

1 **INTERVIEW OF: OFFICER CHRIS LEWELLYN**

2 **INTERVIEW BY: SENIOR INVESTIGATOR JAY CLARK AND**

3 **DETECTIVE DIANE FREIER**

4 **DATE: OCTOBER 24, 2011**

5 **INV. CLARK:** Today's date is October 24, 2011. The time
6 is 2245 hours. (Inaudible.) My name is Jay Clark. I'm an
7 investigator with Contra Costa County District Attorney's
8 office. Also present as part of the interview team is
9 Detective Diane Freier.

10 Did I say it right?

11 **DET. FREIER:** Yes.

12 **INV. CLARK:** Antioch Police Department. (Inaudible.)

13 **DET. FREIER:** (Inaudible.)

14 **INV. CLARK:** And we are going to be interviewing Officer
15 Chris Lewellyn of the Antioch Police Department.

16 Chris, you are not the subject officer, an action
17 officer. You're being interviewed as a witness.

18 Do you understand that?

19 **OFC. LEWELLYN:** Okay.

20 **INV. CLARK:** You do have the opportunity to talk to an
21 attorney if you want to. Quite frankly, there is probably not
22 a reason to. It's your choice.

23 We'd like to have you provide us information this
24 evening about the events that took place today, but before we
25 do that, we have to go through some materials with you to, you



1 know, get your experience and things like that.

2 **OFC. LEWELLYN:** Okay.

3 **INV. CLARK:** Have you been involved in a officer-involved
4 protocol before?

5 **OFC. LEWELLYN:** Yes.

6 **INV. CLARK:** Okay. So you understand the structure of why
7 we do (inaudible)?

8 **OFC. LEWELLYN:** Yeah.

9 **INV. CLARK:** Okay. We are tape-recording this, and we're
10 digitally recording it.

11 **OFC. LEWELLYN:** Okay.

12 **INV. CLARK:** But what I'd like to start off with first is:
13 How old are you?

14 **OFC. LEWELLYN:** Twenty-nine.

15 **INV. CLARK:** Okay. And do you wear glasses?

16 **OFC. LEWELLYN:** No.

17 **INV. CLARK:** Are you taking any prescription medications?

18 **OFC. LEWELLYN:** No.

19 **INV. CLARK:** Okay. And experience, have you worked for
20 any other police agency other than Antioch?

21 **OFC. LEWELLYN:** Just Antioch.

22 **INV. CLARK:** Okay. And when were you hired?

23 **OFC. LEWELLYN:** In (inaudible) 2000.

24 **INV. CLARK:** Okay. And at the time of employment, was
25 that to start the academy or --



1 **OFC. LEWELLYN:** A police officer.

2 **INV. CLARK:** Okay.

3 **OFC. LEWELLYN:** Actually, hired too.

4 **INV. CLARK:** Which academy did you go to?

5 **OFC. LEWELLYN:** Napa.

6 **INV. CLARK:** And you -- I take it then you were hired
7 in -- on completion of the academy?

8 **OFC. LEWELLYN:** They hired me in the middle of the academy
9 as a trainee, and then I was sworn on that date that I
10 provided.

11 **INV. CLARK:** Okay. Do you have any prior military
12 experience?

13 **OFC. LEWELLYN:** No.

14 **INV. CLARK:** Okay. And have you served in any other
15 capacity other than Patrol at this point?

16 **OFC. LEWELLYN:** No.

17 **INV. CLARK:** Okay. So you -- Patrol.
18 And do you have any other specialty assignments while
19 you're on patrol?

20 **OFC. LEWELLYN:** (Inaudible.)

21 **INV. CLARK:** Defensive tactics, anything like that?

22 **OFC. LEWELLYN:** No.

23 **INV. CLARK:** An instructor of any kind?

24 **OFC. LEWELLYN:** No.

25 **INV. CLARK:** Okay. And do you work as a solo patrol



1 officer?

2 **OFC. LEWELLYN:** Yes.

3 **INV. CLARK:** Okay. And what is your normal shift during
4 this time period now?

5 **OFC. LEWELLYN:** 9:00 a.m. to 9:00 p.m.

6 **INV. CLARK:** And which days of the week?

7 **OFC. LEWELLYN:** Sunday, Monday, Tuesday, and every other
8 Saturday.

9 **INV. CLARK:** Okay. So this being Monday, this would be
10 your second workday of this workweek; correct?

11 **OFC. LEWELLYN:** Yeah.

12 **INV. CLARK:** Okay.

13 **OFC. LEWELLYN:** I worked on Saturday also.

14 **INV. CLARK:** Okay.

15 **OFC. LEWELLYN:** (Inaudible.)

16 **INV. CLARK:** You worked overtime Saturday?

17 **OFC. LEWELLYN:** No. Saturday was the end of the last
18 week, and then our new week starts Sunday.

19 **INV. CLARK:** Oh, okay.

20 **OFC. LEWELLYN:** But this is my third consecutive day.

21 **INV. CLARK:** Okay. Did you -- prior to the start of your
22 shift on Monday at 0900, when is the last time you slept?

23 **OFC. LEWELLYN:** I slept last night until this morning.

24 **INV. CLARK:** What time did you go to bed last night?

25 **OFC. LEWELLYN:** Eleven o'clock.



1 **INV. CLARK:** Until?

2 **OFC. LEWELLYN:** 7:45.

3 **INV. CLARK:** Okay. Now, you're dressed in your patrol
4 uniform which consists of blue pants; a short-sleeve blue
5 shirt, which has Antioch patches on both shoulders; your name
6 tag; a cloth Antioch Police patch; a duty belt, which includes
7 a (inaudible). Two extra clips?

8 **OFC. LEWELLYN:** And two magazines.

9 **INV. CLARK:** And two magazines, a Taser, an extendable
10 baton, handcuff case, and a radio.

11 **OFC. LEWELLYN:** And a flashlight.

12 **INV. CLARK:** And a flash -- a --

13 **OFC. LEWELLYN:** Mini --

14 **INV. CLARK:** -- mini flashlight.

15 Obviously, you're dressed as the department police
16 officer.

17 Now, do you have any other weapons? Do you carry a
18 secondary weapon at all?

19 **OFC. LEWELLYN:** No.

20 **INV. CLARK:** Okay. Any other preliminary questions?

21 **DET. FREIER:** Just a few. (Inaudible.)

22 What vehicle were you driving today?

23 **OFC. LEWELLYN:** 1220.

24 **INV. CLARK:** (Inaudible) get to that, but that's okay.

25 **DET. FREIER:** Oh, I'm sorry.



1 **INV. CLARK:** That's all right. I was just -- I was
2 waiting to get all the background stuff.

3 **DET. FREIER:** Right. Well, go ahead and finish, and then
4 I'll --

5 **INV. CLARK:** Okay.

6 **DET. FREIER:** -- I'll (inaudible).

7 **INV. CLARK:** Okay. Thanks.

8 So with no other historical background information
9 dealing with your vision, health, and work assignments and work
10 history and your schedule, so you started Patrol today at 0900.

11 And what was your beat assignment?

12 **OFC. LEWELLYN:** Beat 2.

13 **INV. CLARK:** I don't know what that is nor do I need to
14 know at this time. That's just so we would it know what it
15 was.

16 And what was your radio call sign today?

17 **OFC. LEWELLYN:** X22.

18 **INV. CLARK:** And what vehicle were you assigned?

19 **OFC. LEWELLYN:** 1220.

20 **INV. CLARK:** And it's not a pursuit, so I don't have to
21 worry about all the vehicle equipment check, (inaudible)
22 checks.

23 Okay. Is there any other weapons in that car?

24 **OFC. LEWELLYN:** Yes.

25 **INV. CLARK:** Okay. And did -- during any time today, did



1 you deploy any of those weapons?

2 **OFC. LEWELLYN:** Yes.

3 **INV. CLARK:** Okay. And when was that?

4 **OFC. LEWELLYN:** During --

5 **INV. CLARK:** For this call?

6 **OFC. LEWELLYN:** Yeah.

7 **INV. CLARK:** Okay. So which -- which weapon did you bring
8 from your car?

9 **OFC. LEWELLYN:** The AR-15.

10 **INV. CLARK:** Did you bring that with you when you
11 immediately arrived on the scene here?

12 **OFC. LEWELLYN:** Yeah.

13 **INV. CLARK:** Okay. Where is that kept? Is that in the
14 passenger section or the trunk?

15 **OFC. LEWELLYN:** Passenger section.

16 **INV. CLARK:** Okay. And we know you're not a shooter.

17 **OFC. LEWELLYN:** Yeah.

18 **INV. CLARK:** Okay. Why don't we start prior to this event
19 today. Is that -- does that work all right?

20 And tell us what -- what led you to arrive here?
21 What did you hear on the radio? What did you do? What were
22 you assigned to do?

23 **OFC. LEWELLYN:** Well, I was on my way to lunch, and I
24 heard Officer Perkinson say on the radio a subject ran in a
25 garage with a gun or something to that effect.



1 **INV. CLARK:** Okay.

2 **OFC. LEWELLYN:** So I diverted from lunch, and I happened
3 to be on Auto Center. I went up to Sycamore, and he gave the
4 location of Lemontree Court. So I started driving that way
5 with my lights and siren, and I arrived on scene.

6 **INV. CLARK:** Okay. Were you the first additional unit to
7 arrive?

8 **OFC. LEWELLYN:** No.

9 **INV. CLARK:** Okay. How many other people -- other
10 officers did you see here when you arrived?

11 **OFC. LEWELLYN:** At least four or five as I was arriving.
12 Right when I got there, there were two or three others
13 (inaudible) there.

14 **INV. CLARK:** You say two additional were --

15 **OFC. LEWELLYN:** Two or three.

16 **INV. CLARK:** Okay.

17 **DET. FREIER:** (Inaudible) Sycamore?

18 **OFC. LEWELLYN:** Yeah.

19 **DET. FREIER:** (Inaudible.)

20 **OFC. LEWELLYN:** Yeah.

21 **INV. CLARK:** Okay. Which direction did you come in from?

22 **OFC. LEWELLYN:** I was coming from Auto Center. I turned
23 eastbound onto Sycamore and eastbound and then southbound on
24 Lemontree.

25 **INV. CLARK:** Okay. And is that the way we came in?



1 **DET. FREIER:** Yeah. He -- no, he was -- that we came in
2 here?

3 **OFC. LEWELLYN:** I was driving southbound Auto Center.

4 **DET. FREIER:** And he was (inaudible) to this location.

5 **INV. CLARK:** And then when you pulled into this complex,
6 where did you pull in?

7 **OFC. LEWELLYN:** Into the court.

8 **INV. CLARK:** That would be on the other side?

9 **DET. FREIER:** Uh-huh. That's Lemontree Court.

10 **INV. CLARK:** Okay. That would be up in this area then.

11 **OFC. LEWELLYN:** I was right here.

12 **INV. CLARK:** Do you want to have him put his car where --
13 (inaudible) car --

14 **DET. FREIER:** Yeah.

15 **INV. CLARK:** Why don't you just make a little --

16 **DET. FREIER:** (Inaudible.)

17 **INV. CLARK:** -- a little thing where -- where your car
18 was.

19 **DET. FREIER:** And the direction of your car too.

20 **INV. CLARK:** Do the -- the -- the --

21 **DET. FREIER:** Collision.

22 **INV. CLARK:** Do the collision manual vehicle-positioning
23 thing. (Inaudible) this way.

24 **DET. FREIER:** Right.

25 **OFC. LEWELLYN:** How is that? 1220.



1 **INV. CLARK:** Got it. Okay.

2 **OFC. LEWELLYN:** The vehicle number.

3 **INV. CLARK:** Got it. Okay. And then you parked there,

4 and you came -- did you go to one specific area, or were you

5 kind of mobile?

6 **OFC. LEWELLYN:** When I got out of my car?

7 **INV. CLARK:** When you got out of your car.

8 **OFC. LEWELLYN:** I was trying to figure out where everyone

9 was at, so I walked around this way.

10 **INV. CLARK:** You cut in between there?

11 **OFC. LEWELLYN:** Kind of where this car is. I started

12 walking down this way, and then I noticed everyone going here,

13 so I just walked up here.

14 **INV. CLARK:** Okay. Now, did you stay at this -- at this

15 location the majority of the time?

16 **OFC. LEWELLYN:** Yeah. So --

17 **INV. CLARK:** Go ahead and mark where you --

18 **OFC. LEWELLYN:** So there's the opening of the door here.

19 **INV. CLARK:** Uh-huh.

20 **OFC. LEWELLYN:** Then I came up to right about here.

21 **INV. CLARK:** Okay. Why don't you make a big "X" where you

22 were.

23 **OFC. LEWELLYN:** I'm (inaudible) ten feet.

24 **INV. CLARK:** Okay.

25 **OFC. LEWELLYN:** Ten to 15 feet. (Inaudible.)



1 **INV. CLARK:** Okay. And so during this entire event, you
2 were basically in this general --
3 **OFC. LEWELLYN:** Right.
4 **INV. CLARK:** -- vicinity here? You didn't go around
5 front?
6 **OFC. LEWELLYN:** No.
7 **DET. FREIER:** Did you happen to see anybody running the
8 opposite direction of you like leaving the area when you pulled
9 up?
10 **OFC. LEWELLYN:** When I pulled up, the opposite direction
11 coming this way? Like an officer or --
12 **INV. CLARK:** Anybody.
13 **DET. FREIER:** Yeah, anybody going in the other direction.
14 **OFC. LEWELLYN:** I kind of can't recall.
15 **INV. CLARK:** How about specifically a small female?
16 **OFC. LEWELLYN:** I don't remember.
17 **INV. CLARK:** Okay.
18 **OFC. LEWELLYN:** I -- I saw officers (inaudible) my focus
19 on the other (inaudible) focusing on.
20 **INV. CLARK:** Okay. It's not a wrong -- a wrong answer.
21 **OFC. LEWELLYN:** Yeah.
22 **INV. CLARK:** It's just --
23 **DET. FREIER:** No.
24 **INV. CLARK:** We just wanted to see if you saw somebody
25 leaving.



1 **OFC. LEWELLYN:** (Inaudible.)

2 **INV. CLARK:** Okay. And so while you're there, what
3 other -- did you hear any other radio traffic as you were still
4 pulling into here and then getting out of your car and walking
5 over here?

6 **OFC. LEWELLYN:** (Inaudible.) I remember hearing people
7 saying they're on scene.

8 **INV. CLARK:** Okay.

9 **OFC. LEWELLYN:** But other than -- no.

10 **INV. CLARK:** People going 10-97 and --

11 **OFC. LEWELLYN:** Uh-huh.

12 **INV. CLARK:** Okay. Now, when you arrived at this
13 location, what do you hear being said by anybody?

14 **OFC. LEWELLYN:** As I'm walking up, right where I get to
15 that spot, I -- I hear them say, the officers involved, they
16 were saying, "Put the gun down. Put the gun down. Put the gun
17 down."

18 **INV. CLARK:** Do you hear one person saying this or
19 multiple people?

20 **OFC. LEWELLYN:** Multiple people. There was also
21 (inaudible) right where I was --

22 **INV. CLARK:** Uh-huh.

23 **OFC. LEWELLYN:** -- and I was more focused -- I turned my
24 attention to not getting hit at that point, so I started taking
25 steps back.



1 **INV. CLARK:** Uh-huh.

2 **OFC. LEWELLYN:** The K-9 was going out of control, so --

3 **INV. CLARK:** Yeah. He wanted to get off leash.

4 Were all the -- those commands, were they consistent

5 throughout? In other words, everybody was saying the same

6 thing?

7 **OFC. LEWELLYN:** Yeah.

8 **INV. CLARK:** Okay. How long did that go on with people

9 repeating "Put the gun down. Put the gun down"?

10 **OFC. LEWELLYN:** From the time I arrived on scene and they

11 were saying it, I would say 20 seconds, 30 seconds.

12 **INV. CLARK:** Okay. Did you hear any response, any verbal

13 response, from anybody but the officers?

14 **OFC. LEWELLYN:** No. I -- I had no idea where -- where

15 they're -- I knew the direction where they were looking, but I

16 had no idea where the suspect was.

17 **INV. CLARK:** And you had -- had you seen him at all?

18 **OFC. LEWELLYN:** No.

19 **INV. CLARK:** Okay. Now, this door or this -- this door

20 was open, or is it just an open gateway?

21 **OFC. LEWELLYN:** It's an open gateway.

22 **INV. CLARK:** Okay.

23 **OFC. LEWELLYN:** Open door frame with no door.

24 **INV. CLARK:** Okay. So from that location, you can see in

25 the door frame in an angle towards this roadway, but you can't



1 see inside this way?

2 **OFC. LEWELLYN:** I think I was almost at an angle where I
3 couldn't see anything. I was at (inaudible) --

4 **INV. CLARK:** Okay.

5 **OFC. LEWELLYN:** -- where I couldn't see anything inside
6 the door.

7 **INV. CLARK:** Okay. A pretty (inaudible).

8 **OFC. LEWELLYN:** Right, yeah, right about there.

9 **INV. CLARK:** Okay. That (inaudible) to the door frame
10 itself. Okay. So that went on. So tell me what happened
11 next.

12 **OFC. LEWELLYN:** Well, after, they were giving the
13 commands. I lost my attention because of the dog. I heard the
14 gunfire.

15 **INV. CLARK:** What -- how much gunfire? What -- what
16 succession (inaudible)?

17 **OFC. LEWELLYN:** Do you want like an estimate of rounds or
18 just --

19 **INV. CLARK:** Yeah. Just tell me what you think you heard.

20 **DET. FREIER:** (Inaudible.)

21 **INV. CLARK:** It was "Pop, pop, pop, pop, pop, pop, pop,"
22 and then I heard, "Drop the gun. Drop the gun." I heard that
23 somewhere in there and then a couple more rounds.

24 While that's going on, I'm thinking, all right,
25 there's too many people in this area. We don't need another



1 person shooting, so I'm going to step back and find cover
2 because this guy has a gun. He's shooting in the opposite
3 direction, and I don't want to get hit. So I -- I'm kind of in
4 a dead area there, you know. There's no doors or anything, so
5 I go into this house, and I take cover until everything is
6 done.

7 **INV. CLARK:** You went over to the corner of the house?

8 **OFC. LEWELLYN:** Yeah, there's this door -- the door was
9 open --

10 **INV. CLARK:** Uh-huh.

11 **OFC. LEWELLYN:** -- into that apartment. I went behind
12 there and took cover.

13 **INV. CLARK:** Okay. At the time this was all going down,
14 did you see any civilians anywhere in this area?

15 **OFC. LEWELLYN:** There were -- I may have seen people
16 with not in uniform, but I -- I really wasn't focused on anyone
17 else but what was going on with the threat in that area, so it
18 seemed like there were more people going around than just
19 officers, but I can't -- I can't provide any descriptions or
20 who -- who it was or what was happening.

21 **INV. CLARK:** Do you recognize security people when you see
22 them?

23 **OFC. LEWELLYN:** Oh, yeah. Well, I -- they -- they were
24 there.

25 **INV. CLARK:** They were not in uniform?



1 **OFC. LEWELLYN:** They were in their security uniform.

2 **INV. CLARK:** Oh, okay. But as far as you know, you did
3 not see any other civilians around here --

4 **OFC. LEWELLYN:** No.

5 **INV. CLARK:** -- at that time? I mean, obviously, after
6 shots are fired, civilians come out.

7 **OFC. LEWELLYN:** Right. And that --

8 **INV. CLARK:** But I'm just trying to find out if you saw
9 any eyewitnesses just right there.

10 **OFC. LEWELLYN:** Not a direct eyewitness that --

11 **INV. CLARK:** Okay.

12 **OFC. LEWELLYN:** -- I noticed.

13 **INV. CLARK:** Okay. So what happened next? What did you
14 do next?

15 **OFC. LEWELLYN:** Well, when the shots were being fired, I
16 stayed (inaudible) right there.

17 **INV. CLARK:** You took cover?

18 **OFC. LEWELLYN:** I took -- and I put on the radio "shots
19 fired." (Inaudible.)

20 **INV. CLARK:** Okay.

21 **OFC. LEWELLYN:** And when the shooting -- when they had
22 stopped shooting --

23 **INV. CLARK:** Go ahead.

24 **OFC. LEWELLYN:** -- when they had stopped shooting, there
25 were additional cops that arrived that went straight towards



1 the scene where the shooting occurred, so I went back to my car
2 and -- I mean, that was (inaudible), we have to lock this down
3 for the perimeter. You know, it's a crime scene.

4 **INV. CLARK:** Uh-huh.

5 **OFC. LEWELLYN:** So I went back to my car and drove over
6 here.

7 **INV. CLARK:** And where did you park?

8 **OFC. LEWELLYN:** I parked up here.

9 **INV. CLARK:** Okay. Why don't you mark it in there, and
10 just put a -- make it a little bigger and just make it a No. 2
11 in the middle of it so we'll know that's your second parking
12 position for scene security.

13 You parked facing this way; right?

14 **OFC. LEWELLYN:** Right.

15 **INV. CLARK:** Okay. And so when you parked there, did you
16 stay -- stay with your vehicle?

17 **OFC. LEWELLYN:** No, I started taping off here, (inaudible)
18 right here and back there.

19 **INV. CLARK:** Okay. Did you interview anybody at the
20 scene?

21 **OFC. LEWELLYN:** No.

22 **INV. CLARK:** Did anybody make any statements to you about
23 what happened?

24 **OFC. LEWELLYN:** You mean people walking by or --

25 **INV. CLARK:** No, any of the -- any of the other officers.



1 **OFC. LEWELLYN:** They were all shook up. I asked a few if
2 they were okay, and they said, "Yeah," but --

3 **INV. CLARK:** Okay.

4 **OFC. LEWELLYN:** -- they didn't make any -- they know not
5 to talk, and I'm not going to ask them, so --

6 **INV. CLARK:** Right.

7 **OFC. LEWELLYN:** -- (inaudible).

8 **INV. CLARK:** Who was the -- was there a supervisor on
9 scene?

10 **OFC. LEWELLYN:** There were a few.

11 **INV. CLARK:** Okay.

12 **OFC. LEWELLYN:** I believe Sergeant Morefield was the first
13 to arrive on scene.

14 **INV. CLARK:** Was he present when the shooting took place,
15 or did he arrive after?

16 **OFC. LEWELLYN:** He arrived while -- right before -- I
17 remember him being there saying, "We need the shield," so
18 from -- I'm not sure where that was, but --

19 **INV. CLARK:** Did he go get the shield?

20 **OFC. LEWELLYN:** No. I think Corporal Dee got the shield.

21 **INV. CLARK:** Because in the -- in the video, the shield
22 arrived after the shots were already fired. Then they used the
23 shield going in.

24 **OFC. LEWELLYN:** To handcuff.

25 **INV. CLARK:** Okay. And who went and got the thing?



1 Corporal who?

2 **OFC. LEWELLYN:** Corporal Dee, I believe. He had --

3 **INV. CLARK:** Okay.

4 **DET. FREIER:** One of the things that I was wondering, you
5 said you brought your car around to the back. Did you notice
6 another patrol car in that driveway area also or one or more
7 cars?

8 **OFC. LEWELLYN:** In this driveway?

9 **DET. FREIER:** Yeah, anywhere back there.

10 **OFC. LEWELLYN:** I -- I actually didn't notice it until
11 later that a car was there.

12 **DET. FREIER:** And whose car is that?

13 **OFC. LEWELLYN:** It's Perkinson's car.

14 **DET. FREIER:** Okay. (Inaudible.)

15 **OFC. LEWELLYN:** Yeah.

16 **DET. FREIER:** (Inaudible.)

17 **INV. CLARK:** (Inaudible.)

18 **DET. FREIER:** (Inaudible.)

19 **OFC. LEWELLYN:** (Inaudible.)

20 **DET. FREIER:** And then do you remember any officers
21 specifically, like any faces that stood out when you first got
22 there, like, oh, I know so-and-so was here and so-and-so was
23 here?

24 **OFC. LEWELLYN:** Uh --

25 **DET. FREIER:** (Inaudible.)



1 **OFC. LEWELLYN:** I --

2 **DET. FREIER:** (Inaudible.)

3 **OFC. LEWELLYN:** I remember seeing Vanderpool. He kind of

4 stood out to me. He was standing at the corner of the house,

5 but --

6 **DET. FREIER:** (Inaudible.)

7 **OFC. LEWELLYN:** Yeah.

8 **DET. FREIER:** And that's the northwest corner?

9 **INV. CLARK:** This -- this is -- north is like --

10 **OFC. LEWELLYN:** This way.

11 **INV. CLARK:** -- that way.

12 **DET. FREIER:** Yeah.

13 **OFC. LEWELLYN:** (Inaudible) right here.

14 **INV. CLARK:** The southwest corner.

15 **OFC. LEWELLYN:** Facing that way.

16 **DET. FREIER:** Do you notice if any of the officers had

17 their guns drawn when you get there? (Inaudible) your gun?

18 (Inaudible) drew your gun if you did?

19 **OFC. LEWELLYN:** I never drew my gun. I had it in a

20 down-ready position.

21 **DET. FREIER:** (Inaudible.) And then did you notice if

22 anybody else had theirs?

23 **OFC. LEWELLYN:** I saw Vanderpool aiming, and then --

24 **DET. FREIER:** And he had (inaudible)?

25 **OFC. LEWELLYN:** Yeah, yeah. And then other officers



1 stacked on the wall, on the -- you know, hiding behind cover
2 and but still facing (inaudible).

3 **DET. FREIER:** Okay. So you -- you hear somebody has got a
4 gun. You respond Code 3, and you get there and you see other
5 officers pointing their gun in the direction of the garage to
6 the open door?

7 **OFC. LEWELLYN:** Right.

8 **DET. FREIER:** Okay. The open side door.

9 **OFC. LEWELLYN:** Right.

10 **DET. FREIER:** Okay. And you said earlier that you thought
11 there were enough officers there. They didn't need another
12 gun aiming in that direction. Plus, you couldn't see --

13 **OFC. LEWELLYN:** Right.

14 **DET. FREIER:** -- from where you were standing.

15 (Inaudible.)

16 **OFC. LEWELLYN:** Right.

17 **DET. FREIER:** (Inaudible.)

18 **INV. CLARK:** Is there anything that you -- now that you've
19 had the opportunity to reflect on what occurred and maybe our
20 questioning has triggered some afterthought, is there anything
21 that you think needs clarification or -- or anything we should
22 have asked you that, you know, you want to make sure is
23 included?

24 **OFC. LEWELLYN:** I think it was all pretty well covered.

25 Yeah, I don't have anything further to add.



1 **DET. FREIER:** We might have something for -- like as we're
2 thinking and -- and just like you, we're tired at the end of
3 the day, so (inaudible). Do you have a number that we can
4 reach you?

5 **OFC. LEWELLYN:** Yeah. (Inaudible.)

6 **INV. CLARK:** We'll do that after we're off tape.

7 Anything else?

8 **DET. FREIER:** I don't -- did we get very far into the --
9 you know, shots were fired, but did we get into the after --
10 aftermath of what was -- of the direction (inaudible) your gun?
11 I think you said Sergeant Morefield was on scene. And do you
12 remember anybody giving any direction to anybody, or do you
13 remember any rescue efforts for the suspect or --

14 **OFC. LEWELLYN:** I remember hearing (inaudible) Code 3,
15 (inaudible) on the radio.

16 **DET. FREIER:** Okay. Did anybody advise the suspect was
17 down that you heard?

18 **OFC. LEWELLYN:** I couldn't hear it. I don't --
19 (inaudible) on the radio.

20 **DET. FREIER:** And was there any -- did you ever have an
21 impression either way if this person was shooting at the
22 officers or was your impression that they were shooting at the
23 suspect, or did you not know at that point? When you heard
24 gunfire.

25 **OFC. LEWELLYN:** I -- I couldn't tell, but I can tell that



1 there was officers engaging, so that's why I immediately took
2 cover because I was in no man's land. (Inaudible) on that map.
3 And I didn't know where the suspect was, so it could have went
4 through a wall and hit me.

5 **DET. FREIER:** Did you happen to go in the area where the
6 suspect was down inside the garage after the shooting?

7 **OFC. LEWELLYN:** Yeah, (inaudible) there.

8 **DET. FREIER:** Okay. Do you remember what you saw
9 initially when you went in there?

10 **OFC. LEWELLYN:** Uh --

11 **DET. FREIER:** Like specifically how the -- the suspect was
12 positioned, if there were any other objects in the area,
13 whether or not he was handcuffed or not that you saw.

14 **OFC. LEWELLYN:** Well, I saw him -- what? -- an hour or
15 more after it happened, and I -- he was on his stomach and
16 handcuffed. (Inaudible.)

17 **DET. FREIER:** Did you see any objects in the garage, any
18 other things that caught your attention?

19 **OFC. LEWELLYN:** Yeah, I did see a gun that was (inaudible)
20 back and near the wall, the north wall of the garage.

21 **DET. FREIER:** Did you see anything else (inaudible)?

22 **OFC. LEWELLYN:** A black -- a black semi-auto.

23 **DET. FREIER:** (Inaudible.)

24 **OFC. LEWELLYN:** (Inaudible.)

25 **DET. FREIER:** (Inaudible.)



1 **OFC. LEWELLYN:** No.

2 **DET. FREIER:** Any other objects that you remember in the
3 garage? (Inaudible.)

4 **OFC. LEWELLYN:** The shell casings that were marked by the
5 evidence cone outside of the garage, but inside the garage, I
6 didn't (inaudible) additional.

7 **DET. FREIER:** Okay.

8 **INV. CLARK:** Okay. If there's nothing else, we'll finish
9 this at 2317 hours.

10 Thank you very much.

11 **OFC. LEWELLYN:** You're welcome.

12 (Conclusion of Recorded Material.)

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