

City of Memphis
Police Division
Inspectional Services Bureau

Principal Officer Statement

Officer's Name: Marks, Clement

Rank: POLICE OFFICER II

DOB

DOE: 10/11/2010

IBM: 12482

Assignment: Airways Station

Shift: 'C'

Statement taken at: 2714 Union Ext.

Date\Time: 4-17-15, 1517 hrs

Typed By: Ketrissa Gaines

Date\Time: 4-21-15, 1031 hrs

Questioned By: Sergeant Michael Rosario & Sgt. Chris Chatman

Relative to ISB File: FD2015-009

Q: Please state your name and IBM for the record?

A: Clement Marks, IBM is 12482.

Q: Are you aware that this statement is being recorded?

A: Yes sir.

Q: Have you read and did you understand the Garrity Advisory Form?

A: Yes sir.

Q: Have you dated and signed the form?

A: Yes sir.

Q: Do you understand that a refusal to answer questions in this investigation constitutes a violation of policy and procedures?

A: Yes sir.

Q: Will you now participate in the interview by the Inspectional Services Bureau of this department?

A: Yes sir.

Q: Were you afforded an opportunity to read the allegations prior to this statement being taken?

A: Yes sir.

Q: Do you understand that you are a principle and if the facts determine that you are in violation of policy, procedures, and or directives the-the ah then appropriate action will be taken?
A: Yes sir.

Q: Do you wish to have an adviser present?
A: Yes sir.

Q: Adviser, please state your name and IBM for the record.
A: Essica Littlejohn, IBM 1705.

Q: Officer Marks have you previously given a statement regarding this incident, incident?
A: Yes sir.

Q: Have you reviewed that statement today?
A: Yes sir.

Q: Ah did you sign and date both the, ah, that statement?
A: Yes sir.

Q: Ah we're going to ask you some questions to clarify some issues regarding ah the incident that occurred on April 10th. Ah when you ah first made contact with the suspect vehicle at the parking lot ah at 2745 Airways, um, were there any other officers present with you?
A: It was just the other off-duty officers I believe.

Q: Do you know where they were ah in relationship to where you were?
A: Ah no sir when I pulled in they were behind me, so I'm not sure.

Q: Ah can you describe your approach to the suspect vehicle for me please?
A: Ah I got out the vehicle ah with the gun drawn, went towards the left side, kept far left and as I continued to go up as the front, front seat passenger panel.

Q: Ok ah what was your response to him bailing out of the vehicle?
A: Ah give chase, ah initially that was put in the broadcast that the front seat passenger was the shooter of the homicide of the seven year old girl.

Q: Ok ah did you give him any verbal commands at that point?
A: Ah police, stop.

Q: Ah you ah previously mentioned your gun was drawn as you approached the vehicle?
A: Yes sir.

Q: Ah as the foot chase started what-what was your response then?
A: I holstered my weapon and gave chase.

Q: And describe what happened during the foot chase again please.

A: Ah we ran westbound on the side of a building. He went around the corner of the building and continued giving chase ah northbound. Ah when he got to the fence line turned towards my way, ah reached in his waistline, waistband as far as reaching for a weapon and turnt, turned towards me.

Q: Ok ah what I want to clarify specifically the location in the fence.

A: Uh huh.

Q: Ah so with, there was a fence, explain the-the portion of the fence that he came too where he drew his or where he reached to his waist-waistband please.

A: He was near the fence the ah the wooden fence.

Q: On the north side or the west side?

A: That was the north, northwest corner.

Q: Northwest corner and you said he reached for his waistband and turned towards you.

A: Yes sir.

Q: Ah with which hand did he reach and which shoulder did he turn towards you?

A: He reached with both hands and he turned his left shoulder towards me.

Q: Ok and at that point what was your response?

A: Ah I pulled my weapon and fired.

Q: How many times did you fire?

A: Two.

Q: Do you know if those shots were in rapid succession? Was it boom-boom or was it a shot assess, and a shot?

A: Yes sir, the ah-ah double tap.

Q: Double tap, ah at that point ah what were the suspect's next actions?

A: He ah he turned back around and went through the hole in the fence.

Q: So he had initially rotated his left shoulder towards you. So he turned back; when he went through the fence did he go straight through did he go through left side first, right side first?

A: That I'm not sure.

Q: Ok did you see anything in his hand, in either of his hands or in his waistband at that point?

A: No sir.

Q: Ah how far behind the suspect do you estimate you were at that point?

A: Possibly ten, ten feet. I'm not sure.

Q: Ok ah after the suspect went through the fence ah did you follow?

A: Yes sir.

Q: Ah when you got to the other side did you get all the way through the fence before you saw him again or did you lose sight?

A: No sir, I ah got to the fence line, stuck my head through the fence, ah saw him pointing in ah shooting stance, and I pulled my weapon again and fired another shot.

Q: So you weren't on the other side of the fence yet?

A: No sir.

Q: Ah where was the suspect in relationship to where you were standing? Ah if he if you're at the fence with your head through the hole where was he?

A: He was maybe a couple of feet away down in a ditch.

Q: To which side to your left or to your right as you're looking?

A: Ah to my right.

Q: So ah to the right and down below you?

A: Yes sir.

Q: And you said he was pointing at you in kind of a shooting stance. Was he ah facing you directly in kind of an a isosceles or was he bladed in weaver stance or?

A: No sir, somewhat of a bladed ah pointing his right hand, right arm.

Q: Right arm at you; ah could you see, could you see the left side of his body at all?

A: Somewhat, not sure.

Q: Ok ah at that point you fired ah a third shot?

A: Yes sir.

Q: Ah what was the ah suspect's response?

A: Ah he turned back around climbed out the ditch yelling, "you shot me."

Q: Do you happen to know or do you have an idea of-of which of your three shots hit him?

A: Not really ah as soon as the third one he said, "you shot me."

Q: Did you see a physical response?

A: No sir.

Q: Ah no flinch or jump or fall?

A: No he just climbed out of the ditch and tried to run again.

Q: Ok ah you said ah in this statement you said that he was pointing at you ah in the previous statement you'd seen you said you've seen an object in his hand. Can you describe that object at all or what you believed it to be?

A: It-it I believed it to be ah weapon. I couldn't too much describe it ah it was kind of still dark ah but it, it was the shape of an weapon.

Q: Ok ah can you give me an estimate of a physical size ah in inches or?

A: Not really ah a couple of inches.

Q: Ok when the ah when the suspect first turned towards you and reached to his waistband, what was your thought process? What did, what was going through your mind at that point?

A: That ah he-he had a weapon and he was intended to shoot, shoot it at me.

Q: What made you believe, other than his motion, ah what made you believe that he had a weapon?

A: Ah, because when he got to the fence line he stopped and just turned, turned halfway and reached in his waistband.

Q: Ok, did you have previous information about him being armed?

A: Ah based on the-the broadcast that was put out ah it was a maroon vehicle with a the rear passenger tire, the rear passenger tire being the dummy and the front seat passenger was the shooter.

Q: Ok what was the, do you recall what the suspect was wearing?

A: No sir.

Q: Ah was the suspect at-at that point in the ditch that you're referring to.

A: Uh huh.

Q: Is the low point kind of where all the water gathers from all the parking lots when it rains, was the suspect down in that puddle of water or?

A: Yes sir.

Q: He was actually in the water?

A: Yes sir. In the water.

Q: So he was wet when you took him into custody?

A: Yes sir he was wet.

Q: Ah...

Q: Did you have to go through the water to get...

A: I jumped over it.

Q: Did he make any other statements to you ah other than, or any statement; what-what statements if any did he make to you?

A: Just that you shot me, that's all, as soon as I could put him in handcuffs other officers made the scene. They took control of him.

Q: Ok.

Q: Did you notice whether or not he had an object or a weapon in his hand as he was climbing out of the ditch?

A: Yes sir.

Q: And what did you see?

A: Ah just a still it was still a black object.

Q: And what hand was that in as he was climbing out?

A: The right hand.

Q: In his right hand, how-how, as you recall how far out of the ditch did he get with-with you still seeing this object?

A: He climbed out then maybe a couple of feet.

Q: So had he gotten all the way out of the ditch to the, to the flat area by the tree?

A: Yes sir.

Q: Do you know what happened to the object?

A: No sir.

Q: Did you see him make any motions as if trying to throw the object or?

A: No sir because after I shot him I went I had to duck to go through the fold, the hole in the fence and that's when he was out.

Q: Ah did you pat him down after he was taken into custody?

A: No sir.

Q: Your partners did?

A: My partner.

Q: Ah do you know if anybody was allowed access to him before he was transported from the scene?

A: No sir, I'm not sure because when I put him in handcuffs the other the additional officers took control and they had me walk back to my car.

Q: Ok.

Q: Where did they, the additional officer come from, did they come through the same hole in the fence or did they come...

A: No they came from I'm not sure of the street, but they came from the street on the back side.

Q: Ok were you in the act of when you first ah, when-when the suspect first turned towards you and reached to his waistband, were you actually in the act of physically arresting him at that point?

A: Ah say that again.

Q: When the suspect first turned towards you and reached to his waistband, when you fired the first two shots, were you in the act of physically arresting him at that point?

A: No sir I wasn't close enough.

Q: Why did you holster your weapon at the beginning of the foot chase?

A: Ah per ah training you're not supposed to run it was just my-my point of view too. It's unsafe to run with a gun in your hand.

Q: Ok alright give me a second ah I'm going to step out to see if there's is anything I need to follow up with ok.

Q: Ok that ah that concludes our questions do you have anything else you'd like to add to this statement that may aid us in this investigation?

A: No sir

Ok show this statement ending at 15:31 hours

I will ask you to read the preceding pages of this typewritten statement and if you find the same to be true and correct as a statement given by you, I ask you to initial the bottom of the preceding pages and sign your name on the line below.

Clint N. 12482
Signature

4-21-15
Date