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“D.Z.” (TRUE IDENTITY UNCONFIRMED)

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LEGEND:

DDA = PAUL AZEVEDO, DEPUTY DISTRICT ATTORNEY

DAI =RICHARD CAREY, DISTRICT ATTORNEY INVESTIGATOR

WITNESS =DZ

.....

DAI: Today's date is 9/16/99 and the time is 1538 hours. And, present with us is, do, do you want to give your name?

WITNESS: Uh, no, I'm just plain DZ and until, you know,

DAI: All right. You'll go by DZ. And, present during this interview, I'm Dick Carey and this Deputy D.A. Azevedo. And, what we'll like to do DZ is just have you tell us about the incident, just the way you remember it happening.

WITNESS: Okay.

DAI: In your own words and nobody else's, okay.

WITNESS: Well, there was a party, okay. And, it was pretty close to where they said that he kind of went up, went up into the building, through the stairs and stuff and you know, kinda kicked the door, I don't know what he did. All right, but there was a party next door but, not in the same building but, in the building next to it. Uh, that's where I met Mr. Dubose, okay. There was a party. A lot of people were there and they were asking you know, for his autograph and stuff like that. Ah, now there's a fence. Okay, I left the party and I came back and the cops were there. All right, there's a fence, okay say this is the fence.

DAI: Here, let me get a piece of paper for you here.

WITNESS: All right. There's a fence right here. This is like the, (UI) of the beach, beach area, right.

DAI: Uh huh.

WITNESS: And then like a walkway, it's like through here but, this is where the fence is, right here. And there's like, a complex, this is like a alley, okay. And here's where's, another complex. And then, like right here, right here is where, there's another

1 complex. This is the fence. I'll put fence.

2 DDA: That's that vacant lot.

3 WITNESS: Yeah, with the fence. It's right here. It's got alley. How you spell alley, a-l-l-i-e?

4 DAI: A-l-l-e-y.

5 WITNESS: Oh e-y-, A-l-l-e-y., alley. Okay, all right. (laughing) Then, okay, there's another  
6 building right here. All right, there's was a party all right, right here. Okay, now you  
7 gotta you know, okay, beach alley, right here, wall, the store, damn it, well never  
8 mind. I'll, I'll just do it like this first okay. All right, he ended up, you know, he  
9 ended up in here, right, up top. But, you know, and the party, okay there was a party  
10 right here.

11 DAI: Uh, huh.

12 WITNESS: And, I distinctly heard someone telling him to go outside and go up top. Okay, to, to  
13 take a rest because he was really tired. And you know, there's a lot of partying going  
14 on.

15 DDA: So you heard somebody talking to Mr. Dubose and telling,

16 WITNESS: Right.

17 DDA: Him to,

18 WITNESS: Right, go outside up top. Now if it's the right area, I don't know. But this is, this is  
19 where he ended up okay.

20 DAI: Uh huh.

21 WITNESS: Everybody knows that. Well, I took off, I came back. Now, when I came back there  
22 was a cop car I saw right here. I didn't see two, I just saw one, all right. I did not see  
23 two cop cars. I just saw one cop car. I was coming back. I stayed right here because  
24 I was wondering, I was right here I was wondering what was going on. Well, you  
25 know, there was two cops and they were talking to him, I guess outside. I don't know  
26 what happened. You know, I you know, there were in an altercation. I swear I heard  
27 the word nigger. Okay, I'm not gonna lie. I'm gonna say straight up how I heard it.  
28 All right, now, I don't know if he confronted them and he pushed them before to that  
limit, okay. But, they were like kind of, oh God, over here. Okay, where it kind of  
took place.

DAI: So you're pointing to, in the alley behind the police car.

1 WITNESS: Yeah.

2 DAI: Okay.

3 WITNESS: And then,

4 DAI: That's Strand Way, by the way, the official name.

5 WITNESS: Okay, then they, they had a confrontation, okay. And, you know there's a big scuffle

6 you know, I saw two guys. You know, I saw like, one dude get thrown down and

7 then the other guy get pushed, you know.

8 DAI: You talking about police officers?

9 WITNESS: Yeah. Now, if it was because of the word nigger got yelled, I don't know, you know.

10 Could of came, honestly that could of came from over here. I'm not gonna say, cause

11 you know (UI).

12 DAI: You mean by the beach area?

13 WITNESS: Yeah, then again it could of came from right here.

14 DAI: So you,

15 WITNESS: Cause you know, I heard it but, you know, their backs are to me. It's kind of hard to

16 tell because I'm not standing right there, all right.

17 DDA: So you can't, could see (UI) it, you don't know where that word came from?

18 WITNESS: Right exactly, cause you know how, someone says something and it kind of, echos.

19 DAI: Now let me get one thing straight. All right, so you're talking about there was a party

20 north of,

21 WITNESS: Yeah.

22 DAI: North of this area. It was in an apartment complex.

23 WITNESS: Exactly.

24 DAI: North of Queenstown Court.

25 WITNESS: Yes sir.

26 DAI: And then some how you got out of the party and you went over by the beach.

27 WITNESS: Yeah, I went over by the beach.

28 DAI: And then this confrontation took place.

WITNESS: (UI), and I was coming back.

DAI: Coming back, and then behind the police car on Strand Way you saw the police officers with Mr. Dubose.

1 WITNESS: Yes sir I did.

2 DAI: And then you heard the term nigger come from somewhere.

3 WITNESS: Right, from somewhere. I could have been from them...

4 DAI: ...And then what was...

5 WITNESS: ...Being upset and then it could have been someone from over here. Cause you know,

6 it's hard to tell when words are said but I did hear that though, okay.

7 DAI: What kind of contact did you see occur right now. You were talking about, how did

8 the contact start, do you recall?

9 WITNESS: Uh, I can't really recall it you know, cause, you know I was drunk. I was kind of

10 messed up myself. And, but like I said I saw one cop you know, get slammed, you

11 know.

12 DAI: On the concrete.

13 WITNESS: Yeah, on the concrete and it's like, oh, you know, you know get thrown and I was

14 like, wow, you know. Then he ran. And I was like..

15 DAI: Which way did he run, now?

16 WITNESS: (UI) run, I saw him run this way.

17 DAI: South.

18 WITNESS: Yeah.

19 DAI: On Strand Way. Okay.

20 WITNESS: And, then, then...

21 DAI: By the police car.

22 WITNESS: Yeah.

23 DAI: I see.

24 WITNESS: Then okay, now, over here, we have the convenience store. All right, there's this little

25 alley way. Here's, here's a, here's the fence. Okay the fence is right here. Here's the

26 other, right, well actually here. Let me re-do that.

27 DAI: Here, let me give you another piece of paper, make it easier.

28 WITNESS: Yeah.

DAI: So he's running south on Strand Way. So let me draw, let me draw this for you and

we ca actually make ah,

WITNESS: You can probably do a better job then I can.

1 DAI: Yeah, well no, it's all right. I'll just put north.  
2 WITNESS: Mission Bay Mission uh,  
3 DAI: I'll put it in right here.  
4 WITNESS: Okay.  
5 DAI: You want me to put in Mission Boulevard.  
6 WITNESS: Yeah, please.  
7 DAI: Okay, hang on. All right, here's where you say that party was, put P.A.R. And, you  
8 say he was told to go up here to go to sleep.  
9 WITNESS: Right.  
10 DAI: And then the police car was right here, you drew.  
11 WITNESS: Yeah. And a cop car right there.  
12 DAI: Okay, and this is the beach over here.  
13 WITNESS: Yeah.  
14 DAI: Okay, this is the beach so we can understand, understand each other. And then you  
15 saw him running from the officers after he threw them down.  
16 WITNESS: So,  
17 DAI: South on Strand Way, excuse me, yeah, that's south and this is north right here. All  
18 right, so he's running south on Strand Way and then what did you see?  
19 WITNESS: Okay, okay, here's, say here's the, say the convenience store is right here, okay.  
20 DAI: So you're putting in the convenience store.  
21 WITNESS: Yeah.  
22 DAI: In more or less the same block.  
23 WITNESS: Right.  
24 DAI: Where, where Dubose was told to go to sleep?  
25 WITNESS: Yeah,  
26 DAI: Okay.  
27 WITNESS: Pretty much behind you know, cause they're like, here's where the complex is and  
28 behind is a store. All right, now, you know, there was, there was you know, he ran  
into the store and pretty much, after awhile, I was kind of shock.  
DAI: Where did you see him run into the store?  
WITNESS: I didn't see him run into the store I just saw him go this way and that way.

1 DAI: So, oh so he went,  
2 WITNESS: Cause he disappeared so quick.  
3 DAI: So he went down Strand Way and then went down the alley, south, now this is  
4 Queenstown right here.  
5 WITNESS: I didn't see him go down Queenstown.  
6 DAI: You saw him go down this other...  
7 WITNESS: Yeah, this is where I.  
8 DAI: You saw him make a left turn and run east down the alley?  
9 WITNESS: Exactly.  
10 DAI: Then how did it...  
11 WITNESS: ...the fence, the fence was right here.  
12 DAI: Ah, now, then when did you next pick it up.  
13 WITNESS: Then I was like, God Damn man, I can't believe I just saw that, you know. So, I'm  
14 like all right well fuck, you know, I run. You know, I follow them a little bit. And, I  
15 come around the side right here.  
16 DAI: Uh huh.  
17 WITNESS: You know, and by that time, when I decided to go, you know, cops were up and they  
18 were doing their own thing and what not, you know. But, I didn't see him get up or  
19 anything but I went and, I came over here. And, here's the store entrance right here,  
20 right. Um, time I came around here, he was coming out, but I saw, I saw two cops  
21 right here.  
22 DAI: Where were you?  
23 WITNESS: I was one, two, three, four, I was about five car lengths like, about right here.  
24 DAI: How did you get to that location?  
25 WITNESS: I came around and I, I went right here.  
26 DAI: I see.  
27 DDA: Why don't you just a, why don't you put a DZ there were you are so we remember.  
28 DAI: In other words, you ran down that alley, that is south of the location where the  
apartments, where Mr. Dubose was supposedly in.  
WITNESS: Actually it was four cars.  
DAI: Down from the alley.

1 WITNESS: Yeah.  
2 DAI: The south,  
3 WITNESS: On Mission Boulevard.  
4 DAI: Right off Mission Boulevard.  
5 WITNESS: Yeah.  
6 DAI: All right.  
7 WITNESS: Okay, then, you know they confront him again, but by that time, you know, I witness  
8 four cops okay.  
9 DAI: When did you see the four cops?  
10 WITNESS: Um, when I came around right here, and they were confronting him.  
11 DAI: Where did they come from?  
12 WITNESS: I don't know where they came form  
13 DAI: Okay, all right. So you didn't follow them.  
14 WITNESS: No, I didn't follow them directly, I waited them I came around.  
15 DAI: Oh, and you came in behind him.  
16 WITNESS: Yeah, not like, not like right after, but like I waited and I said well I'm gonna go check  
17 this out.  
18 DAI: About how long did you wait.  
19 WITNESS: About four and a half minutes.  
20 DAI: Okay.  
21 WITNESS: You know.  
22 DAI: All right.  
23 WITNESS: Roughly.  
24 DAI: Okay, that's fine.  
25 WITNESS: And, I came around you know, I'm right here. I come around and a black car. You  
26 know, I'm checking things out because I don't want to get too close. And like, you  
27 know, get involved you know, or get in trouble.  
28 DAI: Sure.  
WITNESS: So I was like, all right, I'm over by this car. Well next thing I know, they, they  
confront him again, you know. And, from what I saw the guy had something in his  
hand. He was pushing them like this.

1 DDA: Now, I'm gonna slow you down a little bit cause ah, when you say they, you're talking  
2 about the police officers?  
3 WITNESS: Yeah, the police officers.  
4 DDA: And...  
5 WITNESS: I don't know what it was in his hand. I couldn't see what it was.  
6 DDA: Okay. Of, of the four police officers. Did you see Mr. Dubose actually come out of  
7 the store?  
8 WITNESS: Well, he was standing by the store area.  
9 DDA: Okay.  
10 WITNESS: Okay.  
11 DDA: And, of the four police officers that you saw then were, did you, did you recognize any  
12 of them as being the same guys that were in the alley.  
13 WITNESS: They looked the same I mean they,  
14 DDA: Two of the four?  
15 WITNESS: Yeah, they looked, they looked, they looked the same.  
16 DDA: Okay.  
17 WITNESS: You know.  
18 DDA: But back at the police car in the alley way.  
19 WITNESS: Right  
20 DDA: Was there two or was there four?  
21 WITNESS: I saw two.  
22 DDA: Okay. And, then at the front of the liquor store ah,  
23 WITNESS: I don't know where these other ones came from.  
24 DDA: Okay.  
25 WITNESS: They might have pulled up from over here or something, I don't know.  
26 DDA: All right.  
27 WITNESS: You know, I don't know where the other ones came from.  
28 DDA: But, you did, you saw them there at the front?  
WITNESS: Yeah, I did saw them at the front.  
DDA: Okay.  
WITNESS: And, okay...



1 DAI: Let me check this recorder real quick like. Okay, we just had about a twenty seconds  
2 break there checking it and we'll resume the interview. Okay, all right, go ahead DZ.  
3 WITNESS: Okay now, then there was, you know, from where I was standing, I was looking you  
4 know from over here, okay. I was watching. And, it looked like one had something in  
5 his hand you know, nudging like this.  
6 DAI: Now the police officer was nudging Mr. Dubose?  
7 WITNESS: Yeah. Now this is what I saw you know.  
8 DDA: No, I didn't mean to stop you it's just some time when you say one, I-I just was you  
9 to clarify if it was the police or Mr. Dubose.  
10 WITNESS: I saw the police nudging him.  
11 DDA: Okay, one of the police officers was nudging him.  
12 WITNESS: Yeah, nudging him with a stick I guess.  
13 DDA: Okay.  
14 WITNESS: I don't know what ya'll call em', you know.  
15 DDA: What did it look like?  
16 WITNESS: It, I couldn't, it looked like a stick, just look like a little, you know.  
17 DAI: That's fine.  
18 WITNESS: One of those little hand sticks I guess.  
19 DAI: That's fine go ahead, go ahead.  
20 WITNESS: But they were nudging him, you know, and he grabbed it. He physically grabbed it.  
21 You know, pretty much grabbed it. You know, pushed, you know pushed him and he  
22 was going after the cops with it.  
23 DDA: When, when you say he was going after the cops with it, describe what you mean.  
24 WITNESS: He was gonna go, he was gonna hit em', he was gonna, he was trying to protect  
25 himself I guess cause he was upset.  
26 DDA: What, as you're describing that you're taking your right hand and kind of raising it  
27 above your shoulders, is that what you saw them do?  
28 WITNESS: Yeah, like he was trying, like hey, you know, back off. I'm gonna hit you.  
DAI: Okay.  
WITNESS: Cause, you know I mean there was, there was a lot of drinking going on, and everyone  
was partying so. You know, like I said he could of took it to where they were, they

1 were messing with him you know and stuff. But, you know he, he was going to hit  
2 them with it. And then you know he pushed the one back and then was gong to hit  
3 another one, you know. Then, you know, they drew, you know. They pretty much  
4 drew you know their guns out. And, well I heard a fire, I just kind of, I kind of just  
5 ducked you know, I didn't wanna get hit. You know, I didn't want a bullet...

6 DAI: Where you in line with any of the officers, of fire?

7 WITNESS: Like, what do you mean by in line, was I...

8 DAI: ... were you, were they pointing at you?

9 WITNESS: Oh no no no. I was right here. I was right here.

10 DAI: How many officers drew their weapons?

11 WITNESS: I only saw two draw their guns.

12 DAI: Okay.

13 WITNESS: But then again, you know they were standing like this.

14 DAI: With their back to you?

15 WITNESS: Yeah, their back was to me so, it was kind of hard.

16 DAI: Sure, sure, so the two officers that drew had their back to you.

17 WITNESS: Yeah.

18 DAI: So they weren't firing in your direction.

19 WITNESS: Right, they weren't.

20 DAI: They were firing north bound.

21 WITNESS: Yeah, northbound but I didn't, I didn't want like a bullet to hit the wall or something  
22 or.

23 DAI: Sure.

24 WITNESS: You hit something and it bouncing or something.

25 DAI: About how far away was,

26 WITNESS: Four car lengths.

27 DAI: Okay.

28 WITNESS: So that would be.

DAI: Right.

WITNESS: About a hundred yards maybe.

DAI: That's fine, now how far, could you tell about how far away Mr. Dubose was, was he

1 facing you coming towards the officers?

2 WITNESS: Yeah he was. He was facin' me.

3 DAI: So he was facing south towards you.

4 WITNESS: Yeah, he was facing me.

5 DAI: In front of the store. And then, they were in between you and him?

6 WITNESS: Exacting.

7 DAI: With their backs to you,

8 WITNESS: Yeah.

9 DAI: The two officers that drew their guns.

10 WITNESS: Right.

11 DAI: All right.

12 WITNESS: Pretty much that's you know, what I saw, you know that. Now, they, in a way maybe,

13 you know, they over shot him pretty much because he was, you know, drunk, drugged

14 whatever, you know or,

15 DAI: What, he was, he was facing them and facing you.

16 WITNESS: Right, exactly.

17 DAI: And as, as he was coming towards them with is arm up, with this stick in his hand.

18 WITNESS: Right.

19 DAI: They shot him. What did you do then DZ?

20 WITNESS: Well, I hung out, I didn't go check things out I just kind of stood by the car.

21 DAI: All right, what did you have to drink that night, you say you were pretty...

22 WITNESS: I had one beer.

23 DAI: Oh you have one beer.

24 WITNESS: Just one beer.

25 DAI: Fine.

26 WITNESS: I mean well, one beer and maybe two or three Jack and cokes. I won't say little.

27 DAI: Jack Daniels you mean.

28 WITNESS: Yeah, Jack Daniel, you know. I don't, I don't usually drink so.

DAI: All right, okay.

DDA: Well how would you describe, and don't take us wrong, we're not going after you, but we need to know you know, how would describe your condition.

1 WITNESS: By then, by that time, I wasn't like, uh, overly intoxicated. You know, I could walk a  
2 line, you know a straight line. I could you know, talk to girls.

3 DDA: Could you feel the effects of the drinks at all. Did you have a buzz?

4 WITNESS: Uh, I was buzzing earlier, like, went to the beach, but when I came back I was just  
5 kind of borderline but I wasn't totally like you know staggering.

6 DDA: Roughly.

7 WITNESS: Yeah, yeah exactly, I wasn't like that at all.

8 DAI: Okay, can I end the interview?

9 DDA: Well what I want to do, just ah, I know this is hard, I just want to kind of go and  
10 freeze a couple of moments for you. When, now you didn't, you had gone to the  
11 beach when you made that trip down to the beach, um, the police weren't there, right?

12 WITNESS: Right, the cops weren't there, no.

13 DDA: Okay. So you came back from the beach and was a police car already there then?

14 WITNESS: When I was coming back it was right here.

15 DDA: Okay, and were the cops out of their car yet?

16 WITNESS: Yeah, they were ah, out of the car.

17 DDA: And ah, were they already talking to Mr. Dubose?

18 WITNESS: Yup.

19 DDA: And,

20 WITNESS: The door was right here, the door is right here.

21 DAI: To the apartment.

22 WITNESS: Yeah.

23 DAI: Okay. I'll put door right there.

24 WITNESS: Yeah, they were talking to him out here.

25 DDA: Okay, at that moment you came back from the beach and you walked up and you kind  
26 of see the police cars, if you could kind of freeze that moment for a minute in your  
27 head if you remember. Can you tell me what that scene looked like? How many  
28 people were out and--

WITNESS: Whew.

DDA: And where Mr. Dubose was and where the police officers were?

WITNESS: Uh, all right, I'll do my best.

1 DDA: Yeah, that's all we're asking.

2 DAI: You were, you were in this alley right here, that comes out to the beach.

3 WITNESS: Yeah.

4 DAI: All right. What did you see.

5 WITNESS: I was right here .

6 DAI: You were right across the alley, you were right there.

7 WITNESS: Yeah, on the corner right here. Um, It was like right here and there was a cop like  
8 right here and then like right here.

9 DAI: So you're placing a mark for the police officers between the police car and the front  
10 door of ah, of the apartment.

11 WITNESS: Yeah.

12 DAI: Where Mr. Dubose was suppose to have been in.

13 WITNESS: A cop here and a cop there.

14 DAI: So how many cops? You have four.

15 WITNESS: Two.

16 DAI: Just two.

17 WITNESS: Two right there.

18 DAI: Okay.

19 DDA: So there' s two police officer's. There's Mr. Dubose, and do you see anybody else that  
20 appears to be involved?

21 WITNESS: You know I didn't see, I saw like one gentleman but he was like right here, he wasn't  
22 really like, in front.

23 DAI: So you're putting a mark north on Strand Way.

24 WITNESS: Yeah like right about right here.

25 DAI: In front of the apartment.

26 WITNESS: I'll put dude down all right.

27 DAI: Now that's in front of the, that's in front of where the party was.

28 WITNESS: Yeah, where there was a party.

DDA: Okay.

DDA: And was everybody standing up or was, was anybody sitting down, in terms of the  
police officers?

1 WITNESS: When I came, when I came down the cops were standing and he was standing and you  
2 know.  
3 DDA: Okay.  
4 WITNESS: I didn't, I didn't see no one really sitting or anything, no.  
5 DDA: So after you come back, you see the police car. The police officers and Mr. Dubose,  
6 what's the next thing you remember happening?  
7 WITNESS: Um, well like I said, I heard the word nigger, okay.  
8 DDA: Okay.  
9 WITNESS: Then you know there was a confrontation between him and the two cops.  
10 DDA: Okay, when you say there was a confrontation, can you describe what you saw?  
11 WITNESS: Uh, (UI) guy, then pick him and throw him and take another guy and throw him into  
12 like the wall.  
13 DDA: Okay.  
14 WITNESS: Pretty much.  
15 DDA: So, you come back. And you, you see these guys out there. You hear the word  
16 nigger from some source.  
17 WITNESS: Right.  
18 DDA: The next thing you see is Mr. Dubose grabbed one of the officers.  
19 WITNESS: Exactly.  
20 DDA: And what does he do to them?  
21 WITNESS: Well one he picks up and he slams, you know.  
22 DAI: On the concrete.  
23 WITNESS: On the concrete.  
24 DDA: When you say he slams them.  
25 WITNESS: Like WWF you know like, (demonstrating noise-laughing)  
26 DDA: He pick them up over his head.  
27 WITNESS: (UI) body slam.  
28 DDA: Body slam.  
WITNESS: Yeah.  
DDA: Okay, and then what, after one officer gets body slammed, what do you see then?  
WITNESS: He grabs the other one and slams him in the wall.

1 DAI: What way.  
2 WITNESS: This one.  
3 DAI: The wall of the apartment  
4 WITNESS: Yeah.  
5 DAI: Where Mr. Dubose was supposed...  
6 WITNESS: The wall right here.  
7 DAI: To have been in, okay.  
8 WITNESS: You know.  
9 DAI: Okay, do you know the addresses at all in this.  
10 WITNESS: I feel this was like the first time I was ever around that area okay.  
11 DDA: Okay, so you're not really familiar with that area.  
12 WITNESS: Exactly, well I mean, I've walked you know, back and forth, you know. And I've  
13 been you know kind of around that area, Mission Boulevard, you know. But, you  
14 know, that's just walking back and forth and just hanging out.  
15 DDA: Okay.  
16 WITNESS: You know, that's why usually I, I don't usually hang around that area but, usually  
17 further down.  
18 DAI: Do you recall what time of the day this was?  
19 WITNESS: It was early.  
20 DAI: About what time.  
21 WITNESS: In the morning.  
22 DAI: Early in morning about what time.  
23 WITNESS: I, you know I wish I can give you.  
24 DAI: Just about.  
25 WITNESS: I, I didn't have a watch. I know it was dark and I know it was the morning.  
26 DDA: Okay, sometime after midnight?  
27 WITNESS: Oh yeah, yeah, definitely after midnight.  
28 DDA: Would you say, could you say after two a.m.?  
WITNESS: That could be poss, yeah definitely you know, it was definitely not like, eleven  
o'clock.

1 DDA: It was more-, definitely after midnight?

2 WITNESS: Yeah, but it wasn't quite like, probably like two-thirty, three you know it wasn't quite  
3 that late.

4 DDA: Okay, now.

5 WITNESS: But, like I said I didn't have a watch so I can't tell time.

6 DDA: Sure.

7 WITNESS: With no watch.

8 DDA: Um, up to the point where you saw the- what you describe as a body slam, did you  
9 hear any conversation between Mr. Dubose and the officers?

10 WITNESS: Uh, before, they just look like they were, they were doing just fine you know.

11 DDA: What do you mean they were doing just fine?

12 WITNESS: Talking wise.

13 DDA: So there's, there was talking going on but you couldn't hear it.

14 WITNESS: Yeah, it didn't look like any problem, honestly.

15 DDA: It looked pretty calm?

16 WITNESS: Yeah, it looked real calm.

17 DDA: Then the next thing you saw was the body slam?

18 WITNESS: Well I heard the word nigger and a little confrontation.

19 DDA: Okay, and the parts of the con, confrontation, that's where I'm trying to get at, is  
20 having you describe the confrontation. Mr. Dubose did a body slam on one of the  
21 guys and then you said pushed another guy into the wall.

22 WITNESS: Pretty much yeah,

23 DAI: Excuse me for just one minute, I'll be right back.

24 DDA: Okay. Um , okay and I know it's kind of hard to take it.

25 WITNESS: It is because,

26 DDA: And,

27 WITNESS: It happened like that.

28 DDA: Right.

WITNESS: You know and, going by frame, frame by frame. You know, but (UI) I'm just doing  
the way I thought I saw it, you know, pretty much. How I witnessed it being there.

DDA: That's all we're asking, do the best you can. So in terms of your best estimate, how



1 many feet away are you from Mr. Dubose and the officers when the, when the  
2 confrontation or the body slam part of it occurs?

3 WITNESS: Fence was here, okay cause I've been there before in that area. All right, the fence is  
4 right here. I'd say that was a good estimate maybe a hundred and fifty feet.

5 DDA: Okay.

6 WITNESS: And that's, that's from the fence though maybe, it might have been short, you know  
7 could have been shorter pretty much. But, it wasn't like, long, long, long, but it was  
8 like maybe, it was a little bit longer than this room it's not quite that long.

9 DDA: And what, what was the lighting like?

10 WITNESS: Dark, it was, it wasn't, we have lights okay, but it wasn't like totally lit up because it  
11 was dark. You know, it's a back alley, you know, the alley's kind of lit but it's not  
12 really lit. Mission Boulevard's more lit than that alley way.

13 DDA: Sure, sure. Um, okay, so, one officer gets knocked against the wall. what's the next  
14 thing you remember seeing after that?

15 WITNESS: Him splitting, taking, going south, I guess is what ya'll said, going south.

16 DAI: Well you drew a line.

17 WITNESS: Yeah, yeah, yeah.

18 DAI: Going down Strand Way.

19 WITNESS: Yeah, I saw him go south.

20 DAI: All right.

21 WITNESS: You know, I didn't see him go this way.

22 DDA: The same direction as the boardwalk runs.

23 WITNESS: Yeah.

24 DDA: North-south, right?

25 WITNESS: Pretty much, yeah.

26 DDA: Okay.

27 WITNESS: Saw him go south and then I only estimate that he, cause he disappeared so quick that  
28 he went down this sectioned area, right here where there's another building, which  
leads to Mission Boulevard.

DDA: Right.

WITNESS: Cause he, you know he, he left so quick, you know

1 DDA: When you say he left quick, was it like a half sprint, full sprint? How would you  
2 describe it, walking?

3 WITNESS: He wasn't walking. He was, I thought he was pretty fast. I was like. Hey, what are  
4 you doing? I mean he went (snap fingers), I'd say probably half a sprint. You know, I  
5 didn't, I would say half a sprint.

6 DDA: Okay.

7 WITNESS: So you know, still fucked up, you know, cause...

8 DAI: So you saw him at the party and he was pretty fucked up.

9 WITNESS: Yeah, yeah. A lot of people, a lot of people were messed up at that party, you know.

10 DDA: What, what, describe ah, your contact with him that led you to say--

11 WITNESS: Well my contact with him was that I was in the party, you know, everybody goes to a  
12 party at the beach. Everyone walking the beach gets invited to a party. Hey dude,  
13 you wanna to party! Damn straight, where's it at? You know, and, you know  
14 everyone was up there in the party, hanging out, partying. So I go up and you know,  
15 and, a lot of people were surrounded by him and you know asking him questions and  
16 you know he was kind of giving out I guess a couple of autographs, I don't you know,  
signing papers.

17 DDA: Well what, what did you see that cause you to say that he was screwed up?

18 WITNESS: Think he was fucked up?

19 DDA: Yeah.

20 WITNESS: Oh well you know, here I am, I'm sitting in the D.A.s office. All right, there yeah,  
21 there was drugs there.

22 DDA: Okay.

23 WITNESS: There was drugs at the party. There was, you know, liquor at the party, you know.  
24 I'll be honest with, you know, that you know, beach life is totally different than any  
25 other life. Mostly because people go there to party and hang out.

26 DAI: Sure.

27 WITNESS: To do their, their thing.

28 DAI: And, this was in an apartment upstairs?

WITNESS: Yeah.

1 DAI: Right across from the apartment where Mr. Dubose supposedly went?

2  
3 WITNESS: Went into, yeah.

4 DAI: All right. Did you ah--

5 WITNESS: Cause you know, cause, cause then you know, there was a cop, you know. After all  
6 this happened, there was another cop over here and after everything happened you  
7 know, I kind of just went on my way. And, people were like saying, you know like,  
8 broken into their house, right. Just kicked the door down and laid inside. And, there  
9 was a cop there and I was like, bullshit.

10 DAI: Was this after he was shot?

11 WITNESS: Yeah, this was after.

12 DAI: When the conversation, where did that conversation take place?

13 WITNESS: Right here, right by-

14 DAI: Right-

15 WITNESS: The door and there was a cop right here.

16 DAI: Right in front of the door where the police car was parked?

17 WITNESS: Yeah.

18 DAI: Again back on Strand Way.

19 WITNESS: Yeah.

20 DAI: So you went back there and the cops were there talking with him?

21 WITNESS: Yeah, talking to like these people, I don't know, there were like three people there.  
22 One, two, three.

23 DDA: I want to get back to the party for just a second. Did you, did you see Mr. Dubose  
24 talking at the party? I mean, did you hear him talking and see him talking to people?

25 WITNESS: I saw other people talking to him and him like shaking their hands and stuff but, I  
26 didn't, I didn't run up and go, Mr. Dubose, how you doing. I didn't go up and do  
27 that.  
28

DDA: But you saw him walking around?

1 WITNESS: And people were around him.

2 DDA: Did you see him use any drugs at the party?

3 WITNESS: Um, no, no, but I know a lot of people were doing drugs though cause they were, you

4 know, smoking and doing lines or you name it, it was up in that party all right.

5 DDA: It was pretty open, it wasn't like-

6 WITNESS: Yeah, it was very open. You know I mean, a guy off the street can come up hey, you

7 guys want to get fucked up and bring a group of drugs, you know.

8 DDA: So there were drugs in plain view, people using them?

9 WITNESS: Yeah.

10 DDA: Okay, I have to ask you this question.

11 WITNESS: Did I see him do drugs? No I didn't see him do drugs.

12 DDA: Okay, how about you?

13 WITNESS: No, no, no, no, no.

14 DDA: Okay, I have to ask you that. Uhm, so tell me what, what you saw other than drugs

15 being present there.

16 WITNESS: Booze.

17 DDA: Well, what caused you to say he was messed up?

18 WITNESS: Well, I mean you know how people get, they were like, kind of like mellow but they're

19 like drunk and he was, kind of tell like they're like faded.

20 DDA: So,

21 WITNESS: I've worked in bars you know, I've seen people fucked up and you know, you could

22 be sniffed out like that.

23 DDA: Okay, so you're saying based on what, what you saw of him, you watched him.

24 You're familiar with how people--

25 WITNESS: Exactly and he was fucked, he was screwed up. He wasn't, he was not sober that's

26 for sure.

27 DDA: Okay, and then getting back to the part, after, after everybody, or Mr. Dubose

28 runs south. Uh, did you see what the police officers were doing after they, the confrontation?

1 WITNESS: You know it's funny, you know, I, you know like I said, (UI) you're right, right here,  
2 right. Okay, I'm right here, like your asking me what the cops did.  
3  
4 DDA: Well, when the chase first started there, when he first started leaving. Mr. Dubose runs  
5 this way.?  
6 WITNESS: Uh huh.  
7 DDA: Were the cops far behind?  
8 WITNESS: Uh, not really far behind but, you know, once they got up, yeah, you know, (UI) I'm  
9 like, whatever cops do when they get, you know.  
10 DDA: Well, I'm just asking what you saw.  
11 WITNESS: Yeah, I mean, you know they finally got up and they followed.  
12 DDA: Okay, and, and you followed the cops?  
13 WITNESS: After you know, afterwards you know, I let a couple minutes you know, slide by and I  
14 come back around.  
15 DDA: Okay.  
16 WITNESS: You know, then they're right here. You know, cops are here, you know, Dubose is  
17 right here in front of the store.  
18 DDA: Okay, so then you get out and, and take a position behind some cars?  
19 WITNESS: Yeah. I'm like four, one, two, three four cars. Four cars from, and this is the alley  
20 right here, so.  
21 DDA: And, and once you come out of the alley and get a position over there, what's the first  
22 thing you remember seeing? I mean, describe the scene as you saw it when you first  
23 looked towards the front of the liquor store.  
24 WITNESS: Ah, just he was facing me, cops, you know, were facing like that, you know their  
25 backs were to me like this and one took the nunchakus you know and was doing this  
26 to him. I don't know why, I don't know where it started at.  
27 DDA: When, when you saw one police officer ah, hit or move towards Mr. Dubose with the  
28 nunchuckas, what were the other three doing, do you remember?  
WITNESS: Pretty much stationed back.  
DDA: Behind the one that was using the nunchakus?

1 WITNESS: Yeah. You know not like, one hiding like this but, you know they were like waiting I  
2 guess, pretty much, they were like, you know, when you egg somebody on, (UI).  
3 DDA: Uh huh.  
4 WITNESS: You know.  
5 DDA: And, were, were all the officers in uniform the same way, I mean they're all wearing  
6 the blue uniforms or--  
7 WITNESS: They looked the same.  
8 DDA: Okay, okay.  
9 WITNESS: You know, a cops a cop, you know.  
10 DDA: Right, but the uniform, they're the same?  
11 WITNESS: Yeah, I thought they looked the same.  
12 DDA: Okay, um, so then Mr. Dubose grabs the nunchakus from one of the officers. Is that  
13 right? You saw that?  
14 WITNESS: I saw that. I saw him grab it and then push the other guy, you know.  
15 DDA: Did, he push a different officer than the one?  
16 WITNESS: No, he's the one the chucks, he pushed you know cause he grabbed them and pushed  
17 him away.  
18 DDA: Okay  
19 WITNESS: And then you know, the guy fell on the ground.  
20 DDA: Okay, no this is, a very important time now, now moment by moment, to the best of  
21 you can do, what happened after that?  
22 WITNESS: After that he was going towards them with the chucks you know, or whatever they  
23 were.  
24 DDA: Right.  
25 WITNESS: You know, say a stick.  
26 DDA: Okay.  
27 WITNESS: He was raising it like this, like he was gonna take it to them. And you know, and like  
28 you know, the guy pulls his guns out and he's shot.  
DDA: Okay. When he raised the sticks up, when Mr. Dubose raised the sticks up, could you  
tell if he was moving or not?  
WITNESS: Like what do you mean by moving?

1 DDA: Was he moving backwards, forwards, sideways, up, down?  
2 WITNESS: Towards.  
3 DDA: Mr. Dubose was moving towards one of the officers?  
4 WITNESS: Yeah. In defense I would think you know because, just cause he pushed the other  
5 guy, and when he pushed the other guy he grabbed the chucks he went, you know, he  
6 went towards the officer,  
7 DDA: Okay. And, what happened then.  
8 WITNESS: Then they, you know, they pulled their guns out and shot.  
9 DDA: And, did you have your, like your-. Were you standing above the car? Were you  
10 crouched down?  
11 WITNESS: I was crouched, I was crouched down.  
12 DDA: And, could you see the whole area pretty clearly?  
13 WITNESS: Pretty clear, yeah.  
14 DDA: Okay. And, do you remember, could you tell how many shots were fired or how many  
15 officers fired?  
16 WITNESS: I just heard shots and I hit the ground cause I ain't looking to you know, like I said, I  
17 didn't want like a ricochet or anything.  
18 DDA: Sure.  
19 WITNESS: You hear a bullet you gonna hit the ground.  
20 DDA: Uh huh.  
21 WITNESS: You know, someone fires near you. Think well, wow, you know not, you know, if it  
22 hits the wall or it hits somewhere else and it comes back, you know.  
23 DDA: When you got down because the gun fire, and from that position, could you, could  
24 you still see it or-?  
25 WITNESS: No, I couldn't see after that cause the car. I was like right here by the bumper.  
26 DDA: Okay.  
27 WITNESS: A bumper of the a...  
28 DDA: Then at some point did you pop back up?  
WITNESS: Yeah, I popped back up after it was quiet.  
DDA: Okay, and then what did you see?

1 WITNESS: Just the cops standing around. Ah, kind of there talking.  
2 DDA: Was there still four of them or was there more?  
3 WITNESS: I just saw four.  
4 DDA: Okay.  
5 WITNESS: And you know, then, what was weird is that, they didn't automatically check him for  
6 vital signs like that, he was just laying there, you know, pretty much like on the  
7 ground, you know.  
8 DDA: How, how long did you watch?  
9 WITNESS: Ah, few minutes.  
10 DDA: Okay, and during those few minutes, what did you see?  
11 WITNESS: Uhm, when I saw a cop walk back over check his vital signs and you know, go back  
12 over. You know, and then I guess they called the ambulance or something.  
13 DDA: And did you stick around for the arrival of more police.  
14 WITNESS: I, I was there when the ambulance came. The ambulance was like right here,  
15 ambulance, right there.  
16 DDA: Was there any reason you did try and talk to the police that night?  
17 WITNESS: Huh, when you see someone get bullied like that, are you gonna, hey cops, what, you  
18 think you may get shot too. Uh, uh, the reason I didn't talk to them, is you know, I  
19 was like, I was shocked I was like, wow, I can't believe that just happened, you  
20 know.  
21 DDA: Where did you go after watching until the ambulance got there? Did you-  
22 WITNESS: I went back this way, back up the alley way.  
23 DDA: Uh huh.  
24 WITNESS: And, like I said, there was three people right here and there was one cop right there  
25 okay.  
26 DDA: Okay,  
27 WITNESS: And they were talking to him and I kind of was like you know, listening to what these  
28 people were telling the cops. He broke in, you know he broke into the house you  
know. I yelled out "bullshit".  
DDA: Okay.



1 WITNESS: Cause you know, pretty much cause I thought that was where you know they said for  
2 him to go to sleep, sleep it off. Cause, I do remember someone at the party say, "why  
3 don't you go outside, go upstairs and sleep off".  
4 DDA: Uh huh.  
5 WITNESS: "You know, you're pretty fucked up."  
6 DDA: Somebody else, you heard somebody else tell Mr. Dubose that, you better go sleep it  
7 off because you're pretty messed up?  
8 WITNESS: Yeah.  
9 DDA: To that effect?  
10 WITNESS: To that effect, yes sir.  
11 DDA: Go ahead.  
12 DAI: Okay, do you remember, when did you talk to Earl Halgren, is he is friend of yours or-  
13 WITNESS: Yeah, he's a friend of mine. When did I talk to him?  
14 DAI: About this case.  
15 WITNESS: Uh,  
16 DAI: This incident, do you recall?  
17 WITNESS: Probably about a few days after (UI).  
18 DAI: A few days after?  
19 WITNESS: Yeah.  
20 DAI: Where, where did you talk to him?  
21 WITNESS: Uh, his house.  
22 DAI: Okay, did ah, did he record your interview or did he just write it down?  
23 WITNESS: Wrote it down.  
24 DAI: He just wrote it down.  
25 WITNESS: Yeah.  
26 DAI: Okay, there's just a few things I want to ask you, there was an article in the San Diego  
27 Voice and View Point.  
28 WITNESS: Right.  
DAI: Did you have a chance to read it?  
WITNESS: Yeah, I read it and you know I talked to you know, I'm the one that talked to the  
person that wrote about it. I talked to the editor,

1 DAI: Did you talked to the editor, John Warren.  
2 WITNESS: Yes I did.  
3 DAI: All right, did you talk to him after you talked to Mr. Halgren?  
4 WITNESS: Yeah, he took me to go see him. He took me to go see the guy that does the writing.  
5 We made the appointment and we talked to,  
6 DAI: Doctor John Warren.  
7 WITNESS: Yes sir.  
8 DAI: Okay.  
9 WITNESS: I also talked to the Black dude on the congress here. Uh huh,  
10 DAI: City Councilman  
11 WITNESS: Yeah, I talked to him as well.  
12 DAI: Very good, just, just a few questions on you ah-  
13 WITNESS: I went into more detail this time cause,  
14 DAI: You, you gave us more detail?  
15 WITNESS: Yeah.  
16 DAI: Very good. Just, just a few questions, ah, you ah, you mentioned. Do you remember  
17 the day that this happened on?  
18 WITNESS: Uh uh,  
19 DAI: Day of the week?  
20 WITNESS: Uh uh.  
21 DAI: It was sometime early in the morning.  
22 WITNESS: Uh huh.  
23 DAI: And ah, do you recall telling them that ah, the police were at the apartment, you heard  
24 an individual call, tell the police, prior to Dubose running, you heard some individual  
25 call the police and say that the apartment was being burglarized. You heard on the  
26 telephone.  
27 WITNESS: Yeah, that's what I'm talking. No not on the telephone but right here, when I came  
28 right here, these people...  
DAI: That was after they shot him.  
WITNESS: Yes.  
DAI: So you don't remember telling that that was before?

1 WITNESS: No before , no sir it was not before it was after the incident.  
2 DAI: After, thank you. All right.  
3 DDA: Uh, were the police officers ever inside the party? Did you ever see the police officers  
4 inside the party?  
5 WITNESS: No, I sure didn't. They might have went over there later on, I don't know, you know.  
6 DDA: I mean, while you were there, because there ah, one of the statements that I noticed in  
7 the paper was, ah, this the language of the article here. It says, "*the black guy had*  
8 *been kicked out of the bed and was hanging around outside. When the police officers*  
9 *went outside, I followed at a safe distance anticipating trouble*". This is the paper  
10 recounting what appears to be, by the italics, by the language-  
11 WITNESS: Of what I said, yeah.  
12 DDA: Yeah.  
13 WITNESS: I was over here. Okay. Uh, Dubose was right here by the door, all right, that's pretty  
14 much what I saw, all right.  
15 DAI: So you weren't inside?  
16 WITNESS: No, I wasn't inside I was,  
17 DAI: When the police officers arrived and they didn't go inside the apartment where the  
18 party was.  
19 WITNESS: No,  
20 DAI: Where you were?  
21 WITNESS: No, not at all.  
22 DAI: Okay.  
23 WITNESS: They might have you know.  
24 DAI: Do, do you recall saying that the officers grabbed him roughly by his arms, do you  
25 remember seeing that?  
26 WITNESS: Well they, they had a incident right here, like I said, by the door. Okay, of this  
27 apartment complex.  
28 DDA: All right.  
WITNESS: Okay,  
DDA: Is that what you describe as the confrontation?  
WITNESS: Uh huh.

1 DDA: Okay.

2 WITNESS: All right. Now,

3 DAI: Now, do you recall telling them that, you didn't tell us that, you just said, that when,

4 the term nigger you heard.

5 WITNESS: Right, this is where I heard the word nigger, by the fence.

6 DAI: And then, and then he grabbed the officers and slammed one down (UI) the wall.

7 WITNESS: Right.

8 DAI: But you remember telling them, "*One of the officers grabbed him roughly by the arm*

9 *and then you heard, hey nigger. And what seemed to be a flash of anger at the*

10 *physical threat coupled with the humiliating remark.*"

11 WITNESS: (laughing)

12 DAI: "*The Black guy retaliated like a football linebacker when the ball is hiked.*" Did you

13 tell them that?

14 WITNESS: (laughing) That is so funny. That's pretty much what he did though, okay, that's

15 pretty much what he did all right.

16 DAI: You, you didn't tell them that?

17 WITNESS: No. Okay this is pretty much what he did and that's his words because it was worded,

18 they tried to word it different.

19 DAI: Okay, all right, that's fine.

20 WITNESS: (UI) talking to them...

21 DAI: We'll move on then. Uh, we'll get away from all that stuff.

22 WITNESS: That's, that's his description by, towards the people. How he did it maybe, you know.

23 DDA: Those aren't your words?

24 WITNESS: No, hell no. That was not my words, you know, that's just something for, I guess for

25 the whoever's reading it, to kind of visualize that, you know but, they did pretty much

26 you know, have a confrontation right here by the door, okay. And, you know.

27 DAI: You, you explained it pretty good. All right, and then there's a ah, a comment in here

28 about, was the Black guy shaking those nunchakus at four heavily armed police

officers, do you recall shaking those nunchakus?

WITNESS: Like this.

1 (UI).

2 WITNESS: Like this.

3 DDA: When you say like this, put your arm up. Just for purposes of the tape so, when

4 somebody else can know what you're talking about, you're raising your-

5 WITNESS: I'm raising my right arm.

6 DDA: Above your shoulder.

7 WITNESS: Above my shoulders.

8 DDA: Okay, and, and sorry you know, don't mean to...

9 WITNESS: Oh, it's okay.

10 DDA: ... cross examine you here but,

11 WITNESS: It's all right.

12 DDA: But we want to ask about this newspaper article. It says here that when the Black

13 guy, I assume they're referring to Dubose, went down the alley, he was staggering s

14 little bit. You remember saying that?

15 WITNESS: Like I say, kind of like, you know half of ah, half of a sprint but like you know. Kind

16 of you know, not like straight but like.

17 DDA: Did you use the word staggering when you talked to the paper?

18 WITNESS: Yeah. Pretty much, you know, when he was running, he didn't like run like, like he

19 can run. Okay, he pretty much ran, you know kind of ran but, was like sloppy

20 running.

21 DDA: Okay, sloppy running.

22 WITNESS: Sloppy running. That's how I would describe it sloppy running. But you know I

23 mean, that's just from what I saw, okay.

24 DDA: Well, and then the paper says "*The two officers were quickly joined by two more*

25 *officers. And, I followed the officers.*"

26 WITNESS: I didn't follow the, the ones that pulled up right here. I followed these ones right here.

27 And once I got up, they went around and I guess they were met by the other ones

28 during that time. So I didn't see another cop come up. But, by that time there was

another cop car, okay cop car, another one, there was actually two right here, in this

alley, but not until after the incident, okay.

1 DDA: Okay.

2 DAI: Do you know what mace is?

3 WITNESS: Oh I know what mace is, yeah.

4 DAI: Did you see the officers use mace?

5 WITNESS: Uh uh.

6 DAI: And, you didn't see them run down this Queenstown Court to Mission, because that's

7 between where the party was and where Mr. Dubose was- .

8 WITNESS: Right, I saw him run down,

9 DAI: Run down the other alley, yeah south, south of there?

10 WITNESS: Yeah, that's what I saw.

11 DAI: I'm pretty good. How you doin'?

12 DDA: Other then the one officer that you said that poked or-,

13 WITNESS: It was like they were inviting him to grab it, you know like..."punk, hey".

14 DDA: Okay.

15 WITNESS: You know-

16 DDA: And you was one officer do that?

17 WITNESS: Uh huh.

18 DDA: Did you see any of the other three officers do anything, in front of the store, now I'm

19 talking about, do anything physical towards Mr. Dubose?

20 WITNESS: Well when he came across like this,

21 DDA: When he came up with the nunchuckas?

22 WITNESS: Right, the other one tried to grab him you know, he did slam that one as well.

23 DDA: Okay.

24 WITNESS: So it's pretty much two guys he threw.

25 DDA: Okay, so in front of the liquor store uh you saw, initially, one officer with the

26 nunchuckas and then he got that taken away.

27 WITNESS: Uh huh.

28 DDA: And then he got that taken away.

WITNESS: Uh huh.

DDA: And he got shoved down.

WITNESS: Right.

1 DDA: And then a second officer,  
2 WITNESS: Was coming up on him to try to sustain him but he threw that one as well...  
3 DDA: ...and then he threw that one guy down...  
4 WITNESS: Yeah.  
5 DDA: Okay.  
6 WITNESS: And then and then another one, drew cause he was going towards him.  
7 DDA: Okay.  
8 WITNESS: Uhm, or pulled their guns out, how ever you all want to say it.  
9 DDA: Okay  
10 WITNESS: I'll even take a lie detector test cause you know...  
11 DDA: UI. Did you ever get a chance to read what they wrote?  
12 WITNESS: No, not really, I didn't really read it. I just kind of just, I just, I talked to, I talked to  
13 Earl and Earl wrote it down you know, then he took it and mailed it to the editor and  
14 the editor wanted to meet me, okay.  
15 DDA: Uh huh.  
16 WITNESS: And then I talked to that editor and then you know, pretty much it was in the  
17 newspaper.  
18 DDA: Okay.  
19 WITNESS: So you know I mean I did sit down and talk to the editor and you know, on top of  
20 that.  
21 DDA: Okay. Uh, so in terms of the confrontation in front of the liquor store, you see an  
22 officer with a nunchakus touching Mr. Dubose. That gets taken away from that  
23 officer, that officer gets pushed down. The other officers gets involved he gets pushed  
24 down.  
25 WITNESS: Pushed or shoved out of the way.  
26 DDA: Okay  
27 WITNESS: Shoved out of the way.  
28 DDA: Shoved out of the way.  
WITNESS: Shoved out of the way, yeah.  
DDA: Okay, anything else about that confrontation in front of the liquor store that you can  
remember seeing that you want to describe or can describe for us.

1 WITNESS: Pretty much all I can really accurately describe, you know, um,  
2 DDA: You know, I want to explain to you so you know what our job is. You know, we're  
3 the independent agency that's suppose to look at this.  
4 WITNESS: Right.  
5 DDA: Okay, one of the things that we have to evaluate and explain to people, is who's telling  
6 us what. So I gotta tell you ah, your, your reluctance to tell us your name-  
7 WITNESS: That's just my, that's just me, man you know. I don't like people knowing who I am,  
8 why that's just me.  
9 DDA: Well but,  
10 WITNESS: I know, I understand. You know.  
11 DDA: If I go to my boss...  
12 WITNESS: ...If this goes, if this goes to court and you know, you really, really need me, yeah, I'll  
13 give you my name I'm doing it only for my own protection.  
14 DDA: Okay, for me to evaluate who you are, and we really appreciate you coming down and  
15 talking to us but for me to really evaluate who you are, uh I gotta know a little bit  
16 about ya. In other words, you know what I'm gonna do with your name right.  
17 WITNESS: Run it, check it, bla, bla, bla bla,  
18 DDA: And let me tell you it's the same thing we would do with everybody, if you're an old  
19 lady there 80 years old,  
20 WITNESS: I wish I was 80 years old.  
21 DDA: No you don't. I would take, I would take your name and I would run, it. So when I  
22 go to my boss or something, I would say, hey we got this statement from this one guy  
23 and he says this, this and this. Oh yeah, he's gonna ask me, who's that guy. Oh, he's  
24 a guy who won't give me his name. It kind of puts us in a spot.  
25 WITNESS: All right, well let see, okay, all right now I give you my name do I get in any trouble?  
26 DDA: Do you have warrants? Is that why you don't want to give us your name?  
27 WITNESS: No, not at all, no.  
28 DDA: Okay.  
WITNESS: I just don't want some cop coming up. Hey I remember that name you know, (UI)  
like, fuck.



1 DDA: Well, our reports don't go to the police department, theirs come to us. Okay. Our  
2 reports go to Mr. Pfingst our boss.  
3 WITNESS: Mr. Pfingst that's a cool name.  
4 DDA: So,  
5 WITNESS: Yeah,  
6 DDA: You know, I could tell you, we don't like, send your name and picture over to the  
7 police department, please be on the look out.  
8 WITNESS: I ain't fuck'n, you know, don't worry about it. (witness writes)  
9 DDA: I can't read that letter there.  
10 WITNESS: It's a "r". That's an "r"- an "o"  
11 DDA: Dario.  
12 WITNESS: Yeah.  
13 DDA: D'O.N.O.F.R.I.O.  
14 WITNESS: You got it.  
15 DDA: Okay. How about your date of birth?  
16 WITNESS: Fuck , [Personal data deleted]. That would make me 25. If you guys really need me to  
17 go like further with this I will.  
18 DDA: Okay. Well we appreciate that you know, we can't do our job if people don't come  
19 forward and tell us what they saw. That's what our job is, is trying to figure out what  
20 happened and have people talk to us. Do you have anything else Dick?  
21 DAI: I say thank you very much.  
22 DDA: You have anything you want to ask us that we can tell you?  
23 WITNESS: I don't know. Just that it's a big o'l headache.  
24 DDA: Yeah.  
25 WITNESS: Regardless.  
26 DAI: Okay, this interview will be ended at 1630 hours.

***INTERVIEW OVER***