at the time?

4 WILLS: No lights on us. I, I mean I saw the light on the helicopter, but he was just
5 flying around kind of circling, in a large circle.

6 BREITENSTEIN: Did he ever illuminate your area, . . .

7 WILLS: No.

8 BREITENSTEIN: Your vicinity?

9 WILLS: No.

10 BREITENSTEIN: Just making noise and flying around.

11 WILLS: Flying around. Uhm, Tim had flashed his light up at the helicopter a couple of
12 times, uhm, letting him know where we were, and, uh, got on the radio and said
13 we didn't need ABLE anymore, uhm, we just needed another unit.

14 BREITENSTEIN: You said earlier that the, uh, the radio said that suspect, the burglary suspect
15 was possibly under the influence . . .

16 WILLS: Yeah, they said he was 647F, possibly 647F.

17 BREITENSTEIN: During this entire sequence of events, did you ever form an opinion about his
18 sobriety?

19 WILLS: In my, I, I felt he was under the influence of a controlled substance based on his
20 actions and the way he spoke for us and, the way, you know, the blank stare and
21 everything, I felt he was under the influence of something.

22 BREITENSTEIN: Did you form an opinion about what that something was?

23 WILLS: Like I said, my, I leaned towards like a PCP or a Ketamine, something along
24 those lines, something that makes you just totally calm and gives you that blank
25 stare.

26 BREITENSTEIN: How would you describe this guy's physical characteristics?

27 WILLS: He was at least as tall as me, and pretty muscular.

28 BREITENSTEIN: How tall are you?

WILLS: I'm just over 6 foot, almost 6 foot and ½ inches.

BREITENSTEIN: And he's about the same size as you are?

WILLS: Yeah, yeah.

BREITENSTEIN: Was he as, uh, husky, or . . .

1 WILLS: More muscular, more muscular than me.

2 BREITENSTEIN: He was muscular?

3 WILLS: Yeah.

4 BREITENSTEIN: Uhm, why did you fire?

5 WILLS: I thought he was going to hit Officer Keating with the nunchakus. I didn't want
6 him hitting him in the head and seriously hurting him or killing him. I was
7 worried, and I thought if he turned he could attack me too, I mean the whole
8 time I was thinking I didn't want to fight, I don't want to fight this guy, cause
9 this guy is obviously strong, if he's under the influence, you know, if we get
10 into a scuffle with him, you know, it's not too hard to take, take an officer's gun
11 in that kind of situation when a guy's that strong and under the influence of
12 something like that.

12 BREITENSTEIN: Do you think you had any other alternatives?

13 WILLS: Do I think I had any other alternatives . . .

14 BREITENSTEIN: At the time, at the time.

15 WILLS: At that point, no, no.

16 MARTIN: All right, I don't think I have anymore questions right now, Mr. Field do you
17 have something you want to ask?

18 FIELDS: Yeah, just real quick. Uhm, before when you're outside of the store there and
19 you are drawing down on him, are you verbalizing anything at that point?

20 WILLS: Oh, I was yelling at him the whole time.

21 FIELDS: What were you yelling?

22 WILLS: "Get down on the ground, drop the nunchakus."

23 FIELDS: Did you ever tell him you were going to shoot?

24 WILLS: No.

25 FIELDS: Did you ever hear your partner say, yelling any commands?

26 WILLS: Uhm, I didn't hear my partner yell anything.

27 MARTIN: That is the question I was trying to remember, thank you.

28 FIELDS: I figured you come up with it at some point, so.

MARTIN: Is there anything else?

BREITENSTEIN: No.