UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

NO. 206-CV-4834 DIVISION B-4

DEBORAH C. BRUMFIELD, ET AL

VERSUS

RONALD MITCHELL, ET AL

Deposition of RONALD MITCHELL, JR., 5131 Bundy Road, Apartment A-20, New Orleans, Louisiana 70127, taken in the offices of James Mullaly on Thursday, November 8, 2007.

APPEARANCES:

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REPORTED BY:

LINDY ROOT
Certified Court Reporter
Registered Professional Reporter

DEBORAH C. BRUMFIELD, ET AL VS.

RONALD MITCHELL, ET AL

Deposition of RONALD MITCHELL, JR.

Taken on November 8, 2007

EXHIBIT INDEX

1 Autopsy Report of Danny Brumfield

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S T I P U L A T I O N

It is stipulated and agreed by and between counsel for the parties hereto that the deposition of the aforementioned witness is hereby being taken under the Federal Rules of Civil Procedure, for all purposes, in accordance with law;

That the formalities of reading and signing are specifically waived;

That the formalities of sealing, certification and filing are specifically waived;

That all objections, save those as to the form of the question and the responsiveness of the answer, are hereby reserved until such time as this deposition, or any part thereof, may be used or sought to be used in evidence.

* * * *

LINDY ROOT, Registered Professional Reporter, and Certified Court Reporter, in and for the Parish of Orleans, State of Louisiana, officiated in administering the oath to the witness.

1 RONALD MITCHELL, JR.,
2 after having been first duly sworn by the
3 above-mentioned court reporter, did testify
4 as follows:
5 EXAMINATION BY MR. ROOT:
6 Q. State your name for the record, please.
7 A. Ronald Mitchell, Jr.
8 Q. What is your current occupation?
9 A. New Orleans police officer.
10 Q. Is there a rank?
11 A. Police officer one.
12 Q. Okay. How long have you been a police
13 officer?
14 A. Since 2003. So that should be about four
15 years. Four and a half years.
16 Q. When did you do your academy training?
17 A. When?
18 Q. Yeah.
19 A. 2003, February.
20 Q. February?
21 A. 2003.
22 Q. Okay. And have you remained employed by
23 the City of New Orleans as a police officer
24 for that entire time?
25 A. No, I haven't.

1 Q. Okay. When was there a break in service,
2 if you will?
3 A. January 16 of this year.
4 I came back three weeks ago as a matter
5 of fact. I can't recall the exact date.
6 Q. So you left January 16 of this year?
7 A. Yes, sir.
8 Q. What were the circumstances regarding that?
9 A. I was involved in a domestic dispute.
10 Q. Okay. With who?
11 A. Ex-girlfriend.
12 Q. Okay. And what is her name?
13 A. Sylvia Martin.
14 Q. Does Ms. Martin still reside in New
15 Orleans?
16 A. Yes.
17 Q. Do you know her address?
18 A. Not the current address.
19 Q. Okay. As a result of that situation, were
20 there some charges, actual criminal charges
21 pressed?
22 A. Yes.
23 Q. What were you charged with?
24 A. Simple battery.
25 Q. Okay. What was the disposition of those

1 charges?
2 A. The first disposition I was found guilty in
3 City Court. Municipal Court. It was later
4 overturned by state court, and I guess you
5 would say amended by the Fourth Circuit
6 Court of Appeals.
7 Q. Okay.
8 A. So that's why I am back at work.
9 Q. Okay. Did the district attorney then
10 decline to retry the case after the
11 reversal?
12 A. They appealed the decision and lost.
13 Q. Okay. You don't have the case number of
14 that. Do you?
15 A. Not on hand.
16 Q. Okay. All right.
17 I guess I should have said this from
18 the get-go.
19 Have you had a deposition before ever?
20 A. Once.
21 Q. Okay. Civil matter or criminal matter?
22 A. Civil.
23 Q. Okay. And what did that involve?
24 A. I was suing the Orleans Parish School
25 Board.

Q. When did this occur?
A. It occurred when I was like 14 or 15 years old. The actual incident -- The suit occurred probably -- I recall probably about 2000. Something like that.
Q. A personal injury type suit?
A. Personal injury.
Q. Okay. Well, going back to having given depositions before. In case you don't remember what people might have told you at the time, the purpose we are here is just to get information, because the subject matter of this suit, we obviously were not there that day, and so we can only find out information by asking you questions.

To that extent, the court reporter is trying to get information, and it's hard for her already, because I mumble and I talk too fast, and that's my bad, but what we can't do is both talk at the same time.

You apparently are a pretty good witness in that you don't actually immediately step over and give an answer to a question before I quit talking, but please try to do that because she can only

take one of us at a time.

To the extent that there's ever a question that's human nature to try to uh-huh or uh-uh or maybe shake your head yes or no to indicate an answer, the court reporter won't be able to take that down. We want to be sure that the record is clear. So if you would say yes, no, and any indications, make sure they are verbal as opposed to physical, like shaking your head up and down.

A. Okay.

Q. The other thing is since we do just want the correct information, if you don't understand the question, feel free to ask me to say it again. I am happy to do it. If I talk too fast or I've got a little ear infection and I might not talk loud enough, because I am having problems figuring out how loud to be, there's never a problem with you telling me to repeat the question.

Sound good?

A. Yes.

Q. Okay. All right.

Going back to your employment history.

1 Where were you first assigned in 2003
2 when you joined the police force?
3 A. To the 6th District.
4 Q. What were your duties in the 6th District?
5 A. Patrol the streets of New Orleans.
6 Q. Okay. Was it a lot of traffic duty or -- I
7 mean there's lots of different things a
8 police officer does.
9 When you say patrol the streets of New
10 Orleans, on foot, in your unit, on a
11 motorcycle?
12 A. I basically answered calls for service.
13 When the public calls the dispatchers and
14 the operators, they send a call down to us
15 via the radio and we answer the call.
16 Q. You were in a police vehicle?
17 A. Yes, sir.
18 Q. With yourself or with a partner?
19 A. It just depends on how many people comes to
20 work that day.
21 Q. Okay. How long were you with the 6th
22 District?
23 A. Approximately two years.
24 Q. And were you at the same rank then you are
25 now?

1 A. Yes.
2 Q. Okay. And then two years later, where did
3 you go after you left the 6th District?
4 A. To the COPS unit.
5 Q. Okay. What does COPS stand for?
6 A. Community oriented police.
7 Q. And how is that particular duty different
8 than the previous duty you had done?
9 A. Basically we patrol the housing development
10 on foot and vehicle. So we answer calls
11 for service just in the housing
12 development.
13 Q. Okay. Is that considered by you within the
14 department to be a -- just a change of job?
15 Is it a promotion of sorts? Is it
16 enhanced duty that you want to be on? Or
17 how would you view that?
18 A. Basically it is just a transfer. That's
19 about it.
20 Q. Okay. Did anything lead to the transfer,
21 or was it your request or a supervisor's
22 suggestion?
23 A. It was by my request.
24 Q. Okay. Any particular reason?
25 A. They made more money basically. A lot of

1 overtime in the housing development.
2 Q. Okay. And you were with the COPS unit from
3 2005, including today, when you came back?
4 A. No, sir. Until after the storm.
5 They disband COPS after the storm,
6 because the projects were not open at that
7 time.
8 Q. Okay. So then after Katrina you worked in
9 what group?
10 A. The 5th District.
11 Q. Okay. And you worked in the 5th District
12 until January of this year, when there was
13 the situation involving the accusation of
14 domestic violence?
15 A. Yes, sir.
16 Q. And you said three weeks ago you returned
17 to duty?
18 A. Yes, sir.
19 Q. Are you still with the 5th District?
20 A. Right now I'm at the training academy. I
21 have about a month worth of classes.
22 Refresher courses. I have to shoot, drive,
23 so on.
24 Q. Are those post courses?
25 A. Yes, sir.

1 Q. Okay. And because of the length of time
2 you had not been employed, you have to
3 re-up your training. Is that it?
4 A. Yes, sir.
5 Q. Okay. When will that be completed?
6 A. No later than next Wednesday.
7 Q. Okay. That also then entitles you to the
8 supplemental state pay once that is
9 completed?
10 A. Yes, sir.
11 Q. As I'm sure you are aware, the main reason
12 we are here is to investigate the death of
13 a gentleman, Danny Brumfield, Sr., that
14 occurred September 3, 2005.
15 I would like to bring your attention,
16 if I could, back to the time right -- the
17 day or two before Katrina.
18 As the storm was approaching New
19 Orleans, what was your personal situation
20 in terms of your family situation?
21 Were you a married man at that time?
22 A. No, sir.
23 Q. Okay. Were you living with anybody or a
24 single fellow?
25 A. I had a roommate.

1 Q. Okay. A fellow officer?
2 A. Another officer. Different department.
3 Q. Okay. Were there any special preparations
4 taken at the time you were with the COPS
5 unit in preparation of the storm?
6 A. Yes. Just more uniforms, BDU's, stuff like
7 that. Just getting ready and prepared just
8 in case the worst happened.
9 Q. Okay. What is BDU?
10 A. That's basically like a military style
11 uniform. It have pockets all over. It is
12 just dark blue. Stuff like that. They
13 have patches on the top.
14 Q. Okay.
15 A. Stuff like that.
16 Q. Was there a particular spot where you were
17 assigned to weather the storm as the storm
18 approached?
19 A. Just in the housing development. The
20 B.W. -- No. As a matter of fact,
21 Melpomene. Melpomene project.
22 Q. Where were you when the storm actually hit?
23 A. In the project.
24 Q. In the project?
25 A. Melpomene project.

1 Q. Okay. A group of officers had a command
2 center there?
3 A. Yes.
4 Q. And where was that exactly?
5 A. Second floor on Erato Street. I can't
6 remember the address.
7 Q. Okay. Tell me briefly about your
8 experience during the storm.
9 How did you fair?
10 A. Well, we did pretty good. We had a -- The
11 lights was out, but we had a generator. We
12 stocked up on food. So we was all right.
13 Q. Was there any flooding in your area?
14 A. Not at first. It came after the storm
15 passed when the levees broke.
16 Q. Okay. Right after the storm passed before
17 the levees broke, did y'all go out and
18 patrol, or were you staying at the command
19 center?
20 A. We stayed at the command center.
21 Q. Okay. When did you first notice water in
22 your area?
23 A. What day?
24 Q. Yeah.
25 A. If I can recall correct, the next day

1 around 1:00 or 2:00. Something like that.
2 P.m.
3 Q. How fast was it rising?
4 A. Pretty fast. We had to get like some
5 senior citizens out of there. Relocate
6 ourselves.
7 Q. Okay. Where did you relocate yourself and
8 the senior citizens?
9 A. The senior citizens we relocated to the
10 Convention Center. Some to the Convention
11 Center, and some to the Superdome.
12 Q. You drove them there in your squad cars?
13 A. No. We had other vehicles that we had
14 confiscated from criminals that stole
15 vehicles.
16 Q. During the storm?
17 A. During the storm.
18 Q. Okay. So you loaded those folks up in
19 vehicles and took some to the dome and some
20 to the Convention Center, and then you
21 relocated where as a command center?
22 A. To Algiers. We relocated to a church off
23 of off General Meyer and -- I forgot the
24 cross street. By the McDonald's. That was
25 our command post from then on.

1 Q. From just a day or two after the storm then
2 on?
3 A. Yeah.
4 Q. Okay. Can you tell me a little bit about
5 how you spent those next couple of days?
6 What sort of things were you doing?
7 A. Patrolling Algiers.
8 Q. Okay. What was crime like in Algiers
9 during that time?
10 A. It wasn't too much. It wasn't too much.
11 For the most part it was some looting going
12 on at that time.
13 Q. There's a Breaux Mart on General Meyer
14 there. Isn't there?
15 A. Yes.
16 Q. Was that looted?
17 A. I'm not sure. I don't recall.
18 Q. Okay. And there was a CVS drugstore also
19 on General Meyer near there.
20 Do you remember whether that was looted
21 or not?
22 A. I don't recall at all.
23 Q. What was the experience of other officers
24 at the time there in Algiers?
25 Were you under fire?

1 Was it a sort of combative situation,
2 or did y'all feel that you were pretty safe
3 and it was kind of a low tension area?
4 A. Well, Algiers was just kind of low tension.
5 That's about it.
6 Algiers was all right after the storm.
7 Like I said, just light looting going on,
8 no flooding, a couple of trees in the
9 middle of the streets, and power lines
10 down. It wasn't really that terrible over
11 there.
12 Q. And you yourself were not patrolling the
13 east bank at all, you stayed in Algiers?
14 A. Yes.
15 Q. That entire time?
16 A. Patrolling wise, yes.
17 Q. Okay. Well, did you go over to the east
18 bank for any reason?
19 A. Yes. When my supervisor, you know, got
20 instructed to send the night shift, which I
21 consisted of, over to the Convention Center
22 to patrol.
23 Q. What day was that?
24 A. That was the 3rd.
25 Q. Okay. That was the day we are talking

1 about.
2 Well, going back just a little bit.
3 What form of communication did you have
4 at your command center in Algiers with the
5 rest of the police department during the
6 storm?
7 A. Well, we had radios. As far as the police
8 department radios, that wasn't working too
9 well at some spots. We also had our own
10 personal cell phones that wasn't working
11 too good in some spots.
12 Q. Is it fair to say you were not in constant
13 communication or you were in constant
14 communication with the superintendent's
15 office and that command structure?
16 A. Well, as a police officer, I guess you can
17 say it's the job of the supervisors as far
18 as the captains to be in communication with
19 the superintendent's office, because, you
20 know, it comes downhill as far as what we
21 do. But we kept communication. The
22 regular police officers, we kept
23 communication with our supervisors.
24 Immediate supervisors.
25 Q. Do you personally know whether or not your

1 supervisors were able to talk to each other
2 throughout the city?
3 A. I can't recall.
4 Q. Okay. How about stories or rumors of what
5 was happening throughout the city that you
6 were hearing at the time? Were you able to
7 hear what other officers were experiencing
8 in other parts of the city?
9 A. Not really.
10 Q. Okay. Were you aware of any gun battles
11 that any officers had with anybody since
12 the storm had happened from where you were
13 in Algiers?
14 A. Yes.
15 Q. Okay. Tell me about that.
16 A. That was only basically face-to-face
17 conversation. Not on the radio. Somebody
18 said, oh, they had something that happened
19 on a bridge or they had something that
20 happened somewhere else.
21 You know, that was basically officer to
22 officer contact, not on the radio.
23 Q. I got you.
24 I'm not asking you to vouch for the
25 veracity of what you heard.

A. Right.
Q. I am just trying to figure out what you heard.
Can you recall any of the stories that you heard during that time?
A. Basically just the bridge incident. That's about it.
Q. Okay. How were you keeping your car going with the power out?
A. As far as gas?
Q. Yes.
A. The bridge police, Crescent City Connection, they had a pump that was working. Only like one. We had to really basically get in line.
At first we was going to like country towns right outside of New Orleans and just paying for gas.
Q. Okay.
A. Then we found that the Crescent City Connection had a pump open. So it would be a line a mile long, and they started putting gas.
Q. Who else was on the night shift with you in Algiers?

1 You said that the night shift got sent
2 over to do Convention Center duty that
3 night of the 3rd, or actually the morning
4 of the 3rd.
5 A. It was my partner, Ray Jones. Officer
6 Allen.
7 Q. Do you know Officer Allen's first name by
8 any chance?
9 A. I'm trying to think. See, we called each
10 other by our last names. I mean first
11 names --
12 Q. Sure.
13 A male or female officer?
14 A. Male.
15 Q. Okay.
16 A. Officer Abden. Officer Hill. Gregory Hill
17 as a matter of fact.
18 I'm not sure of anybody else at this
19 time.
20 Q. Who told you that they needed you over at
21 the Convention Center?
22 A. That was Sergeant Keith Joseph.
23 Q. How many officers from Algiers besides you
24 and your partner and your unit did you
25 expect to go over to the Convention Center?

1 A. Well, from what Sergeant Joseph told us, it
2 was supposed to be at least about 30
3 officers over there.
4 Q. All from Algiers?
5 A. No. From different areas.
6 Q. How many from Algiers were supposed to go
7 over there?
8 A. Just the night shift. Whoever we had on
9 the night shift, that is who he was sending
10 over there.
11 Q. So those officers you just named were all
12 going over there, too, as far as you knew?
13 A. Yes.
14 Q. Tell me about how you and your partner got
15 over there.
16 Did you leave immediately after
17 Sergeant Joseph told you to go?
18 Did he tell you to go at a certain
19 time?
20 A. No. We went over there after he told us
21 to.
22 Q. Was there an announcement made to the whole
23 night shift?
24 A. Well, basically what we had was a roll
25 call. They called everybody in,

1 and normally we would meet up at the
2 church, because a lot of us didn't stay
3 there. They had police officers staying at
4 the church, but I personally didn't stay
5 there. We all came and met up at the
6 church, and basically he would tell us, all
7 right, we have this zone and this zone in
8 Algiers, and the 4th District had this,
9 this, and this.
10 But this particular time on the 3rd, he
11 told us that we were supposed to meet other
12 officers on the Convention Center to
13 restore order.
14 Q. And this was an announcement made to a
15 group of officers in Algiers after roll
16 call?
17 A. Yes, sir.
18 Q. Okay. Where were you staying by the way,
19 since you weren't staying at that church?
20 A. I was staying with my partner at his
21 apartment in Algiers. Rue Parc Fontaine on
22 General Degaulle.
23 Q. Okay. And so the announcement was made
24 that they needed you to restore order you
25 said?

1 A. Basically.
2 Q. At Convention Center Boulevard?
3 A. Right. We were supposed to get with the
4 other officers that was down there, and we
5 all was supposed to restore order and keep
6 it safe for the people that was down there
7 until the buses came.
8 Q. Was there any specific instructions about
9 what was going on that was -- how order was
10 not -- how the situation was not in order?
11 I mean when you say restore order, you
12 assume there is something going on that was
13 not as you would like it to be.
14 A. No. He didn't say whether it was chaos or
15 whether it was -- everything was all right.
16 Not really.
17 I told you when I -- when we relocated
18 the senior citizens down there, I knew it
19 was a lot of people down there, but that
20 was during the day and this time it was at
21 night. I mean I didn't know -- I don't
22 think he knew, but he just said that's the
23 reason we was going down there, to restore
24 order and keep order and make sure
25 everybody was safe.

Q. Do you guys have a generator over in Algiers?
A. We have generators, yes.
Q. Did you have TV's that were going?
A. Yes, I would say so.
Q. Okay. Were you watching any news stories of what was going on?
A. Really, to tell you the truth, I can't recall. I can't recall watching TV at all.
Q. How about radio?
How about listening to --
A. No radio. I know that for a fact. No radio. We were not listening to the radio, because the police cars don't have radios. Most of them. Let me say that. The ones I had never had any kind of radio in it.
Q. What about at your apartment or at the station?
People weren't listening to like WWL or anything like that?
A. No, not that I can recall.
Q. Okay. Then tell me about your trip from Algiers to Convention Center Boulevard.
A. Okay. Got in the car, went on the GNO. We exited at the first exit coming towards the

1 city.
2 Q. The Tchoupitoulas exit?
3 A. Right.
4 So we came down. We started at the end
5 going to the beginning, looking for those
6 officers that we was supposed to meet up
7 with, and I guess have a roll call with
8 some captain. I'm not sure who it is. I
9 know he told me, but I'm not sure who it
10 was.
11 Q. At the end, that would be the end of
12 Convention Center Boulevard farthest away
13 from Poydras?
14 A. Yes.
15 Q. Okay.
16 A. Yes. I think that's Hall Z, if I'm not
17 mistaken.
18 So we started at the end and we were
19 going to the beginning, A.
20 Q. What lane were you driving in?
21 I mean it's two ways with a median in
22 the center.
23 A. Right.
24 Q. Were you in the lanes closest to the river
25 side next to the Convention Center, or the

1 lanes across the street?
2 A. Going that way we was kind of in the
3 middle, but towards the right lane. That
4 is towards the hall itself.
5 Q. Okay.
6 A. Because of the fact on the left side, which
7 was the driver's side, they had a -- the
8 neutral ground, right, and the people was
9 like on the neutral ground, and it was
10 close to the driver's side window.
11 So we kind of lagged in the middle,
12 like towards the right lane, because the
13 people that was on the Convention Center
14 part, you know, where the hall is at, they
15 was kind of lagged back because they was
16 under shelter. So we kind of lagged toward
17 that side.
18 Q. Okay. Who was driving?
19 A. My partner, Ray Jones.
20 Q. Was it clear skies or cloudy, if you can
21 recall?
22 A. I don't recall that at all. I know it was
23 dark.
24 Q. Okay. Do you remember whether a moon was
25 out or not?

1 A. Don't remember.
2 Q. Okay. Were there any lights in the area?
3 A. Just the lights of the police car.
4 Q. Okay. If you would, continue to tell me
5 what is going on as you are at the Z end of
6 the hall in the lane closest to the hall
7 heading toward the A part of the Convention
8 Center.
9 A. Okay. My partner is driving. I would say
10 going five, no more than ten. Really
11 creeping. So we are driving down and a lot
12 of people from the right side, the
13 passenger's side were hollering, you know,
14 help us, help us.
15 So my partner was slowing down to
16 probably about one to two and we would get
17 like crowds of people trying to come to the
18 car. So, you know, I instructed my partner
19 to keep going, because I feared that
20 somebody was going to try to take us out of
21 the car and take the car.
22 So, you know, he continued going on.
23 Q. While this was going on, was your vehicle
24 equipped with a spotlight on the side of
25 the car?

1 A. Yes.
2 Q. Was that on or off?
3 A. That was off.
4 Q. Okay. Any particular reason?
5 Was it working, or just a decision not
6 to have it on?
7 A. Well, that light right there is like real,
8 real bright, and if we were to put that on
9 somebody it really would hurt their eyes.
10 I know that from experience.
11 The only lights that was on was the
12 headlights, and we had flashing strobe
13 lights on.
14 Q. Okay. And if you will continue.
15 You said that you just experienced
16 folks trying to gather around the car and
17 you had slowed down. So you instructed
18 your partner to speed up?
19 A. Yes.
20 So we continued down all the way to
21 Hall A.
22 Q. What speed was he driving now --
23 A. Approximately --
24 Q. Let me finish the question first.
25 About what speed was he driving after

1 you told him to speed up?
2 A. Possibly five to ten. We went back to the
3 creep mode.
4 Q. Okay. Continue.
5 A. We encountered a National Guard. I don't
6 know his name, rank, or nothing. I just
7 know he was National Guard standing out
8 there by his self.
9 Q. What cross street or where?
10 A. That's by Hall A. I'm not sure of the
11 cross street.
12 Q. Okay.
13 A. I asked him did he see any police officers
14 down here, you know, anybody that's with
15 the police department. He stated to me,
16 no, he was the only one out here.
17 So at that time by me talking to him, a
18 crowd was continuing to come towards the
19 police car. So I instructed my partner Ray
20 to make a U-turn and let's go back across
21 the river, because it was unsafe out here.
22 Q. Okay. The National Guardsman, male or
23 female?
24 A. Male.
25 Q. Armed or unarmed?

1 A. Armed.
2 Q. What was he armed with?
3 A. M-16.
4 Q. Okay. Did the guardsman tell you he was
5 afraid or felt threatened out there by
6 himself?
7 A. Not at all. He didn't say anything about
8 that.
9 Q. Okay. And then you instructed -- Strike
10 that.
11 Why did you feel that you and your
12 partner were in danger by the fact that
13 other officers weren't there to meet you
14 for your meet up in accordance with what
15 your supervisor told you to meet down
16 there?
17 A. Okay. I felt endangered by the crowd of
18 people that was coming towards the car, the
19 vehicle, number one.
20 Number two, I felt that we had bad
21 information on the meeting spot, because we
22 was out there by ourselves. So
23 something -- Some kind of miscommunication
24 had went on.
25 That's why I instructed Ray to go back

1 Q. Okay. At that point you were closer to
2 Poydras.
3 Did you continue on to Poydras or did
4 you do something else?
5 A. My partner made a U-turn and went right
6 back the way that we came.
7 Q. A U-turn that took you on across the median
8 so you're now on the street side away from
9 Convention Center Boulevard, or just like a
10 complete 360 where you are going back the
11 same way you came?
12 A. A complete 360.
13 We couldn't go on the other side of the
14 street, the right side of the street. They
15 had abandoned vehicles and, you know, a lot
16 of debris in the road. We couldn't drive
17 over there.
18 Q. Okay. The crowd of people you said that
19 were trying to come towards you as you were
20 talking to the guardsmen, did that include
21 people in back of your unit?
22 A. People in the back, from the side, in the
23 front.
24 Q. Well, when you made your 360, was that, for
25 lack of a better word, in the middle of a

1 crowd?
2 A. No. No.
3 Q. Okay.
4 A. I didn't say they was on me, but they were
5 coming. The crowd was coming. So when I
6 noticed that I am like -- I told Ray, look,
7 just turn around and go back.
8 Q. Okay. And how far did you get?
9 A. We got to the middle of the Convention
10 Center. That's at Churchill.
11 Q. What speed were you driving on your way
12 back?
13 A. About five to ten.
14 Q. Okay. What happened next?
15 A. What happened next is we seen a black male
16 jogging towards the car. Me and Ray looked
17 at each and was like, man, what is he
18 doing. He kept coming.
19 So he came from the Convention Center
20 like, because the people -- like I said,
21 the people were off under the shelter like
22 by the doors of the Convention Center all
23 lined up. So he had a little ways to get
24 to us.
25 So by the time he came to where you can

1 park at, right by the street, we noticed he
2 was trying -- about to do something. His
3 arm was up, and we noticed he had something
4 in his hand. So, you know, my partner
5 noticed he was trying to jump on the car.
6 I'm like, don't hit him dead on, because he
7 was driving, and I didn't want to run over
8 him or nothing or have Ray run over him.
9 So Ray swerved to try to, you know, I
10 guess make him miss from jumping on the
11 car, but he didn't.
12 Q. As you're driving towards the Z in the
13 Convention Center Boulevard, he was coming
14 from your left?
15 A. Yes.
16 Q. Okay.
17 A. The driver's side.
18 Q. When you first saw him, how far -- Well,
19 how far was he from your vehicle when you
20 first spotted him?
21 A. Like I said, he was close to the doors of
22 the Convention Center standing up. Started
23 jogging.
24 Q. Okay. I guess what I'm trying to find out
25 is how far in front of you versus being on

1 your side or in front of -- you know, I am
2 just trying to get at what angle he was
3 coming towards you.
4 A. He was diagonal from us. That's why Ray
5 tried to swerve towards the left, but he
6 adjusted to that.
7 Q. How would you characterize his movement
8 towards your car?
9 A. Aggressive.
10 Q. Okay. Let me -- I understand.
11 Let me make my question better then.
12 I guess I'm trying to figure out
13 whether he was walking, trotting,
14 sprinting, slowly running.
15 I mean how was he approaching your car?
16 A. He was kind of jogging.
17 Q. Did you first notice him because of you
18 seeing him or because of something your
19 partner said, if you can recall?
20 A. Me seeing him.
21 Q. Okay. Did you say anything when you saw
22 him to notify your partner that this
23 gentleman was coming towards you?
24 A. Well, like I said, we both seen him coming,
25 and I was like, what do you think he is

1 doing or what is he trying to do.
2 Something to that effect.
3 Q. I'm sorry.
4 Was that what you were thinking or what
5 you said?
6 A. Said.
7 Q. Okay. Did he say anything back to you?
8 A. He said something, but I can't recall
9 exactly what he said.
10 Q. Then what happened?
11 A. Like I said, Ray stopped and swerved.
12 Boom. The guy jumped on the car cracking
13 the windshield. I yelled out of the car,
14 get away from the police car or get away
15 from the car, something to that effect. He
16 came -- jumped over on my side and lunged
17 at me with what I thought was a knife at
18 the time, but I know it was a shiny object.
19 So in protecting my life, I fired one shot
20 from the shotgun.
21 Q. Okay. Let's back up a bit.
22 A. Okay.
23 Q. Are you saying that your vehicle came to a
24 complete stop, and then your partner tried
25 to avoid him by moving to the left or

1 right?
2 A. No. He swerved and stopped.
3 Q. Which way did he swerve?
4 A. Toward the left.
5 Q. Towards Convention Center Boulevard?
6 A. Yes.
7 Q. Okay. Did the person jump onto your hood
8 from the side of the vehicle or was he in
9 front of the vehicle when he got on top of
10 the hood?
11 A. From the side. From the side.
12 Q. Okay. Did he slide from the left to the
13 right across the front of your unit on the
14 front of it?
15 I'm trying to picture what happened.
16 A. What you mean by slide?
17 Q. I thought you said he jumped on the car.
18 A. He jumped on the car.
19 Q. Okay. He jumped on the front of the car or
20 the back of the car?
21 A. He jumped on the front -- I would say front
22 driver's side towards the windshield. Like
23 his feet were on the windshield wipers.
24 Q. Okay. And he was coming from your left,
25 not from the front, so that's why I said he

1 jumped onto the hood of your unit from the
2 left-hand side.
3 You said he wound up on the right-hand
4 side of the vehicle. Is that correct?
5 A. I wouldn't say that's correct.
6 I would say he jumped on the left
7 side -- jumped on the police car and moved
8 to my side, which would be the right side.
9 I don't -- He didn't slide. He didn't
10 slide. He jumped.
11 Q. Okay. And I wasn't there. I'm not trying
12 to put words in your mouth.
13 A. Right. Right.
14 Q. I am just trying to figure out from what
15 you are telling me, how this all happened.
16 A. Right.
17 Q. I understand he is coming from the left.
18 What parts -- You said his feet were
19 where the wipers were?
20 A. Right. That close. That's how the
21 windshield got cracked.
22 Q. Were his feet near the wipers on the
23 driver's side or the passenger's side?
24 A. I would say in the middle like, because
25 when he jumped, boom, and then came on my

side.

He wouldn't like --

MR. MULLALY:

Actually don't speculate. I just want to make sure we are not speculating. I don't think anyone -- No one wants to you guess.

MR. ROOT:

No.

MR. MULLALY:

So just answer as best you can.

EXAMINATION BY MR. ROOT:

Q. I guess if his feet were in the middle where the wipers were, where was the upper part of his body at that time?

In other words, what I don't understand is whether he was standing up on the car, whether he was laying across the car. I don't understand what his body is doing when you're -- And that's my fault, I guess, for not understanding you, but that's what I'm trying to find out.

What physically you remember about the way his body was on your vehicle is what I am trying to find out.

1 A. Okay. If I can remember correctly, his
2 body was laying on the windshield towards
3 the middle. His hands were -- his hands
4 were out. That's how I noticed he had
5 something in his hand. Right. So boom.
6 Yeah, that's right. That's right, if I
7 can remember correctly.
8 Q. His hands were out.
9 Was he spread eagle like this on the
10 car (indicating)?
11 I am moving my hands out, left hand to
12 the left and right arm out, like making
13 a --
14 MR. MULLALY:
15 A snow angel.
16 MR. ROOT:
17 Snow angel.
18 Although we are in the south.
19 MR. MULLALY:
20 Sand angel.
21 THE WITNESS:
22 His arms had a slight bend in
23 them.
24 EXAMINATION BY MR. ROOT:
25 Q. Okay. At that point was he laying flat on

1 the vehicle or was -- You know what I'm
2 saying?
3 A. I can't say. From what I remember his
4 hands were on the windshield. His body
5 wasn't flush so like his -- to say like he
6 is doing a pushup or something. His hands
7 was on the windshield, his feet was on the
8 car. So like he was in a stance or
9 something like that. Like how you play
10 football, and you get down. Similar to
11 that.
12 Q. With his feet on the hood of the car?
13 A. Feet still on the hood.
14 Q. Okay. The car was continuing to move at
15 that point?
16 A. Negative. It was at a stop.
17 Q. Okay. So you are saying your partner
18 stopped once he jumped on the hood?
19 A. He stopped. Then the guy jumped on the
20 hood.
21 Q. Okay. And then he tried to swerve once he
22 was on the hood?
23 A. He swerved, stopped, the guy jumped.
24 Q. Okay. So he swerved to try to avoid him?
25 A. Yes.

1 Q. The guy jumped up on the hood?
2 A. Yes.
3 Q. Your partner stops the car?
4 A. Yes.
5 Q. And then the person we now know is
6 Mr. Brumfield then somehow was no longer on
7 the hood of the car.
8 How did that happen, if you know?
9 A. Jumped down.
10 Q. He jumped off?
11 A. Right.
12 Q. Okay. In which direction did he go when he
13 jumped off?
14 A. It would be to his left. He jumped to his
15 left.
16 Q. Okay.
17 A. Which is the passenger's side window of the
18 police car.
19 Q. Okay. Well, tell me how he landed. In
20 what fashion he landed physically?
21 A. He landed on his feet.
22 Q. Okay. He jumped from the hood of the car
23 to the passenger's -- to the right side of
24 the vehicle, the passenger's side, landing
25 on his feet?

1 A. Yes.
2 Q. When he landed on his feet, what direction
3 was he facing?
4 A. He was facing my direction. As a matter of
5 fact, we looked each other in the face. So
6 he was turned toward me.
7 Q. Was he saying anything at any time?
8 A. Not that I can remember.
9 Q. Okay. So he lands next to your at this
10 point stationary vehicle, jumps off the
11 hood, lands where he is facing you.
12 Correct?
13 A. Yes.
14 Q. Was there any moment where there was
15 a -- where you both -- where he stopped and
16 looked at you, or was there a continuous
17 movement after he hit the ground?
18 Tell me what happened.
19 A. Well, basically when he hit the ground it
20 was a continuous movement for him like
21 basically he was coming towards me, and he
22 wasn't that far from me already.
23 Q. How far was he from the window at the point
24 he hit the ground after jumping off the
25 vehicle?

1 A. I can't estimate, but I know he was like
2 right by the car. I mean -- I can't tell
3 you feet, because I'm not good with that.
4 But I just know he was like right by the
5 car.
6 Q. Let me ask you this then.
7 Without guessing the number of feet,
8 was it close enough that he could touch the
9 car from where he landed?
10 A. Yes. He was that close to where I could
11 have touched him.
12 Q. Let me back up a second.
13 During this ride up and down Convention
14 Center Boulevard, were you or your partner
15 armed?
16 A. Yes.
17 Q. What were you armed with?
18 A. I was armed with a Glock 40 caliber and a
19 Mossberg 12 gauge shotgun.
20 Q. And the Glock is your standard issue
21 weapon?
22 A. Yes.
23 Q. Okay. And you were current at that point
24 with your testing and so forth with the
25 department?

1 A. Oh, yes.
2 Every year you have to go on your own
3 personal birthday to requalify.
4 Q. And you were also armed with a Mossberg
5 shotgun?
6 A. That was my own personal weapon.
7 Q. Okay. Describe the Mossberg shotgun.
8 Is it a -- What type of weapon is it?
9 Pump action?
10 A. Pump action. Pistol grip.
11 Q. Okay. What is the length?
12 A. I'm not sure.
13 Q. Okay. How many shells does it hold?
14 A. Five.
15 Q. Okay. What kind of load were you using?
16 A. Winchester. I know I was using Winchester
17 rounds. I'm not sure the --
18 Q. Whether it was buck shot or --
19 A. Buck shots.
20 Q. Okay.
21 A. Buck shots.
22 Q. Is that three-inch, two-inch?
23 Do you remember what the --
24 A. I'm not sure. If I recall correctly
25 maybe -- I don't know.

1 I can't say. I'm not sure. I'm not
2 sure.
3 Q. Okay. Why were you bringing your personal
4 shotgun on that particular assignment?
5 A. Well, during the storm -- Well, after the
6 storm, the city was out of control, and we
7 were allowed to use what we had to use
8 to --
9 Q. When you say the city was out of control,
10 how did you obtain that information?
11 A. By the looting that was going on. Eyesight
12 really. Eyesight.
13 Q. Had you heard anything about the city being
14 out of control from any other officers or
15 any other radio dispatches during that
16 time?
17 A. Like I said, not so much the radio.
18 Basically eyesight and what officers
19 tell other officers, face to face contact,
20 and, you know, when we go to roll call,
21 supervisors, you know, let us know what is
22 going on within the department because
23 every day, if I'm not mistaken, they have a
24 supervisor roll call, and they come back
25 and they let us know what is going on out

1 there.
2 Q. Who specifically gave the authorization, if
3 you can recall, to use your personal
4 weapons during this time period?
5 A. I can't recall.
6 Q. Okay.
7 A. I can't recall.
8 Q. Would it have been someone in COPS?
9 A. Possibly, yeah. I would guess so. That's
10 my immediate supervisor.
11 The department was also handing out
12 weapons, too.
13 Q. What was your partner armed with?
14 A. Just a Glock 40.
15 Q. Okay. At the point that you finished
16 speaking with the National Guard officer,
17 where was your shotgun?
18 A. It was in my lap.
19 Q. Pointed where?
20 A. Away from my partner.
21 Q. Okay. Was it pointed out the window or was
22 it a short enough weapon that it can be on
23 your lap without the barrel hitting the
24 side of the vehicle?
25 A. It wasn't pointed out the window.

1 By it being a pistol grip, it doesn't
2 have a stock to it. So it is short enough
3 to where I had it on my lap leaning up
4 against the door.
5 Q. Was your window open or closed?
6 A. It was open.
7 Q. Okay. And your partner's window?
8 A. Open.
9 Q. Okay. Why was your window open?
10 A. Well, the vehicle we had was kind of old
11 and the AC wasn't working right. I think
12 it was making a loud noise. So we just
13 didn't use it at all.
14 Q. Okay. Returning to your story.
15 So Mr. Brumfield jumped off the hood,
16 facing you, close enough to touch you, you
17 have your personal weapon Mossberg shotgun
18 with a pistol grip on your lap facing to
19 the right, but not at this point pointing
20 out the window.
21 What happens next?
22 A. What happened next --
23 Q. Well, let me ask this.
24 Is everything I said so far correct as
25 far as you know in terms of a summation?

A. Pretty much.
Q. Okay. Anything about that that was wrong that I said?
I don't want to put words in your mouth.
A. No.
Q. Okay. So continue.
A. Okay. Once he jumped off the car he is facing me. I been noticed the knife in his hand -- Well, which I thought it was a knife, but we later learned it was scissors. I grabbed my weapon and picked it up and fired.
Q. Was it at that moment that you noticed he had something in his hand when he was outside your window?
Was that when you first noticed that he had something you thought was a weapon?
A. No.
When he was running towards the car, I noticed he had something in his hand. When he jumped on the car, I thought it was a knife, but it was something shiny. I knew it was something shiny, but I thought it was a knife.

Q. In which hand was it?
A. Left.
Q. His left hand?
A. Yes, sir.
Q. Okay. Describe the motion that Mr. Brumfield made towards your vehicle with what you thought was a weapon with the greatest specificity you can.
What did you see him doing?
A. Well, his left hand was up. His right hand -- if I'm not mistaken, was like basically coming at me like -- like he was pointing -- but not pointing, but basically arm out towards me.
Q. His right hand?
A. Yes.
Q. And his left hand was --
A. Up towards his head.
Q. Okay. Would you simulate the motion for me?
A. Like this (indicating).
Q. Okay. And you're holding your arm up in sort of a 90 degree angle, simulating that somebody has something in their hand?
A. Yes, sir.

1 Q. Okay. Was that the point where you
2 discharged your weapon?
3 A. Yes.
4 Q. What happened then?
5 A. I got out of the car.
6 Q. Did you hit Mr. Brumfield?
7 A. Yes.
8 Q. Where did you hit him?
9 A. Like up around the left side of his body --
10 upper left side of his body.
11 Q. Then what happened?
12 A. He fell down. I got out of the car to see
13 if he was alive or not.
14 Q. What was your partner doing at the time?
15 A. His door opened. I'm not sure if he got
16 out or not, but I know his door was open.
17 He drew his weapon.
18 Like I said, I was checking
19 Mr. Brumfield to see if he was alive or
20 not. I'm not sure if he stepped out of the
21 car or he stayed in. I know his door came
22 open, and I know he drawed his weapon.
23 Q. Did you say anything before or after you
24 shot him?
25 A. Just when he was on the windshield. Before

1 he jumped on the car, I told him to get
2 away from the police car.
3 Q. After you discharged your weapon, did you
4 say anything to your partner before you got
5 out of the vehicle?
6 A. I don't know. Not that I recall. I'm not
7 sure.
8 Q. Okay. So you get out of your car to check
9 Mr. Brumfield and what happened?
10 What did you see?
11 A. No signs of life.
12 Q. And how did you determine that?
13 A. I put my two fingers to his throat, the
14 side of his throat, and checked for a
15 pulse.
16 Q. Okay. How long did that take?
17 A. Maybe five seconds. Five to ten.
18 Q. Did you observe an entrance or exit wound
19 in Mr. Brumfield?
20 A. I couldn't say I observed any holes, but I
21 did see blood. So I know he was shot.
22 Q. And you said he was wearing what?
23 A. Jeans and a T-shirt.
24 Q. What type of T-shirt?
25 A. Just a plain white T, if I recall

1 correctly.
2 Q. Sleeveless or sleeved or do you recall?
3 A. It was short sleeve.
4 Q. Okay. And you did observe that there was
5 blood on the body so that way you knew that
6 he had been hit?
7 A. Yes, sir.
8 Q. Okay. You stayed by the body five seconds
9 you said?
10 A. Five to ten.
11 Q. Okay. And then what?
12 A. Then, out of nowhere, somebody in the crowd
13 starts shooting.
14 Q. Was anybody saying anything right after
15 that happened?
16 A. Well, we heard like the crowd screaming and
17 stuff like that, but like I said I heard
18 several shots in that area. I mean it was
19 real close.
20 Q. Okay. I know a lot of things are
21 happening, but I'm trying to figure out the
22 time frame of everything.
23 Is it within seconds of you examining
24 the body that you hear shots, or was it a
25 greater passage of time than that?

A. Negative. It was when I was taking the pulse.
Q. Okay.
A. Within that five to ten seconds of me taking the pulse I heard shots.
Q. Okay. And you put in range time as an officer. Correct?
A. Yes, sir.
Q. Okay. Did you have any previous career in the military of any type?
A. Yes.
Q. Okay. What branch of the service were you in?
A. Louisiana National Guard.
Q. Okay. When did you enter the guard?
A. I entered the guard in '93.
Q. Okay. How long were you with the guard?
A. No. I'm sorry. I'm sorry. Not '93. '97.
Q. Okay. How long were you with the guard, or are you still with the guard?
A. No, I'm not.
I got out of the guard in '95. Right before the storm. Right before the storm.
Q. You mean 2005?

A. 2005. I'm sorry. 2005 right before the storm.

Q. What was your rank in the guard?

A. E-3. That's a specialist.

Q. Okay. What weapons did you use in the guard?

A. M-16, M-60, Saw 203, all different types of hand grenades, stuff like that.

Q. Other than your Mossberg shotgun and your service Glock 40, what other personal weapons do you have?

A. An AK 47, a Ruger Mini 14, a Glock 35, a Ruger 9 millimeter, a 357 Taurus.

I think that should be it.

Q. Did you own all of those at the time of the storm? Katrina?

A. Yes.

Q. Okay. So you're familiar with a wide variety of weapons. Is that correct?

A. Yes.

Q. From your time at the range and your personal gun ownership, did that give you some idea of what kind of weapons you heard firing that night?

A. Well, that's -- All right. That's

1 difficult. That's kind of difficult to
2 judge.
3 Q. But I mean can you tell the difference
4 between a 22 and a 357?
5 A. Yes. You can tell the difference between
6 the different sizes. Different calibers.
7 Let me say it like that.
8 Q. Right. Yeah.
9 A. You can tell that difference.
10 Q. So what's your best guesstimate?
11 I mean -- And understand, I'm not
12 holding you to that -- but what kind of
13 weapon did you think was going off?
14 Any idea?
15 A. A semi-automatic handgun. Like 9 or 40.
16 Something of that range.
17 Q. Did you observe any muzzle flash?
18 A. No.
19 Q. Did anyone in the crowd say anything, do
20 anything because of this other weapon going
21 off?
22 A. Yes.
23 Q. What?
24 A. Scream.
25 Q. Did anybody say anything like help me, save

me, or was there just a scream associated with hearing the gunshots?

A. Yes.

Q. Okay. And at that point you did what, you and your partner?

A. Retreated.

Q. Okay. You both returned to your vehicle?

A. Returned to the vehicle and relocated to the top of the GNO Bridge.

Q. Okay. So you continued down Convention Center Boulevard?

A. Yes, sir.

Q. In the same lane that you had come down from Z to A, now you are going the other direction?

A. No. We continued to go towards Z.

Q. Right.

I mean when you first came off the ramp you went from Z to A, and now you are going back the other way?

A. Correct. Yes.

Q. What speed were you going at that point?

A. At that point we was probably -- I can only estimate, because I wasn't driving.

Q. Sure.

1 A. I would say 20.
2 Q. Okay. And then you at that point entered
3 the ramp taking you up to the top of the
4 expressway?
5 A. Right. We went towards the ramp that took
6 us up to the GNO Bridge.
7 Q. Okay. And went where? I mean stopped
8 where?
9 A. We stopped on the bridge to get a signal
10 because that was like the only place that
11 we knew of at the time that we could get a
12 real good strong signal, and that was on
13 top of the bridge since we were so far up.
14 Q. Is this for a cell phone or for your unit's
15 radio?
16 A. Cell phone.
17 Q. Okay. What about your radio? Why weren't
18 you using the unit's radio?
19 A. Like I said in the beginning, the radios
20 were not working properly --
21 Q. Okay.
22 A. -- at that time.
23 Q. Okay. Why didn't you stay at the scene to
24 investigate who was shooting?
25 A. Because at that time we were -- I felt like

1 we was being shot at. So we had to
2 relocate to make sure we survived
3 basically. I feared for me and my
4 partner's life. So we had to get out of
5 there.
6 Q. Well, am I correct you didn't hear bullets
7 go by you. Right?
8 A. That's kind of hard, too.
9 I heard shots. I knew the shots were
10 very close.
11 Q. There is a sound of bullets -- Are you
12 familiar with the sound of a bullet going
13 by you at all?
14 A. Not at all.
15 Q. No?
16 A. Not at all.
17 Q. Other than the bang or retort of a weapon,
18 did you hear anything else that would
19 indicate to you that you had just been
20 missed by a bullet?
21 A. I can't say that, because I've never have
22 been shot at so --
23 Q. Okay. Was one of your tasks to protect the
24 numerous innocent civilians who were
25 staying at Convention Center Boulevard?

1 Was that one of your charges as an
2 officer that night?
3 A. That is correct.
4 Q. If there was a threat due to an armed
5 person at the Convention Center, that
6 threat also existed to all of the women,
7 children, and elderly that were at the
8 Convention Center. Correct?
9 A. Well, I had the reasonable suspicion to
10 believe that we were the only -- the
11 guys -- whoever was shooting at us, that's
12 what I believe personally.
13 Q. Were you guys wearing vests?
14 A. I can't recall.
15 Q. Were you issued vests during that time
16 period?
17 A. Yes.
18 Q. Okay. I may have asked you this.
19 Were you wearing your BDU's or your
20 uniform shirt?
21 A. BDU uniform.
22 Q. Okay. Do you recall generally when you
23 wore your BDU's whether you were wearing
24 your vest or not?
25 A. Normally under regular circumstances, yes.

1 Q. Okay.
2 A. Because we are required to wear our vests.
3 Q. Okay. You and your partner then retreat to
4 the top of the bridge where the cell phone
5 reception is better and do what?
6 A. Called the supervisor.
7 Q. Who called?
8 A. I called.
9 Q. Okay. With your personal cell phone?
10 A. If I'm not mistaken. I'm not sure whose
11 cell phone I used. If it was mine's or my
12 partner's. I'm not sure. I can't say.
13 Q. Okay. But one of your two personal cell
14 phones was used to make the call rather
15 than your radio?
16 A. Yes. One of the officer's phones, yes.
17 Q. Okay. And who did you call?
18 A. Lieutenant Norwood.
19 Q. And where was Lieutenant Norwood physically
20 stationed at the time?
21 A. With us on General Meyer.
22 Q. Okay. So he is back at the -- I think it's
23 Oak Park Baptist Church?
24 A. I'm not sure.
25 Q. Okay. I live in Algiers.

1 MR. MULLALY:
2 That's become obvious.
3 EXAMINATION BY MR. ROOT:
4 Q. I am familiar with that church.
5 At any rate, he is back at the church
6 on Cable and General Meyer?
7 A. She.
8 Q. She. I'm sorry.
9 What is her first name?
10 A. Gwen.
11 Q. Okay. Were you able to reach her?
12 A. On her cell phone.
13 Q. On her cell phone?
14 A. Yes.
15 Q. Do you know what that number was by any
16 chance?
17 A. I'm not even sure. If I am correct, it was
18 a departmental cell phone.
19 Q. Okay. What service were you with at the
20 time?
21 Sprint, Verizon?
22 A. Nextel, I believe.
23 Q. Was it one of those walkie-talkie phones?
24 A. Yes.
25 Q. Okay. But you weren't using the

1 walkie-talkie, you were using the actual
2 phone to make the phone call?
3 A. Yes.
4 Q. Okay. And what did you say when you got
5 ahold of -- Is it lieutenant?
6 A. She was a lieutenant at the time. She's a
7 captain now.
8 Q. Okay.
9 A. Basically I told her what happened, that I
10 had to shoot a guy to defend myself, and
11 basically just asked her what we need to do
12 and so on, because I had never been
13 involved in a police shooting. So I didn't
14 know the process of it.
15 She basically took care of everything.
16 Q. Did you tell her the person was dead?
17 A. She asked -- I believe -- Don't quote me on
18 this -- I'm not sure, but -- I don't know.
19 I'm not sure. So I can't answer that.
20 Q. Did she have any discussions with your
21 partner?
22 Did you hand the cell phone to your
23 partner?
24 Did she have any questions for him?
25 A. If I'm not mistaken Officer Hill talked to

her, too. That was about it I think.

The conversations weren't too long. It was not too long. We just got the notification of return to Harrah's Casino. No. The return to Algiers.

Once we reached Algiers, the supervisors were on Cable and General Meyer at the church.

Q. Who was that?

A. That was Sergeant Summers.

Q. Okay. That's the supervisor?

A. Yes. That's a sergeant. That was our sergeant.

Q. Okay. So you got to the church, got out of your vehicle, went into the command center there, and there was your sergeant?

A. Well, we stayed outside, and Sergeant Summers and Captain Kelly got out of their vehicles, and we then got in detail of what happened, and then we relocated to Harrah's Casino.

Q. How long did you stay in Algiers before you headed back across to go to Harrah's?

A. Not a good five minutes.

Q. Okay. And who went to Harrah's?

A. The whole COPS unit --
Q. Okay.
A. -- and the supervisors.
Q. Okay. This is not just the night shift as this point -- Is it just the night shift?
A. The night shift, right.
Q. Okay. When you returned to Algiers, all the people who you thought were going to be meeting you there were still back at Algiers?
A. No.
Q. No?
A. No.
Q. Okay. Where were they?
A. All right. Just this -- See, everybody gets this kind of mixed up though.

When the supervisor sent us down there, it was only one, two, three, four, five, maybe six. The names I gave your earlier.

Q. Sure.
A. Gregory Hill, Officer Abden.

They were in another truck, you know, patrolling the Convention Center.

Q. They were in a truck?
A. Yes.

Q. Had they made it over there?
A. Yes, they had.
Q. Were they there while you were there?
A. Yes, they were.
Q. Where were they?
A. They was -- All right. We pulled off first. They pulled off -- I can't say when they pulled off, but we pulled off first. So we actually got there before they got there.
Q. Okay.
A. So when we made it to the National Guard, they were coming up.
Q. So they were back at the Z part of the --
A. Well, I wouldn't say that far back.
Q. Okay. They were somewhere in the middle?
A. Somewhere in the middle.
Q. Okay. Your vehicle passed that truck on the way back then?
A. Right. Basically made a U-turn.
Q. Uh-huh (affirmative response).
A. Coming back they made a U-turn. So they was like far behind us. Like by the time we got to the middle, they was like at Hall B, so they was back there by that National

1 Guard like between A and B.
2 Q. So they were -- Their truck was in back of
3 your unit?
4 A. Yeah. A little ways. A couple of blocks.
5 Q. Okay. But when you made your U-turn, you
6 were going toward each other at some point?
7 A. You could say that.
8 Q. Okay. Were they in the same lane as you
9 had been, the lane closest to the
10 Convention Center, because the other side
11 was blocked with cars?
12 A. I'm not sure to tell you the truth. I'm
13 not sure.
14 Q. I'm trying to figure out how you -- Did you
15 pass that truck then on your way back up to
16 the top of the bridge then?
17 A. No. They was behind us.
18 Q. Okay. You are talking about after you came
19 back from Algiers they were in a truck?
20 A. Wait. Wait.
21 Can you state that again?
22 You are confusing me.
23 Q. Okay. Here is where I am confused.
24 MR. MULLALY:
25 Does he know this firsthand, or

1 did he learn this later?
2 That might be --
3 EXAMINATION BY MR. ROOT:
4 Q. Okay. Let me figure out the time period
5 first.
6 The fellow officers from COPS from the
7 Algiers command post who were supposed to
8 join you and meet you at Convention Center
9 Boulevard that morning, did they actually
10 go to Convention Center Boulevard that
11 night?
12 A. Yes.
13 Q. Okay. Were they there at Convention Center
14 Boulevard the same time that you and your
15 partner were there that the shooting
16 occurred?
17 A. Yes.
18 Q. They were in a truck that was behind your
19 car that you were not aware of. Your unit.
20 At the time you were there, you weren't
21 aware that they were behind you though?
22 A. Well, I knew they was on Convention Center,
23 but I didn't know exactly --
24 Q. Oh, you didn't?
25 A. -- that they still was parked -- I mean

1 still by the National Guard or not. I
2 wasn't sure of that, because I wasn't
3 really looking behind me to see where they
4 were.
5 Q. I thought you said when you went there you
6 wanted to meet some officers and you
7 couldn't find them.
8 You are talking about officers other
9 than the COPS officer?
10 A. Yes. Yes.
11 Q. Okay.
12 A. It was supposed to be about 30 officers we
13 were supposed to go and join.
14 Q. Okay.
15 A. Because the night shift is not just two
16 people.
17 Q. Okay.
18 A. Me and my partner. It was at least about
19 six of us. Six or seven. Something like
20 that.
21 Q. So your unit goes all the way to A, meets
22 the National Guardsman, does the 360,
23 coming back the other direction.
24 Somewhere in the middle of Convention
25 Center is where you met Mr. Brumfield and

1 the incident occurred. Correct?
2 A. Yes, sir.
3 Q. At that point, the other vehicle, the truck
4 filled with the other COPS officers was
5 where?
6 A. I'm not sure.
7 Q. They were behind you so they were --
8 A. I don't know if they was at Z or did they
9 come off the ramp yet. I am not sure.
10 Like I said, we left before them. We
11 got in the car and pulled off before them.
12 I don't know if they left directly after us
13 or a minute or two after us. We made it
14 down there. Like I said, we went from Z to
15 A.
16 Now, I didn't notice them until I think
17 we turned around or made the 360, but I
18 know they was supposed to be coming. So I
19 knew they was coming anyway.
20 Q. But you did notice them in the area though?
21 A. Yes.
22 Q. Okay.
23 A. Once we made the U-turn.
24 Q. Okay. Once you made the U-turn, you
25 noticed them?

1 A. Yeah.
2 Q. Okay. Where were they in relation to you?
3 A. Well, when we made the U-turn, like I said,
4 we was at A by the National Guard.
5 Q. Right.
6 A. They had to have been -- They was coming
7 towards us. Had to have been in the
8 middle.
9 Q. Okay.
10 A. So they wasn't like on us like right there
11 by us.
12 Q. Okay. And then you continued to drive away
13 from Poydras toward the bridge until you
14 were in the middle?
15 A. Right.
16 Q. At that point where are they?
17 A. I'm not sure. I can't say, because I
18 wasn't paying attention.
19 Q. Okay. So at the time you decide to leave
20 the area, somewhere around you though is
21 this truck with the other four or five
22 officers in it?
23 A. Correct.
24 Q. Did you attempt in any way to contact that
25 vehicle and those officers about what had

1 just happened?
2 A. Yes.
3 Q. How?
4 A. Before we got on the ramp they pulled on
5 side of us. They also heard the shots that
6 were fired.
7 They wasn't aware -- At that time they
8 wasn't aware of the shooting. So, you
9 know, basically I told them what happened.
10 Q. When did you tell them what happened?
11 A. Right by the exit. I mean the on ramp to
12 go towards the bridge.
13 Q. After the shooting and before you went to
14 the top of the bridge to get your cell
15 phone signal?
16 A. Right.
17 Q. You told them that there had been a
18 shooting?
19 A. Right.
20 Q. Okay. So the first time you saw that
21 vehicle was when you saw them at the foot
22 of the ramp before you went back up?
23 A. No.
24 Q. No?
25 A. When they was coming down. I told you when

1 we made the 360, I noticed them coming
2 down.
3 Like I already said, I knew they was
4 supposed to be there because they was
5 coming. But we pulled off before them.
6 Q. Okay.
7 A. So when we made the 360, that was when I
8 noticed them coming down.
9 So we continued, and I don't know if
10 they stopped and talked to the guardsmen.
11 All I know is the next time we seen them we
12 was by the on ramp.
13 They heard the shots, because they was
14 like, hey, you heard that, and I was like,
15 yeah, whatever. I just told them that, you
16 know, I got involved in a shooting. It was
17 a 108 shooting. So we had to go up on the
18 bridge to get a signal.
19 Q. I guess what I am to trying find out is if
20 their vehicle had made it off the ramp when
21 you were now doing the 360?
22 Had they made it onto Convention Center
23 Boulevard?
24 A. Yeah. Of course. Of course.
25 Q. Okay. If they are heading towards you and

1 you're heading towards them, don't you pass
2 them at some point on your way?
3 A. At some point, yeah. Yeah.
4 Q. Okay. And at what point was that?
5 A. Probably at Hall D, C, something like that.
6 Q. Okay.
7 A. Before they got to the National Guard.
8 Q. Okay. And at that point though you were
9 aware that there were additional officers
10 in that area?
11 A. I was aware that they made it there. I
12 knew they was coming.
13 Q. Well, if you saw the truck and the officers
14 they were there?
15 A. Right. Right.
16 Q. But you still thought the best move was to
17 leave the area?
18 A. Correct.
19 Q. Okay. So any discussions you had with that
20 vehicle were you stopping and talking to
21 them and not by dispatching your radios and
22 not by cell phone?
23 A. It wasn't working down there like that.
24 Q. Okay. But it is true you did stop and talk
25 to that vehicle?

A. For a second or two.
Q. And spoke to who specifically, if you remember?
A. I'm not sure. I think officer Allen was sitting in the front and Officer Hill was sitting in the back on the passenger's side. I know they had the windows rolled down when I was talking. So I was basically talking to everybody in the truck.
Q. Was that one of those commandeered trucks you talked about earlier?
A. Yes.
Q. What type of truck?
A. It was a four-door truck. I believe it was a Chevy 1500 four-door.
Q. Like a crew cab?
A. Yes. It was four doors. So it wasn't like no little extended cab.
Q. Okay. And that truck had returned -- Switching gears a little bit, that truck then returned to Algiers with y'all when y'all went back?
A. Yes.
Q. And then after five minutes y'all all went

1 back to Harrah's?
2 A. Harrah's Casino, yes.
3 Q. Okay. And who did you see at Harrah's?
4 A. I didn't see anyone. I talked to
5 Lieutenant Roussel and explained to him
6 what was going on while Captain Kelly,
7 Lieutenant Norwood and -- No. Captain
8 Kelly and Sergeant Summers went to talk to
9 the chief.
10 I'm not sure what chief she talked to,
11 but I personally seen Chief Warren Riley.
12 I don't know if Chief Compass was there or
13 not. I'm not sure of any other ones, but
14 that's who I seen there.
15 Q. How long did you stay at Harrah's?
16 A. A good 20 to 30 minutes.
17 Q. Okay. Then what happened next?
18 A. They assembled a SWAT team. I think we had
19 like three or four teams. They assembled
20 one of them, and we all went back out there
21 to the scene.
22 Q. Was this the SWAT team that was staying at
23 Harrah's, or they got somebody from another
24 location to come to Harrah's?
25 A. They was at Harrah's at the time.

1 Q. Was that one of your command centers?
2 A. Yes.
3 Q. Okay. Then what happened?
4 A. We relocated back to the scene. SWAT and
5 some of the COPS units formed a perimeter
6 around the scene and us. I am in the
7 middle of the scene.
8 Q. How many vehicles did they have with them?
9 A. I'm not sure.
10 Q. What kind of lighting did they bring to the
11 scene, if any?
12 A. Just the police lights.
13 Q. Okay.
14 A. And flashlights. They had flashlights out
15 there.
16 Q. Okay. And what occurred then?
17 A. Someone asked me was this the person. I'm
18 not sure who it was.
19 Q. Some law enforcement personnel asked you?
20 A. Yes.
21 Q. Okay.
22 A. Was this the person. They had something
23 over him and they pulled the bag, and I
24 said, yes, that's him.
25 Q. Okay. And it was confirmed that the person

1 was deceased at that point?
2 A. As far as -- What you mean by confirmed?
3 Q. I mean --
4 A. He wasn't moving or anything, no.
5 Q. Okay. Now, I realize that you said you had
6 spent a couple of seconds checking his
7 pulse right after the shooting, but I
8 assume that they also confirmed that he had
9 died?
10 A. Well, like, again, I said -- What you mean
11 by confirm?
12 I can't say that, because I'm not sure
13 what they did.
14 Q. Okay. Well, did they remove the body?
15 A. No.
16 Q. Okay. Why?
17 MR. MULLALY:
18 I don't know if he can answer
19 that.
20 THE WITNESS:
21 I can't answer that one at all.
22 EXAMINATION BY MR. ROOT:
23 Q. Okay. Do you recall or did you hear any
24 instructions from any rank above you what
25 to do or not to do with the body that was

1 there?
2 A. I heard Captain Kelly notify Chief Compass
3 on the radio.
4 Q. Okay. And what did he say to Chief
5 Compass?
6 A. She explained what happened, and she also
7 asked for EMS on the radio and the
8 coroner's office and stuff like that.
9 Q. Did you hear Chief Compass' reply?
10 A. No, I didn't.
11 Q. Okay. Whose radio?
12 A. Captain Kelly's.
13 Q. Captain Kelly had a unit with a working
14 radio?
15 A. Maybe. I'm not sure what kind of unit she
16 had.
17 Her radio worked.
18 Q. Oh, I'm sorry.
19 Was this just a hand radio?
20 A. Yes, sir.
21 Q. Okay. The type of radio where you could
22 hear the conversation going one way, but
23 not hear the replies?
24 A. Well, she had the radio down. So I
25 couldn't actually hear her or what was said

1 back to her.
2 Q. Okay.
3 A. Because they have a volume button. So I
4 guess she felt that she had to lower it.
5 I don't know. That is supervisor's
6 stuff. So I couldn't tell you.
7 Q. Okay. What was the crowd doing, if
8 anything, during this time?
9 A. Nothing at all. No sound.
10 Q. The officers at the scene, did they all
11 have drawn weapons to secure the perimeter?
12 A. Yes.
13 Q. How long was the investigation of the
14 scene, if you will, under way?
15 How long did they investigate the
16 thing?
17 A. I'd estimate maybe an hour or so.
18 Q. Okay. And during this time you were where?
19 A. Well, for about 5 to 20 minutes I was on
20 scene by the body.
21 Q. Okay.
22 A. After I identified the person that I shot,
23 they told me to go sit in the car. Me and
24 my partner.
25 My partner was doing the perimeter with

1 the tac unit.
2 Q. Okay. Did you observe any civilian
3 witnesses speaking with anyone from the
4 department at that time?
5 A. The only witnesses I did observe were two
6 females that came out of the crowd.
7 Q. Okay. And who were they talking with?
8 A. Lieutenant Roussel.
9 Q. Okay. Did you speak to them at all?
10 A. No.
11 Q. Did you hear anything they were saying to
12 Lieutenant Roussel?
13 A. No.
14 Q. Or what he was saying to them?
15 A. No.
16 Q. Okay. Then at some point in time you and
17 your partner were in a car away from the
18 scene?
19 A. Well, we was still on the scene just in a
20 vehicle.
21 Q. Okay. And then what happened?
22 A. We stayed there until they finished.
23 The only thing I seen was somebody
24 taking pictures.
25 Q. Was it still dark or was it light at that

1 point?
2 A. It was still dark.
3 Q. Okay. Who was taking pictures?
4 A. Detective Kelly.
5 Q. Then after the investigation was over, what
6 happened?
7 A. They left the body. We got -- I was
8 already in the car, and we -- I don't know
9 if we went back to Harrah's or we went back
10 to Algiers. I'm not sure right after that,
11 because I was really exhausted.
12 Q. Okay. Approximately how many law
13 enforcement officers, personnel were at
14 that investigation scene do you think?
15 A. At least 15 to 20.
16 Q. Okay. And as to why the body was left
17 there, you don't know, I would have to ask
18 a supervisor?
19 A. I couldn't tell you.
20 Q. So you return -- Were you done with your
21 shift after that?
22 Did they send you back to your
23 apartment?
24 Did you continue some duty that night?
25 What went on?

A. I think that was it for the night.
Q. Were you put on any restricted duty at any point after that?
A. No.
Q. Ever?
A. Yes.
Q. Okay. When?
A. It was like two months or two and a half months after.
Q. Okay. And how did that come about?
What did you understand? Who told you that there was a change in your job duties because of that?
A. Okay. After they busted up the COPS unit, most of us moved to the 4th District. I was at the 4th District for one day, and then I transferred to the 5th District with the rest of the COPS unit. So we all had the 5th District. Even the captain and the lieutenant had the 5th District.
I was on task force. That's a proactive unit that wear the BDU's. I was on task force, and they told my supervisor to tell me that I was going on reassignment, and so that's what I did.

1 I worked the desk until I was fired.
2 Q. Other than that morning in your discussions
3 with supervisors about what had occurred,
4 and you mentioned several people you
5 discussed it with, when was your next
6 discussion about what happened that night
7 with some investigating arm, whether it's
8 inside the department or outside the
9 department?
10 A. Okay. Well, cold case homicide, they got
11 in touch with me and basically took my
12 statement. It had to have been November
13 sometime. I'm not sure of the date.
14 Q. Would that be the first time you gave a
15 written statement or a recorded statement
16 about this?
17 A. That I can remember, yes.
18 Q. Okay. Any idea why it took that long?
19 A. I can't say.
20 Q. Okay. Did you assist your counsel in any
21 way in the preparation of the production of
22 documents or exhibits given to our office
23 as a result of discovery we requested?
24 A. No.
25 Q. Okay. Going back to the shooting.

1 After you shot Mr. Brumfield, did he
2 fall face down or face up?
3 A. Face up.
4 Q. Okay. So the blood you observed was on the
5 front of his T-shirt?
6 A. The front left upper.
7 Q. Did you ever see his back for any reason?
8 Did they ever move the body or flip him
9 around so you saw his back?
10 A. Not that I know of.
11 I know the body was moved when we came
12 back, because he wasn't in the original
13 spot.
14 Q. Have you ever seen an autopsy from
15 September 12, '05, that was provided by
16 your counsel and the city to our office?
17 Have you ever seen this document
18 before?
19 A. No, sir.
20 Q. Okay. I would like to mark this as Exhibit
21 #1.
22 (Exhibit #1 was marked for
23 identification.)
24 Going to the second paragraph of the
25 document -- I will hand it to you so you can

1 confirm what I'm saying to you.
2 It says there is a single shotgun wound
3 to the left back that is 2.5 centimeters in
4 greatest dimension with no scalloping of the
5 edges or satellite entries of the shot
6 pellets indicating the wound to be close
7 range. The path of the shotgun path is from
8 back to front and left to right, with little
9 appreciable deviation from top to bottom.
10 Do you have any idea why the autopsy
11 would say the gentleman was shot in the
12 back?
13 A. No reason.
14 Q. After Mr. Brumfield fell, did you see any
15 scissors?
16 A. Of course.
17 Q. Where were they lying in relation to the
18 body?
19 A. Still in his hand.
20 Q. In his hand?
21 A. Yes.
22 Q. Were they in his hand when you returned to
23 the crime scene?
24 A. Yes.
25 Q. Okay. Do you know if the scissors were

1 preserved as evidence?
2 A. I'm not sure.
3 Q. Okay. Let me ask off the record.
4 (Off the record.)
5 EXAMINATION BY MR. ROOT:
6 Q. Back on the record.
7 Who have you discussed the shooting
8 with within the department other than
9 officials who came to you as part of a cold
10 case investigation?
11 A. People in my unit.
12 Q. This is after the shooting?
13 A. After the shooting.
14 Q. Okay. Days and weeks and months after the
15 shooting, just in conversation?
16 A. Yes.
17 I mean to this day I mean people ask me
18 about it. You know, family, friends,
19 people on the department, you know, stuff
20 like that, because, you know, it was kind
21 of recently on CNN again I think.
22 Q. Have you ever spoken with anybody who is a
23 family member or friend of the Brumfields?
24 A. I know someone that is a family member of
25 the Brumfields.

1 Q. Who is that?
2 A. I'm think -- What's his name?
3 I forget.
4 5th District. Johnson. I'm sorry.
5 Gregory Johnson.
6 Q. A police officer?
7 A. Police officer, yes.
8 Q. Okay.
9 A. As a matter of fact, his ex-partner -- I
10 forgot her last name, but I know her first
11 name is Tianni, was also in the 5th
12 District so, you know, there was some
13 tension there.
14 Q. Have you discussed this with Gregory
15 Johnson at all?
16 A. As far as what?
17 What happened?
18 Q. As far as anything.
19 A. Yes.
20 Q. Okay. What did you discuss?
21 Just what we are discussing here today,
22 what happened?
23 A. Yes. The same thing we discussed today.
24 Q. Okay. And what did Officer Johnson tell
25 you, if anything?

1 A. Well, I can't quote him, but -- I'm not
2 sure. Basically just the basic police
3 talk, where you have to defend yourself,
4 you have to do what you have to do, stuff
5 like that, you know. Stuff like that.
6 Q. So you felt that Officer Johnson was
7 generally supportive of your position?
8 A. Correct. Yes.
9 Q. What about Tianni?
10 A. She was not supportive of me at all.
11 Q. Okay. Why do you think that is?
12 A. Before --
13 MR. MULLALY:
14 I object to that, because it calls
15 for speculation.
16 EXAMINATION BY MR. ROOT:
17 Q. Do you know why she is adverse to your
18 position?
19 Do you have any -- Well, you know, what
20 is your appreciation of that?
21 A. Well, before I knew she was kin to
22 Mr. Brumfield -- Well, Let me put it this
23 way. Tianni is a very attractive female.
24 So I attempted to talk to her, and she
25 wouldn't talk to me at all.

1 So Gregory Johnson, you know, he is my
2 friend, you know. We had a conversation
3 about her. I'm like, I don't know why she
4 don't talk to me, and he finally told me
5 why. He said, well, the guy that you shot,
6 that's her family member, and I was like,
7 oh, well. I knew then, but I kind of
8 figured something. I wasn't sure.
9 Q. But did you discuss the shooting or the
10 events of the shooting with her?
11 A. Negative.
12 Q. Okay.
13 A. I just stayed out of her way.
14 Q. Okay. Do you know whether the scissors
15 were preserved as evidence in any way?
16 A. I'm not sure.
17 Q. Have you ever read any of the police report
18 or supplemental report dealing with this
19 incident?
20 A. I seen a police report. I've never seen a
21 supplemental.
22 Q. Okay. You were never asked to review the
23 information in it at any time?
24 A. No.
25 Q. Okay. Anybody else outside the department

1 that you spoke with?
2 Any news folks try to track you down to
3 talk to you about it?
4 A. No. I stay away from the media.
5 Q. When you left the employ of the city after
6 the allegations of domestic abuse, what did
7 you do to earn a living then?
8 A. Nothing at all.
9 Q. You weren't employed in any capacity?
10 A. Any capacity. There are rumors now, but
11 any capacity. Nothing. No job. Nothing
12 at all.
13 Q. Were you suspended without pay or was it
14 with pay?
15 A. Without.
16 Q. Without. Okay.
17 And that's from January to September?
18 A. October.
19 Q. October.
20 And you earned nothing from January to
21 October?
22 A. Nothing at all.
23 Q. Were you on unemployment?
24 A. No.
25 Q. Well, I have to ask you.

1 What did you live off of?
2 Did you have savings?
3 A. My family. I had a little money saved up,
4 because I was in COPS. It was not much,
5 but just a little money.
6 My mom -- My family really basically
7 took care of me until this was over with.
8 Q. Did you continue to have your own place?
9 A. Yes.
10 Q. Just family members helped you with
11 your --
12 A. My rent, whatever I needed. Groceries,
13 stuff like that.
14 Q. Give me a second. I will review some
15 stuff. We might be close to done.
16 MR. ROOT:
17 Let's take a quick five-minute
18 break so I can chat with Betsy. I
19 think it will speed it up.
20 (Off the record.)
21 MR. MULLALY:
22 Okay.
23 MR. ROOT:
24 I think we will introduce this and
25 we are done.

MR. MULLALY:

Okay.

MR. ROOT:

Okay. Do you have any recross?

MR. MULLALY:

I don't.

(Conclusion.)

1 REPORTER'S CERTIFICATE

2

3 I, LINDY ROOT, Certified Court Reporter,
4 do hereby certify that the above-mentioned
5 witness, after having been first duly sworn by
6 me to testify to the truth, did testify as
7 hereinabove set forth;
8 That the testimony was reported by me in
9 shorthand and transcribed under my personal
10 direction and supervision, and is a true and
11 correct transcript, to the best of my ability
12 and understanding;
13 That I am not of counsel, not related to
14 counsel or the parties hereto, and not in any
15 way interested in the outcome of this matter.
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20 Lindy Root
21 LINDY ROOT
22 CERTIFIED COURT REPORTER
23 REGISTERED PROFESSIONAL REPORTER
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