



1 A. Twelve.

2 Q. You live at what address?

3 A. 923 West 43rd.

4 Q. How long have you lived there?

5 A. Three years.

6 Q. This evening, or this afternoon, at  
7 approximately 4:30, I believe, as you told us prior to the  
8 taping, you had an occasion to witness shots being fired  
9 and a police officer being injured near your home. In your  
10 own words, would you tell us what you did see with your own  
11 eyes, from the beginning, correct?

12 DETECTIVE OATMAN: Like you told  
13 us when you first observed the people involved and if you  
14 can remember, also, when you are describing them to us, if  
15 you would describe what they are wearing, that would help a  
16 little bit, too.

17 A. At first, I looked out the window, the front  
18 door window, and I saw three males. They -- one was  
19 wearing a green and tan jacket, the other was wearing a  
20 Dallas Cowboy jacket, and the third one was wearing a green  
21 jacket. And, it looked like they were talking and they  
22 moved from in the front of my house to the east side, east  
23 part of it in the driveway. So, I moved from the front  
24 window to the side window and it looked like they were  
25 arguing, and the two -- and the one in the tan and green

1 jacket and the one in the Dallas Cowboy jacket cut through  
2 my yard and the third friend, he just, he left. They were  
3 cutting through my yard and my mom, she was banging on the  
4 window to not cut through the yard, and they looked at her  
5 and they just ignored her and that's when they walked  
6 towards the back of the fence, (inaudible) they walked down  
7 the street and the police officer came from behind and he  
8 asked -- said something to them. They started to run back  
9 through my yard and cut through it on the other side and  
10 the officer went around and, where they found the evidence,  
11 the two people were back by the fence and the shooter  
12 pulled out a gun and his friend told him to put it down,  
13 but he wouldn't listen to him and the officer got right  
14 there, he saw the gun and he told him to put it down and  
15 don't shoot, but he shot him and then it looked like the  
16 officer fell and then he got right back up and he was  
17 telling him not to shoot and his friend kept telling him  
18 not to shoot, and he shot him two more times and I saw the  
19 officer fall.

20 Q. So, you are saying you saw and/or heard how  
21 many shots fired?

22 A. I heard exactly four.

23 Q. And you remember what the sequence of the  
24 banging sound was? Was it close proximity, bang, bang, or  
25 bang-bang-bang. Can you describe it?

1 A. It was a close, I could hear, really close,  
2 it was like, bang, bang-bang-bang.

3 Q. Where were you at when you saw or heard this  
4 banging sounds?

5 A. I was in our bathroom looking out the window  
6 and I heard--

7 Q. Would you explain where the bathroom is  
8 located?

9 A. The bathroom is located on the second floor.

10 Q. On which side of the home?

11 A. On the east part of the home.

12 MS. TAYLOR-LATHAN: South side?  
13 Would it be the south side?

14 DETECTIVE OATMAN: No, east side.

15 MS. TAYLOR-LATHAN: Oh, it would  
16 be the east side.

17 Q. When you saw these men on the sidewalk, you  
18 thought they were arguing, could you hear?

19 A. No.

20 Q. Did you actually watch them at that point?  
21 And, you said one left, it was right then when they turned  
22 into your yard?

23 A. No, they went down the street and that's  
24 when the police officer rode up and they saw him, and they  
25 started running and he told them to stop, and they ran

1 through my yard, then he run around to where he was and  
2 then the shooter -- the shooter and his friend, the ones in  
3 the Dallas coat and the tan and green coat, were, um, they  
4 were, like, about three feet away from the back fence and  
5 they were directly across from where the officer was, on  
6 the other side of the woods.

7 DETECTIVE OATMAN: When you said  
8 that the officer went around, do you mean that he followed  
9 the two, or did he go another way?

10 A. He went another way.

11 DETECTIVE OATMAN: Did, like,  
12 beside another house or do you know, was it over by the  
13 street, Coleman Avenue? Do you remember, like, did you  
14 happen to see where between he went?

15 A. From where his car was in front of the  
16 house, the house where the shooting was, behind it, he went  
17 towards Coleman Avenue.

18 DETECTIVE OATMAN: Like around  
19 that house that he was parked in front of, to the east of  
20 that house?

21 A. He went all the way around in the street, in  
22 the road.

23 DETECTIVE OATMAN: So, he went  
24 around in the street?

25 A. (Moved head up and down.)

1 Q. Now, you know he went to the street because  
2 the street is over there. Would it be fair to say that  
3 you, you really couldn't see him at the street? This is a  
4 deduction that you made based on knowing what's there?  
5 There's a house there, there's a street over there and he  
6 went over that way or you couldn't actually see him over  
7 there?

8 A. Where I saw him was when he got out of the  
9 car and, um, I seen him disappear around the corner.

10 Q. When the police car pulled up, was there  
11 emergency lights going on the car? Revolving?

12 A. No. He stopped on the -- he almost parked  
13 and then the two guys in the coats, Dallas coat and tan and  
14 green coat, saw him and they took off running.

15 Q. You saw no emergency lights running on the  
16 police car?

17 A. No.

18 Q. On the roof?

19 A. Uh-uh.

20 Q. So, you were watching the whole time, as I  
21 understand it, from the time that you saw them arguing or  
22 whatever was going on, going on further to the east to the  
23 next house, the police car pulls up, you had constant  
24 visual contact all that time?

25 A. (Moved head up and down.)

1 Q. Was there any particular reason that you  
2 took interest to watch that long?

3 A. Um, they -- there's certain people that hang  
4 at our house a lot or they hang around on our streets, they  
5 usually cut through our yard, so we always keep a look out  
6 or watch out for the people going through there, 'cause  
7 sometimes they'll traffick in drugs in front of our house  
8 or near our house, that's why we keep a constant watch.

9 Q. At that early stage of everything that  
10 happened tonight, did you have any idea of who any of those  
11 individuals were?

12 A. One in the Dallas coat was Jimmie Ruth, and  
13 I don't know the other one in the tan coat was.

14 Q. How do you know Jimmie Ruth?

15 A. I know him by my mom.

16 MS. TAYLOR-LATHAN: The girl's one  
17 of her friends that she goes to school with, Sandra, over  
18 on Station Avenue. I'm good friends with her mom and she's  
19 good friends with her daughter, so once in a while, we'll  
20 go by there and say hi. But, I know -- I can spot him any  
21 where's. If I've seen a picture of him, I know who he is.  
22 He's also a dealer, because I always see him hanging out on  
23 Station Avenue when I go to my sister's house, I am not  
24 sure what coat he had on, but I know, I know him if I see  
25 him.

1 Q. When you saw the man down by the fence, and  
2 this may be hard to visualize for anyone listening to the  
3 tape or reviewing this, but we are going to back up  
4 everything you are telling us with photographs that we are  
5 taking out there, perhaps, we can also show those to you  
6 later, perhaps, if we need to.

7 You are describing down by the fence, which we've  
8 already been down there and we know where that's at. You  
9 saw two men and you heard gun shots. Did you see a gun in  
10 someone's hands?

11 A. The one in the tan and green coat had the  
12 gun in his hands.

13 Q. When did you first, actually, detect, by  
14 seeing, there was a gun present?

15 A. When he pulled it out of his pocket. He  
16 just pulled it straight out of his pocket, you could just  
17 see it, it was visible.

18 Q. And this, again, is down at, towards the  
19 fence area you are talking about?

20 A. (Moved head up and down.)

21 DETECTIVE OATMAN: Is that where  
22 he pulled it from his pocket, in the back area, or did he  
23 pull it out another time?

24 A. He pulled it out when he was back by the  
25 fence.

1 Q. Did you have site of the police officer as  
2 he was pulling the gun?

3 A. Yes, I did.

4 Q. And where did you see the police officer?

5 A. The police officer was on the right side of  
6 the garage by a boarded window.

7 MS. TAYLOR-LATHAN: You mean our  
8 garage, or Lisa's garage?

9 A. It was our neighbor's garage.

10 MS. TAYLOR-LATHAN: That's the way  
11 I seen -- that's the direction that I seen the guy with the  
12 Green Bay Packer's hat on, green hat, and I told him to get  
13 out of my yard, he ran that way. So, after they had done  
14 what they had did, he tried to cut through my yard and  
15 that's when I told them to get out of my yard and one of  
16 the guys, in the Dallas Cowboy hat, was going to follow the  
17 guy in the Green Bay Packer's hat. I said get out of my  
18 yard. The guy in the Dallas outfit went down West Avenue,  
19 up my street and the guy in the Green Bay Packer's hat,  
20 continued to run through the fence over on West 41st  
21 Street.

22 Q. Do you have any eye problems?

23 A. No.

24 Q. Did you ever have your eyes examined?

25 A. Yeah.

1 Q. So, you have never been told that you have  
2 any problems with depth of field, you know, seeing things  
3 either close up or at a distance, that look like they are  
4 together, but yet they are apart? You don't have any  
5 problems like that?

6 A. I just wear reading glasses.

7 Q. You described to us, when you were at your  
8 home earlier this evening, that the two men were near the  
9 fence line in the back and the officer is near the garage.  
10 Isn't it true, there's, like, a wooded area and  
11 undergrowth, you know, twigs and things, around there?

12 A. Yes.

13 Q. Could you clearly see the officer through  
14 all that?

15 A. Yes.

16 Q. And you are certain that he was on the west  
17 side of the garage, near the boarded window?

18 A. (Moved head up and down.)

19 Q. Was he one side of the other or sort of  
20 centered with that window?

21 A. Um, sort of centered, on the left side of  
22 the window.

23 DET OATMAN: As you are  
24 looking at it to the left, if you were looking up at the  
25 boarded, it would be towards the area over there?

1 A. Yes.

2 Q. When you perceived that the officer was  
3 probably chasing the man, you explained that he went around  
4 the east side of the house; it is true, there is a driveway  
5 there?

6 A. Yeah, he can run up the driveway or around.

7 Q. Onto the street?

8 A. Yeah, but I think he went through the  
9 driveway, because it would have taken a lot longer to go  
10 around, and all he had to do was go up the driveway.

11 Q. So, you are still watching from this  
12 downstairs window or upstairs window?

13 A. Upstairs.

14 Q. At what point did you go upstairs? You said  
15 -- you were downstairs by the window, you saw them go to  
16 the house, you saw the police car come, you saw the man  
17 being chased by the police officer, at least, that's what  
18 you presumed to be going on. At what point, then, did you  
19 go upstairs and why did you go upstairs?

20 A. I went upstairs when the officer turned the  
21 corner and I went up there, because when he was chasing  
22 them (inaudible) I went upstairs because I could see a  
23 better view of what was happening, in case something did  
24 happen and could see if they dropped, sometimes they drop  
25 stuff while they're running and they found drugs and stuff

1 out in the woods, the wooded part and that's why I was  
2 there.

3 Q. When you first got into the bathroom, what  
4 is the first thing you saw when you looked out that window?

5 A. I saw the one man, in the tan coat, pull out  
6 a gun.

7 Q. Was he moving at the time or standing still?

8 A. He was standing there and he pulled the gun  
9 out of his pocket.

10 Q. The other individual is there also?

11 A. (Moved head up and down.)

12 DETECTIVE OATMAN: And that  
13 individual wore what coat?

14 A. Dallas Cowboy.

15 DETECTIVE OATMAN: And you know  
16 him to be who?

17 A. Jimmie Ruth.

18 MS. TAYLOR-LATHAN: Was he the one  
19 that -- was Jimmie Ruth the one that had the Dallas coat?

20 DETECTIVE. OATMAN: To be honest  
21 with you, I'm not sure.

22 MS. TAYLOR-LATHAN: I have a -- I  
23 am not sure.

24 DETECTIVE OATMAN: His name, I  
25 don't know who was wearing what coat for certain, that's

1 why I am asking you, you know, if that's the person you are  
2 talking about, that was with the person in the tan coat?

3 When you saw the person that was in the tan and green  
4 coat you said--

5 A. (Moved head up and down.)

6 DETECTIVE OATMAN: --you said you  
7 saw him pull the gun. You heard the first shot, is that  
8 right? You heard when he fired the first time?

9 A. Yes.

10 DETECTIVE OATMAN: And then you  
11 said something was said?

12 A. Yeah, his friend told him to put the gun--

13 DETECTIVE OATMAN: His friend is?  
14 Who is his friend?

15 A. The guy in the Dallas Cowboy coat, I think  
16 is Jimmie Ruth.

17 DETECTIVE OATMAN: And he told  
18 him?

19 A. He told him to put the gun down and he  
20 wouldn't listen to him and, um, the officer, and that's  
21 when he shot the officer and the officer sort of fell and  
22 then he got right back up and he told him to put the gun  
23 down and that's when he fired the last couple shots.

24 DETECTIVE OATMAN: When you saw -  
25 - you saw him fire the gun or did you just see him and hear

1 the shots?

2 A. I saw it.

3 DETECTIVE OATMAN: What -- would  
4 you describe it like, if you could see the gun in his  
5 hands?

6 A. Yes.

7 Q. When you heard the shot, I mean, what did  
8 you see with the gun? I mean, did you happen to notice  
9 anything that was happening with the gun while it was being  
10 fired, I mean, did you?

11 A. He had the gun, he held it a certain way.  
12 He held it like this (indicating) instead of like this  
13 (indicating). He held it like this (indicating).

14 Q. Was he holding it with his right hand, as  
15 you are simulating?

16 A. Yes.

17 Q. Did he hold it stretched out in front of him  
18 or at shoulder height or somewhere in between there? At  
19 the waist?

20 A. I don't know if he was aiming. I don't know  
21 how -- when he shot it, it was like he was aiming and he  
22 shot it.

23 DETECTIVE OATMAN: So, it was up  
24 at eye level, is that what you are saying?

25 A. Yes.

1 DETECTIVE OATMAN: Did you notice  
2 the gun at all? I mean, as far as smoke from the gun or  
3 flames coming out, could you see any of that?

4 A. No, not really. There could have been  
5 smoke, but I didn't see it.

6 MS. TAYLOR-LATHAN: They must of  
7 shot him at close range for me to be in my room to hear the  
8 shots and for me to run downstairs. That's too close.  
9 That's too close. The younger ones, they heard it all,  
10 too. I mean, their windows facing that direction. So, it  
11 had to have been close range for everybody to hear it on  
12 the second floor.

13 DETECTIVE OATMAN: Close range,  
14 you mean, to your house?

15 MS. TAYLOR-LATHAN: Yeah. Yeah.  
16 The guy with the Green Bay Packer's hat, you know, after it  
17 all had happened, he had his nerve to go across the street  
18 and watch the stuff.

19 A. On 41st Street.

20 MS. TAYLOR-LATHAN: Over on 41st,  
21 in front of the red house and watch what was happening.

22 DETECTIVE OATMAN: Who is the one  
23 with the Green Bay Packer's?

24 MS. TAYLOR-LATHAN: I don't know.  
25 Green Bay Packer's hat, green hat, I don't know his name.

1 DETECTIVE OATMAN: Who was  
2 wearing the green hat, do you know?

3 A. Some people say his name was--

4 DETECTIVE OATMAN: That was the  
5 third person that left originally, is that the one you were  
6 talking about?

7 A. No, the one in the tan coat, they said it  
8 was Odraye.

9 DETECTIVE OATMAN: But, are you  
10 sure that's who you saw?

11 MS. TAYLOR LATHAN: I saw a guy  
12 with a green cap run through my yard over there to West  
13 41st Street and he had the nerve to stand over there and  
14 watch what was going on. I had called out to Terry Tulino,  
15 because I know him, I know his family pretty well, to let  
16 him know that one of the suspects is over across the  
17 street, over there, watching this. It doesn't make sense.  
18 But, he never got around to me, because he was more  
19 concerned with helping this officer.

20 DETECTIVE OATMAN: When you saw  
21 that man standing over there, did you see, I mean, mainly  
22 the hat or could you see the face also?

23 MS. TAYLOR LATHAN: I -- from the  
24 distance where I was at, I seen the hat. He did have a  
25 dark green coat with tan on it and he -- I really couldn't

1 see his face, but it was a black person.

2 DETECTIVE OATMAN: We had  
3 clarified that. In the beginning, all the individuals you  
4 saw were black males.

5 MS. TAYLOR-LATHAN: And so, I  
6 guess, somebody else must have pointed it out to an officer  
7 that one of the suspects is over across the street. So, I  
8 guess, they did apprehend him from over there on West 41st  
9 Street. I don't know if they apprehended him or not, but I  
10 looked around and I didn't see him standing there, but did  
11 see some officers over there.

12 Q. In the beginning, you saw three men? One  
13 man left and two continued to the house on the east.

14 A. Yes.

15 Q. When the shots were being fired, you saw two  
16 men?

17 A. Yes.

18 Q. Did you ever see a third man?

19 A. No.

20 Q. Again--

21 A. The other one, he just -- he left. I don't  
22 know where, but he, he left towards West Avenue.

23 MS. TAYLOR-LATHAN: Did he leave  
24 before the shooting or after?

25 A. After--

1 MS. TAYLOR-LATHAN: I think, too--  
2 A. Before the shooting.  
3 MS. TAYLOR-LATHAN: Before.  
4 Q. Could you see clearly out there with all the  
5 trees, that you would know for certain there wasn't a third  
6 person on the other side of the clearing?  
7 A. Yeah.  
8 MS. TAYLOR-LATHAN: Unless he was  
9 hiding out -- I didn't see the third person, I seen the  
10 Dallas guy and Green Bay Packer guy.  
11 Q. When you went out the window upstairs, you  
12 looked out, first thing you said, as you explained to me,  
13 was the man pulling the gun out and, make sure I understand  
14 correctly, the officer is already standing there in front  
15 of the garage when you see them on that west side?  
16 A. (Moved head up and down.)  
17 Q. Did you see the officer doing anything?  
18 Standing there? Does he have his gun out?  
19 A. No, he doesn't have his gun out. At first,  
20 he put his hand behind him and then he put it right back in  
21 front of him and this is when the first of the shots came.  
22 Q. Did you see his gun in his hand?  
23 A. The officer?  
24 Q. Yes.  
25 A. No.

1 Q. Do you feel confident, comfortable, to say  
2 that he never had his gun drawn?

3 A. I don't know.

4 MS. TAYLOR-LATHAN: You never saw  
5 the officer's weapon?

6 A. I don't know if he pulled a gun out  
7 (inaudible) when the shooter shot him the second time. I  
8 don't know if he pulled it out then or if he pulled it out  
9 after the first shot.

10 DETECTIVE OATMAN: Did you see  
11 him with a gun out though or, I mean, just so I can clarify  
12 it, I want to make sure. Did you ever see the officer with  
13 his gun? I mean, do think he had pulled his gun?

14 A. It's -- the way it looked when he put his  
15 hand back, it looked like he was reaching for his gun and  
16 that's when the first shot came, the shooter, in the tan  
17 and green coat, probably just thought he was going to pull  
18 his gun out and just shoot him right there. So, he  
19 probably thought he was going to pull it out and he just  
20 shot him.

21 MS. TAYLOR-LATHAN: Do you  
22 remember seeing the officer with his gun in his hand?

23 Q. After the shots were fired, what did you see  
24 then?

25 A. I saw the one, the kid that had the Dallas

1 Cowboy jacket, he ran from where he was standing to, he ran  
2 out of my yard and he ran towards West Avenue -- no, I take  
3 that back. He ran from my yard to Coleman Avenue and he  
4 must of been looking for someone, but nobody was there, so  
5 he ran down towards West Avenue.

6 DETECTIVE OATMAN: On your  
7 street, on West 43rd Street?

8 A. Uh-huh.

9 Q. You said he ran to Coleman, how did he go to  
10 Coleman?

11 A. He came from where he was standing, he ran  
12 through the yard and stopped at the bushes.

13 Q. Which is 43rd Street?

14 A. 43rd and he ran, he ran west -- no, east,  
15 towards Coleman and then he looked down the street, he kept  
16 looking back and forth, and he didn't see anyone that he  
17 was looking for or whatever, then he ran west towards West  
18 Avenue.

19 Q. Did you have clear site of him the whole  
20 time?

21 A. Yeah.

22 Q. You could see him run to the east and look  
23 and come back?

24 A. (Moved head up and down.)

25 Q. I have to presume he is out in the road

1 then, doing that?

2 A. Yes.

3 Q. Did he run down the road when he went back  
4 west towards West Avenue?

5 A. Yeah, 'cause after that, the person in the  
6 tan coat, after he shot the police, the officer, he ran  
7 towards the fence and couldn't get over it, so he ran south  
8 towards the bushes on 43rd and was looking for the kid in  
9 the Dallas coat. So, he ran back and must have detoured  
10 through the opening that there was. The other kid, in the  
11 Dallas coat, came back, he couldn't find him, so he ran  
12 through our yard.

13 MS. TAYLOR-LATHAN: That's when he  
14 cut -- couldn't get over my fence, so he cut through Lisa's  
15 and Jeff's; I did see him run that way.

16 A. Then, he cut through the house, the house  
17 that was behind, north of us, he went behind their back  
18 yard and through some garages there, I think, and the other  
19 kid in the tan coat, he just ran straight.

20 DETECTIVE OATMAN: Straight,  
21 which direction?

22 A. North. North, towards 41st.

23 Q. This now, the second individual that ran  
24 back through your yard, you saw him somehow get across the  
25 fenced area and you turned back to the west?

1 A. (Moved head up and down.)

2 MS. TAYLOR-LATHAN: That's when I  
3 told both of the guys to get out of my yard. One ran up to  
4 Coleman, like she stated, and the guy with the green hat  
5 couldn't get over my fence, so he cut through my neighbor's  
6 yard in the opening and that's the route he took to get  
7 over there.

8 Q. You saw that happen?

9 MS. TAYLOR-LATHAN: Yeah, I seen -  
10 - I told him to get out of my yard.

11 Q. This was after the shots were fired?

12 MS. TAYLOR-LATHAN: This is after  
13 everything, yeah. I seen him running back and forth. I  
14 told him there's no sidewalk back there, get out of my  
15 yard. One guy with the Dallas went towards Coleman and his  
16 buddy went up towards the fence.

17 DETECTIVE OATMAN: Behind your  
18 house?

19 MS. TAYLOR-LATHAN: Right, that's  
20 when -- after the cops had gotten there, I had seen him  
21 standing there, over on 41st Street, watching everything.  
22 So, I don't know which ones they got and which ones they  
23 don't have.

24 DETECTIVE OATMAN: When you say  
25 he went over on, like, towards 41st--

1 MS. TAYLOR-LATHAN: Uh-huh.

2 DETECTIVE OATMAN: --was there a  
3 time you lost site of him or did you actually see him leave  
4 your yard and go to that position on 41st Street?

5 MS. TAYLOR-LATHAN: Yes, I did.

6 DETECTIVE OATMAN: You watched  
7 him?

8 MS. TAYLOR-LATHAN: I watched him,  
9 from my window, leave my yard, go up, cut through the fence  
10 and go down 41st. He went down a little bit and, I guess,  
11 he caught up with some people that were observing, standing  
12 there, watching him walk back and forth.

13 DETECTIVE OATMAN: Wasn't it a  
14 few minutes though, and correct me if I am wrong, I am  
15 trying to piece this together, wasn't it a few minutes  
16 before the police got there, I mean, wasn't there a little  
17 bit of time?

18 MS. TAYLOR-LATHAN: Right, that's  
19 when he ran, there was time before the cops got there.  
20 That's when he ran back, after they did what they did and I  
21 seen them coming through the yard, that's when he ran back  
22 up through the fenced yard. His buddy went the other way  
23 and he went up that way and I see him going down 41st  
24 Street, before all the cops and stuff had gotten there.

25 Q. When the officer fell, could you see him?

1 A. Yeah, he went south a little ways and then  
2 he turned around and went back north and where you found  
3 the evidence, that's where he fell.

4 Q. When you referred to evidence, what do you  
5 mean by that?

6 A. Where his body was found.

7 Q. And where his body was found, could you see  
8 that from where you were in at in your house?

9 A. Yeah, he just fell and then, he just laid  
10 there.

11 MS. TAYLOR-LATHAN: Was he holding  
12 any part of him as he was falling?

13 A. Just like this (indicating - put left hand  
14 on left side of head), his head.

15 Q. Where was this at in relationship to that  
16 wood?

17 A. This was east of my house and west of the  
18 garage, by the neighbors.

19 Q. Where he fell?

20 A. He fell when he -- in the clearing, it's  
21 like a clearing where he ran when he was chasing the two  
22 boys, he ran around that way, through the driveway and he  
23 went behind the houses and the clearing that he walked  
24 through, that's where he fell.

25 Q. There's something key right there, that you

1 are trying to tell us and I don't think we communicated  
2 real clear. You said he ran around the house, and did he  
3 go behind it, the garage? You are talking about, did he go  
4 behind the garage, down Coleman towards 41st Street and  
5 then come back up on the west side of the garage, or did he  
6 come between the house and that garage to the west side of  
7 the garage?

8 A. Where his car was parked, he went through  
9 the driveway of where his car was parked, and then he made,  
10 he went west and then he saw the two boys standing there in  
11 my yard. Then, he went through this little walkway, on the  
12 ground, and he walked through there, and that's when the  
13 shooting started and after that, he fell, where he was  
14 standing, at the entrance.

15 MS. TAYLOR-LATHAN: Entrance, you  
16 mean that little pathway?

17 Q. But, his body was found on the north side of  
18 that, into the clearing and it was not near the garage at  
19 that point, that's what we are trying to be specific about  
20 and that's why I asked whether or not you can actually see  
21 where he's fallen?

22 A. Yeah, I could see him. I seen him, like, I  
23 seen him where he fell by the garage and by the clearing by  
24 the entrance way.

25 MS. TAYLOR-LATHAN: There's a

1 garage and then there's a spot and there's debris. Would  
2 it be by the garage or in the spot near the debris?

3 A. The garage is here and there's an entrance  
4 right here, that's where he fell, 'cause over here is all  
5 the debris, right here is the spot, and that's where the  
6 entrance was.

7 MS. TAYLOR-LATHAN: You said  
8 there's a little opened pathway through there?

9 DETECTIVE OATMAN: Did he ever  
10 move once he fell? Did you ever see him get up and try to  
11 move?

12 A. I seen him trying to crawl and after that, I  
13 ran downstairs, I told my mom what happened and someone  
14 notified the police and that's when we all ran outside  
15 towards the woods where the police were (inaudible).

16 Q. When you went down the steps, was your mom  
17 at the window?

18 A. My mom was outside.

19 MS. TAYLOR-LATHAN: I was outside  
20 over by the fence, where the officer was laying, on the  
21 opposite side of the fence.

22 Q. So, after you watched the gun fire, or heard  
23 the gun fire, you saw the officer fall. Was it immediately  
24 thereafter that you went down the steps?

25 A. No, I watched a couple a more minutes.

1 Q. What did you see then?

2 A. He was moving a little bit, towards --  
3 trying to move out of the clearing.

4 Q. The other two men, the shooter and this  
5 other man, were gone?

6 A. Yes.

7 Q. They were already gone to 43rd Street and  
8 returned and disappeared to the north as you've already  
9 explained?

10 A. Yeah.

11 Q. And after you saw the officer try to move  
12 and then didn't move, was that the point you went  
13 downstairs?

14 A. Yes.

15 Q. Was there anyone downstairs? Your mom still  
16 there?

17 A. My dad -- my step-dad was downstairs and my  
18 mom, she was outside.

19 MS. TAYLOR-LATHAN: I don't know  
20 (inaudible). I wish I could have done something for him,  
21 you know, we've already called the cops and everything.  
22 That's just too close to home.

23 Q. Is there anything else you can think of Jim  
24 -- I don't know.

25 DETECTIVE OATMAN: Is there

1 anything else that you can think of that, may be, we  
2 missed, because sometimes we do. We've been, like, trying  
3 to hash this over all night trying to put pieces together.  
4 Maybe there is, like, an obvious question or something that  
5 you think we should be asking or something that we haven't  
6 asked you yet, that you saw. Can you think of anything  
7 like that? Is there any, like, piece of information or  
8 something that you can remember that we haven't asked you  
9 yet?

10 A. After the police officer fell and before the  
11 police came, the shooter, he came back to the scene where  
12 the officer was and he kicked him, and then he ran and  
13 left.

14 DETECTIVE OATMAN: He ran over to  
15 him and kicked him?

16 A. Yeah, he ran over and kicked him, and he was  
17 saying something, then he took off back north where he was.

18 DETECTIVE OATMAN: Did you hear,  
19 like, another gun shot or anything like that, or was the  
20 shooting all done?

21 A. The shooting was all done.

22 DETECTIVE OATMAN: So, he didn't  
23 go back and fire another shot?

24 A. (Moved head from side to side.)

25 MS. TAYLOR-LATHAN: He went down

1 41st Street.

2 Q. When he went to kick the officer, you  
3 actually saw him strike out with his foot?

4 A. Yes. At this point, I was downstairs in the  
5 kitchen and I was getting something to drink and I seen him  
6 rush back and he kicked him.

7 Q. When you looked out the window, was he there  
8 by the officer and you saw him?

9 A. No, he was just running through the back--  
10 MS. TAYLOR-LATHAN: You mean  
11 towards?

12 A. He was coming towards him.

13 Q. Because you were upstairs and you said that  
14 you left and you didn't see him again.

15 A. No.

16 Q. When you came downstairs, your mother was  
17 already outside?

18 A. (Moved head up and down.)

19 Q. You went to the kitchen?

20 A. (Moved head up and down.)

21 Q. You looked out the window there?

22 A. (Moved head up and down.)

23 Q. And that's what you saw, you saw the man  
24 returning, coming back towards the officer's body?

25 A. Yes.

1 DETECTIVE OATMAN: You saw that  
2 from the kitchen window? This is after you come  
3 downstairs?

4 A. Yeah, it only took me about five seconds to  
5 get downstairs.

6 Q. Is there any reason that you didn't tell  
7 this to us before?

8 A. (Moved head from side to side.) Uh-uh.

9 Q. I am not being critical of you. Sometimes,  
10 you know, we block things out or we don't think they are  
11 important, that's why we ask.

12 A. I didn't think--

13 MS. TAYLOR-LATHAN: Make sure,  
14 everything's important.

15 A. I didn't think that was important, that's  
16 why I didn't say anything.

17 DETECTIVE OATMAN: But, it was  
18 that same guy with the tan and green?

19 A. Yeah.

20 DETECTIVE OATMAN: The same guy  
21 you saw did the shooting?

22 A. Yes.

23 MR. TAYLOR-LATHAN: He was the  
24 same one with the Green Bay Packer's hat?

25 A. (Moved head up and down.)

1 DETECTIVE OATMAN: How would you  
2 -- you watch sports and stuff once in a while?

3 A. Yes.

4 DETECTIVE OATMAN: How would you  
5 describe the kick? I mean, was it a kick like wounding  
6 something? I am sure you have seen stuff like that, or was  
7 it, looked like an actual hurt-type kick?

8 A. It was a hurt-type kick.

9 MS. TAYLOR-LATHAN: Can you  
10 demonstrate or show them?

11 DETECTIVE OATMAN: I mean, did  
12 he, like, rear back when he kicked or was it, looked like a  
13 hard kick?

14 A. Yeah, he was rushing towards him, as soon as  
15 he got to him, he just kicked him really hard.

16 Q. Do you know where he kicked him at?

17 A. He kicked him about where his a-- -- well,  
18 where his arm was put right by his neck, he kicked him.

19 Q. Did you happen -- I know this is a great  
20 distance to really to see something like this, but did you  
21 happen to see what kind of shoe or color?

22 A. No.

23 Q. Is there anything else?

24 A. No.

25 Q. After he threw this kick, was there more

1 than one kick?

2 A. No, just one kick.

3 Q. After he threw that kick, where did you see  
4 him go?

5 A. He just looked at him and then he went north  
6 and that's when the police arrived and, I guess, that's  
7 where he, like my mom said, watched the scene.

8 MS. TAYLOR-LATHAN: Standing right  
9 there on West 41st Street.

10 Q. So, this is the shooter that's looking back,  
11 not one of other the guys?

12 A. Yeah.

13 Q. And you see him over there, you didn't see  
14 him confronted by an officer or anything?

15 MS. TAYLOR-LATHAN: No, I just  
16 seen him across the street looking on like a spectator,  
17 like nothing happened.

18 Q. Did you see him leave?

19 MS. TAYLOR-LATHAN: I seen him  
20 walking back and forth down the street, and I hollered, I  
21 was on the sidewalk, at Terry to let him know one of the  
22 suspects is across the street watching, that, you know,  
23 Terry, you know, trying to help his friend, so he never got  
24 around to it -- that's the guy in the tan coat and Green  
25 Bay hat. I don't know which one are, were apprehended or,

1 because they all parade up and down our streets  
2 continuously.

3 Q. I am going to re-angle the camera here, so  
4 we talk to you.

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