

**EVIDENCE TAPE**

People v. Isaac Serrano  
RIF 136250  
Transcript of Interview with [REDACTED]  
March 24, 2007  
074137

Key: MAZZARINI: Officer Mazzarini  
[REDACTED] [REDACTED] Witness

**[BEGINNING OF TRACK DM100002, DURATION: 14:28]**

MAZZARINI: What's your, um--your last name?

[REDACTED] [REDACTED], [REDACTED]

MAZZARINI: And your first name?

[REDACTED] [REDACTED]

MAZZARINI: Middle?

[REDACTED] [REDACTED]

MAZZARINI: Date of birth?

[REDACTED] [REDACTED]

MAZZARINI: Home phone?

[REDACTED] Um, I give you my cell phone.

MAZZARINI: That's fine.

[REDACTED] [REDACTED]

MAZZARINI: And home address.

[REDACTED] [REDACTED]

MAZZARINI: Is it just [REDACTED] or spelled out [REDACTED]?

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[REDACTED] No. You don't have to spell it out.

MAZZARINI: [REDACTED] what street?

MAZZARINI: [REDACTED]

[REDACTED] Street.

MAZZARINI: Uh huh.

MAZZARINI: [REDACTED] and do you work right now?

MAZZARINI: What do you do for work?

[REDACTED] Landscaping.

MAZZARINI: And do you have a work address?

[REDACTED] I don't. I—My—I go with my boss to work every morning.

MAZZARINI: Okay. What about a work phone number?

[REDACTED] Um, my cell phone.

MAZZARINI: Okay. Okay. That's fine, 'cause what I'm going to do basically is just, uh, ask you the story. You're going to tell me what you saw or heard, and then after, um, you're done explaining the whole scenario to me, I'm just going back and ask a few more questions.

[REDACTED] Alright.

MAZZARINI: Okay? Go ahead and, uh, start.

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██████████ Basically happened, we got there. My girlfriend used the bathroom. We ordered some food. I went back outside to get some change for some things out of the machine. Um, on the way back in, I saw two guys starting a fight.

MAZZARINI: So did you already get your food?

██████████ No. We're still waiting for food.

MAZZARINI: So you just ordered food?

██████████ Yeah. Um, and then I saw two guys starting to fight, and we're just inside watching the fight. Then another guy came out, and one of the guys fought him one on one, and then the cops showed after like three or four people were holding one guy down for a while.

MAZZARINI: Um hmm.

██████████ Cops show—showed up. Um, then one of the guys started chasing the other guy down the parking lot, and one of these got shot.

MAZZARINI: Okay, who, who shot him?

██████████ Cop.

MAZZARINI: Okay. Okay, so you went out to your car to get some change. Um, on your way back in...

██████████ Um, there were—There was an employee and a civilian arguing.

MAZZARINI: What did the other guy look like?

██████████ The civilian?

MAZZARINI: Yeah.

██████████ Um, uh, maybe 5-10, somewhere around there.

MAZZARINI: White, Hipanic?

██████████ Hispanic. He had a black and green t-shirt on and jeans.

MAZZARINI: Could you tell what they were arguing about? Um, so when they were arguing, what, what happened?

[REDACTED] They just started to fight.

MAZZARINI: Like, were they standing up or?

[REDACTED] They're standing up. Yeah.

MAZZARINI: Were they throwing punches, or could you tell?

[REDACTED] They were trying to swing on them. They were throwing them. Yeah.

MAZZARINI: Like, like both of them back at--

[REDACTED] Yeah.

MAZZARINI: —back at one another?

[REDACTED] Yeah.

MAZZARINI: Could you tell if they actually struck each other?

[REDACTED] Uh, yeah. A couple times, I know they did.

MAZZARINI: Do you know who hit who?

[REDACTED] Pretty sure they hit each other.

MAZZARINI: Could you tell how many times?

[REDACTED] No.

MAZZARINI: Like, two to three?

[REDACTED] At least five to six, probably.

MAZZARINI: And then what happened?

[REDACTED] Um, then another employee came out of the restaurant

MAZZARINI: Um hmm.



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[REDACTED] and fought the civilian for a little while.

MAZZARINI: Like one on one?

[REDACTED] Yeah.

MAZZARINI: Okay.

[REDACTED] And then, like, three or four employees held the civilian down on the ground.

MAZZARINI: So they took him to the ground?

[REDACTED] They just held him down. They weren't doing really doing anything. They just...

MAZZARINI: —Okay. When the second guy

[REDACTED] —Held him down.

MAZZARINI: —came out again to fight with him, how—did they hit each other, or could you...

[REDACTED] Um, I don't know, man.

MAZZARINI: So they were just yelling at each other?

[REDACTED] No. I mean everyone's shoving around. I don't think they were fighting at all.

MAZZARINI: Okay. And then you said--Were there already employees outside or did more come out?

[REDACTED] Um, I think there's already like nine employees outside,

MAZZARINI: Okay.

[REDACTED] and another one or two came out.

MAZZARINI: Okay.

[REDACTED] And then they're just restraining the guy, 'cause they held him down for a minute, and then they let him up, and he just wouldn't stop trying to fight.

MAZZARINI: So they came out and took him to the ground. They held him down on the ground for a minute.

[REDACTED] Yeah. They let him up after that, and then he just went back and tried fighting with him.

MAZZARINI: What did he do once they let him up?

[REDACTED] Once they let him up, he started—he was just trying to fight with the first person, not doing very much.

MAZZARINI: Do you know if the guy, he began to fight with a gun, was one of the original guys he was fighting with, or could, could you tell?

[REDACTED] Uh, with a gun?

MAZZARINI: No.

[REDACTED] Oh.

MAZZARINI: Once...

[REDACTED] Um...

MAZZARINI: Once they let him up, would he begin?

[REDACTED] I don't know who he was fight with,

MAZZARINI: Okay.

[REDACTED] actually.

MAZZARINI: Okay, and then what happened?

[REDACTED] Um, they pinned him back down.

MAZZARINI: Pinned him

[REDACTED] They just...

MAZZARINI: down again?

[REDACTED] They were just restraining him 'til the cops got there.

MAZZARINI: How many of them were holding him down?

[REDACTED] Uh, three or four, four.

MAZZARINI: So they held him down, and then the police arrived?

[REDACTED] Then the police arrived.

MAZZARINI: And then what happened?

[REDACTED] They, um, let him go, and he started—and, um, one of the employees that he was fighting with started walking towards the cop, and he got up and started chasing him, and the employee tripped over a little curb and just...

MAZZARINI: Okay. Okay, let me back.

[REDACTED] Okay.

MAZZARINI: There's something I wanted to ask you. Okay, once, um, they allowed him to get back up once the police were there,

[REDACTED] Yes.

MAZZARINI: and then at that point, the employee started walking towards the police?

[REDACTED] Yeah.

MAZZARINI: Okay.

[REDACTED] And the civilian, um, started chasing him, and the employee tripped a little curb things, and, um, the civilian was like—He ran up and started fighting with him, even though the cops were there and all that.

MAZZARINI: And after the employee tripped and fell on the ground, what did the guy do to him?

[REDACTED] He just got to him, started fighting with him.

MAZZARINI: Like, was he hitting him?

[REDACTED] Yeah. He's hitting him.

MAZZARINI: While he was on the ground?

[REDACTED] Yeah.

MAZZARINI: Okay. Then what happened?

[REDACTED] Um, at that point, the cop got up to where they were, then and I think he had a taser stun gun one of the two out at first, and I don't know if he used it or not, but he backed off a couple feet and shot at the civilian.

MAZZARINI: So the officer, he backed up?

[REDACTED] Yeah. He backed off a couple feet. Then shot the civilian.

MAZZARINI: Did he re holster his taser, you think?

[REDACTED] I'm not sure. It was on the—It was on his left side. I didn't see

MAZZARINI: You...

[REDACTED] what he did with it.

MAZZARINI: You couldn't tell if he was holding it, or what he was doing?

[REDACTED] No.

MAZZARINI: He just backed up, and then he drew his other gun?

[REDACTED] Yeah.

MAZZARINI: Okay. Did you tell—Do you hear the officer saying anything?

[REDACTED] No. Actually, I couldn't even hear the gun shot.

MAZZARINI: Oh really?

[REDACTED] Yeah.

MAZZARINI: Did you see it?

[REDACTED] Yeah. I saw it.

MAZZARINI: You just didn't, didn't really register?

[REDACTED] Unh uh.

MAZZARINI: Could you tell how many times?

[REDACTED] I only noticed once when it was shot.

MAZZARINI: Okay. When the officer fired the round was, um—was the civilian on the ground, or was he

[REDACTED] No.

MAZZARINI: standing up?

[REDACTED] He was still standing up.

MAZZARINI: Right.

[REDACTED] After he fired, the civilian was on the ground.

MAZZARINI: Okay. So when he was punching the guy, you said he was punching him?

[REDACTED] Yeah.

MAZZARINI: The o—Did the officer say anything to him at that point?

[REDACTED] Well, the—this officer was like right there, maybe a foot, two feet away from him, and he had a taser in his hand. I'm not sure whether he used it or not.

MAZZARINI: Okay.

[REDACTED] And then that's when he backed off and...

MAZZARINI: Drew his gun?

[REDACTED] Yeah.

MAZZARINI: And then he fired one round.

[REDACTED] Yes.

MAZZARINI: But the guy was—Was he still leaning over when the officer fired, or did

[REDACTED] I think both of them

MAZZARINI: he stand up?

[REDACTED] were up by the time...

MAZZARINI: When the officer backed off?

[REDACTED] Yeah.

MAZZARINI: So was, was the civilian standing when he got shot?

[REDACTED] Yes.

MAZZARINI: And then after, after the officer fired the round, then what happened?

[REDACTED] Um, he handcuffed both the civilian and the employee.

MAZZARINI: I mean did he like fall or?

[REDACTED] He, he didn't fall. He just kind of like fell, like dropped to his knees and on the side.

MAZZARINI: Okay. Okay. Did you notice any other injuries on any of the guys?

[REDACTED] Couple scraped elbows, is about it. Maybe, a busted lip.

MAZZARINI: Okay. Did you see any other weapons around?

[REDACTED] I didn't see any weapons.

MAZZARINI: Okay. Okay, and what happened after that?

[REDACTED] Um...

MAZZARINI: You said they handcuffed him?

[REDACTED] Yeah. They handcuffed him and just left him right there where he was laying the whole time.

MAZZARINI: And then what happened?

[REDACTED] They loaded him on a gurney and took him off.

MAZZARINI: Okay, so the paramedics arrived,

[REDACTED] Yeah.

MAZZARINI: and did any other officers, officers?

[REDACTED] Um, yeah, there were a couple cop cars there by then, and the fire department was there.

MAZZARINI: Okay, so during this—so during this entire incident, you said you did not hear a gunshot?

[REDACTED] I don't recall one, no.

MAZZARINI: Okay. What makes you think that the guy got shot?

[REDACTED] Uh, well, I saw the officer pull out the gun. And pretty much smoke came from the gun in his hands, and the guy dropped, and he was bleeding.

MAZZARINI: Okay. Could you tell where he got shot at?

[REDACTED] Um, on the right back,

MAZZARINI: Okay.

[REDACTED] lower back.

MAZZARINI: Um, and during this whole incident, you didn't hear the officer say anything to him.

[REDACTED] I was inside so... Unh uh.

MAZZARINI: So had you already walked past?

[REDACTED] I was inside by the time the

MAZZARINI: Okay.

[REDACTED] officer got there.

MAZZARINI: Okay, so the guys are fighting when—as you're walking by, and you just continue to go

[REDACTED] —They

MAZZARINI: —into the restaurant?

[REDACTED] just started to like get in each faces as I was going in the restaurant. Yeah.

MAZZARINI: Okay, so you didn't really hear much. You just...

[REDACTED] —No.

MAZZARINI: Okay. But you stand—You contin—You continued to

[REDACTED] —Yeah.

MAZZARINI: —stand at

[REDACTED] —I kept standing.

MAZZARINI: the door?

[REDACTED] —continued to watch. (laugh)

MAZZARINI: About how far were you from, from him?

[REDACTED] Um, about 5 or 6 feet.

MAZZARINI: Okay, so from the inside of the door to where all this was occurring, was about 5 or 6 feet away?

[REDACTED] Yes.

MAZZARINI: Okay. Okay. Is there anything else you can add that you think might be important?



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[REDACTED] No?

MAZZARINI:

Okay. Um, if I have any other questions, I will give you a call.

[REDACTED] Okay.

**[END OF TRACK DM100002, DURATION: 14:28]**

DGS:jej

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9-25-07

**EVIDENCE TAPE**

People v. ISAAC SERRANO  
RIF 136250  
Transcript of Interview with [REDACTED]  
March 24, 2007  
074137

Key:           NEVINS:           Eric Nevins, Investigator, District Attorney's Office

[REDACTED]           [REDACTED] Witness

**[BEGINNING OF TRACK [REDACTED] DURATION: 09:23]**

NEVINS:           And this is the correct spelling and everything, [REDACTED]?

[REDACTED]           Yes.

NEVINS:           Do you have a middle name?

[REDACTED]           [REDACTED]

NEVINS:           [REDACTED]

[REDACTED]           Yes.

NEVINS:           Like that?

[REDACTED]           Yes, sir.

NEVINS:           Okay. And your date of birth?

[REDACTED]           Is, uh, [REDACTED]

NEVINS:           And you still go to [REDACTED]?

[REDACTED]           Yes, I do.

NEVINS:           What grade are you in?

[REDACTED]           Twelfth.

NEVINS: There you go. So you're what? Seventeen? No, no—you're nineteen.

[REDACTED] Eighteen.

NEVINS: Eighteen? That's right, you'll be...

[REDACTED] Nineteen this year.

NEVINS: You'll be nineteen this year...

[REDACTED] Yes...

NEVINS: Okay. Do you have a California Drivers License or I.D. or anything like that?

[REDACTED] No.

NEVINS: Nope? And, uh, what do you, what's your job here?

[REDACTED] I'm a cashier, and I'll be manager pretty soon.

NEVINS: This is Long John Silver, right?

[REDACTED] Yes, it is.

NEVINS: What's the phone number here?

[REDACTED] Uh, [REDACTED]

NEVINS: [REDACTED]

[REDACTED] Uh huh.

NEVINS: Okay. What's your home address?

[REDACTED] [REDACTED]

NEVINS: Is that a house or apartment?

[REDACTED] It's a house.

NEVINS: City?

[REDACTED]

[REDACTED]

NEVINS: Zip code?

[REDACTED]

[REDACTED]

NEVINS: And your home phone number?

[REDACTED]

[REDACTED]

NEVINS: Do you have a cell?

[REDACTED]

Yeah, but I don't know that number, though.

NEVINS: You should have it in there somewhere.

[REDACTED]

Yeah. [REDACTED]

NEVINS: [REDACTED] Okay. Okay, and where were you located when all this stuff started?

[REDACTED]

I was located over there—I was dishing the sit-down...

NEVINS: Um hmm...

[REDACTED]

Over here in the kitchen area...

NEVINS: So you were behind the end of the counter, somewhere right over here, or further back in the kitchen?

[REDACTED]

Right here in the, where the food is prepared, mostly...

NEVINS: So right back behind the counter?

[REDACTED]

Yes, sir.

NEVINS: Okay, so you could see out, out here?

[REDACTED]

I saw everything.

NEVINS: Okay, so what happened?

[REDACTED] Okay, well, that guy is, um, like, that lady over there's husband, right?

NEVINS: Okay, what lady?

[REDACTED] The, the other lady with the blue shirt that works here.

NEVINS: Sittin' down? Okay, and who, which guy is her husband?

[REDACTED] The guy that was, started all the problems. And, um...

NEVINS: Okay, and what did—do you know his name?

[REDACTED] No, honestly, I don't.

NEVINS: What does he look like?

[REDACTED] He's, uh, he has a shaved head. He has a goatee. Hispanic. Uh, I think he's like five-seven...

NEVINS: Um hmm...

[REDACTED] He came in earlier 'cause I think he was drunk...

NEVINS: Um hmm...

[REDACTED] He went behind the counter and he said something to me, and punched me in my face.

NEVINS: Earlier?

[REDACTED] Yeah, earlier today.

NEVINS: Like with a closed fist? And, like, hard and hit you? Okay. Did he say why?

[REDACTED] No, he, he was mumbling something. He sm—he, he smelled like he was drinking.

NEVINS: Um hmm...

[REDACTED] So after that, the managers kicked him out. And, like, a few minutes later, he came back again to pick up—to pick her up. And, uh, my friend [REDACTED] who also works here...

NEVINS: Um hmm...

[REDACTED] Uh, he went outside and, I don't know, he just wanted to fight for him. And, uh, I guess he saw him. I, I guess he doesn't like me, and he doesn't like my friend [REDACTED] ..

NEVINS: Hmm...

[REDACTED] So, my friend [REDACTED] when he was out there and uh, when I came around, they were started, they already started fighting...

NEVINS: Um hmm...

[REDACTED] And uh, the other kid, [REDACTED] the seventeen-year-old, he, uh, I don't know why he went up there, either...

NEVINS: Um hmm...

[REDACTED] Uh, but, he was out there and then they started fighting him.

NEVINS: Does [REDACTED] work here also?

[REDACTED] Yes he does.

NEVINS: Okay.

[REDACTED] And, uh, well, as he was fighting—

NEVINS: Well, was it something where they were attacking, um, her husband, or he was attacking them?

[REDACTED] Well, at first, he was attacking them...

NEVINS: Um hmm...

[REDACTED] They were, they were covering themselves and then, they started attacking him.

NEVINS: Okay. And, um, but you, you don't know his name, right?

[REDACTED] Nuh uh.

NEVINS: What kind of clothes was he wearing?

[REDACTED] The husband? It was a black shirt, with blue pants.

NEVINS: So we'll just call him black, black shirt guy, okay? So they got in a fight in the parking lot out here?

[REDACTED] Yeah and then I was—

NEVINS: And you could see what was going on?

[REDACTED] Yeah. It was, I was, all right, it was me, [REDACTED] and [REDACTED] that were grabbing him...

NEVINS: Um hmm...

[REDACTED] For, like, a few seconds, to see if he'd calm down. So, uh, the manager told us to let him go, while the other manager was on the phone with you guys. Um...

NEVINS: Which manager was that?

[REDACTED] The one that was on the phone?

NEVINS: No, which manager told you to let him go?

[REDACTED] [REDACTED]

NEVINS: Which is...

[REDACTED] The guy with the black shirt. The...

NEVINS: Him? Or the other guy?

[REDACTED] The one with the glasses.

NEVINS: The one with the glasses, okay.

[REDACTED] He told us to let him go. We were all gonna walk back in here, and we told him to stay outside...

NEVINS: Um hmm...

[REDACTED] He pulled, uh, something out of his car...

NEVINS: Something like what?

[REDACTED] It looked like a knife or something, I don't...

NEVINS: Okay.

[REDACTED] So, uh, as soon as we saw that, we started running, and um, well, the [REDACTED] kid, he, uh, he tripped on the ground—on the, in the weeds over there, and that's when he started stabbing him.

NEVINS: So the black shirt guy started stabbing [REDACTED]

[REDACTED] Yes.

NEVINS: Okay. Where was he stabbing?

[REDACTED] Like, in the torso area.

NEVINS: In the torso? And was he, like, reaching back and, and hittin' him hard with whatever he had, the knife or whatever he had? Could you see clearly what it, what it was that he had? Was it...

[REDACTED] Not clearly. I don't know if it was scissors, a knife or, I don't know...

NEVINS: So it was some kind of metal object, it looked like scissors or a knife? Okay. Did the, did—could you see any colors? Like, did it have a, a black handle or an orange handle or anything like that, or could you just see the metal?

[REDACTED] It was black and, of course, the metal.

NEVINS: And the metal, can you see how long it was? Was it as long as my pen, or shorter...



[REDACTED] Probably just about as long as the pen.

NEVINS: And if I, if I tell you this is about, let's say about six-inches, does that sound about right?

[REDACTED] Uh, probably, 'cause he was holding it and only a little bit was coming out.

NEVINS: So the whole knife was this length? Okay. So the blade was actually probably about half of that length? So it was about a three-inch blade? And how many times do you think he stabbed him?

[REDACTED] Two—no, three or four times.

NEVINS: And then what happened?

[REDACTED] And that's when you guys arrived, and the, I guess the guy shot him.

NEVINS: And, uh, have you seen the guy in the black shirt prior to today? How did you know that this, that was her husband?

[REDACTED] 'Cause, uh, he always comes and picks her up.

NEVINS: I'm sorry, he always comes and picks her up. So, you've seen him before? You recognize him?

[REDACTED] Yes.

NEVINS: Okay. If you, if, if I ask you if you had seen him, say, more than ten times would that—more than twenty, I mean, about how many times do you think you've seen him before?

[REDACTED] Like, six days a week.

NEVINS: Six—for how long?

[REDACTED] Well, I know he comes and sits down and waits for her...

NEVINS: Uh huh...

[REDACTED] And then they leave.

NEVINS: No, no, I mean, like, going how far back, like six months, a year...

[REDACTED] Ever since I've started working, like, six months ago.

NEVINS: Okay. And what's, what's his wife's name that's sittin' over here?

[REDACTED] [REDACTED]

NEVINS: [REDACTED]

[REDACTED] Um hmm.

NEVINS: Do you know her last name?

[REDACTED] No.

NEVINS: Okay. Anything else you think I should know about? Did you think he was gonna kill your friend [REDACTED] if the police didn't arrive soon?

[REDACTED] Um, if they didn't stop him. Even when you guys were, when you guys came, he was still going to it, that's why they shot him.

NEVINS: Okay, I appreciate your time. Uh, somebody else might want to talk to you briefly before you leave today, okay?

[REDACTED] Okay.

NEVINS: Thanks.

[END OF TRACK [REDACTED] DURATION: 09:23]

**EVIDENCE TAPE**

People v. ISAAC SERRANO  
RIF 136250  
Transcript of Interview of [REDACTED]  
March 24, 2007  
074137

Key:	RYAN:	DA Inv. Ted Ryan
	[REDACTED]	[REDACTED]
	UNKNOWN:	Unknown Officer
	MOM:	[REDACTED] Mother
	DAD:	[REDACTED] Father
	[REDACTED]	[REDACTED] [REDACTED] Brother

[BEGINNING OF TRACK: [REDACTED] DURATION: 08:05]

RYAN: It is, uh, March 24<sup>th</sup>, 2007 at 1810 hours, and I'm talking with [REDACTED] [REDACTED]  
what's your last name?

[REDACTED] [REDACTED]

RYAN: [REDACTED]

[REDACTED] [REDACTED]

RYAN: .. [REDACTED] okay. [REDACTED] do you know where you live? Do you know  
your address of your house?

[REDACTED] Um, [REDACTED]

RYAN: [REDACTED] can you spell that street name for me?

[REDACTED] [REDACTED] ..

RYAN: Uh huh.

[REDACTED] .. [REDACTED] I think.

RYAN: ... [REDACTED] [REDACTED]?

[REDACTED] Yeah.

RYAN: ... [REDACTED]

[REDACTED] Yeah.

RYAN: Is that here in [REDACTED]?

[REDACTED] Yeah.

RYAN: Okay. Do you know your phone number?

[REDACTED] Um, [REDACTED]...

RYAN: [REDACTED]...

[REDACTED] [REDACTED]..

RYAN: [REDACTED]...

[REDACTED] [REDACTED]

RYAN: [REDACTED] great.

OFFICER: I've got Mom's information

RYAN: Oh, okay, great.

MOM: Hi.

RYAN: Hi, how are you? I'm Ted Ryan with the District Attorney's office, and just wanted to talk to [REDACTED] real quick, so I'm glad you're here.

MOM: Yeah.

RYAN: Uh, is your address [REDACTED]?

MOM: Yeah.

RYAN: Very good, he knows, he knows it.

MOM: Yeah, he's good.

RYAN: Is your phone number, uh, [REDACTED]?

MOM: Yeah.

RYAN: Very good. That, that's all, that's great.

[REDACTED] I'm very good at directions.

RYAN: Okay, how old are you [REDACTED]

[REDACTED] Nine.

[REDACTED] Nine.

RYAN: Nine years old? Okay, what's, uh, what's your birth date?

[REDACTED] Uh, [REDACTED]..

MOM: [REDACTED]

[REDACTED] Yeah, [REDACTED]

RYAN: [REDACTED]? Great, and I see you have [REDACTED] hair.

[REDACTED] [REDACTED] eyes.

RYAN: [REDACTED] eyes? How tall are you?

[REDACTED] How tall am I?

RYAN: About.

MOM: Uh, I know he's under [REDACTED] feet. [REDACTED] how tall, [REDACTED] [REDACTED] how tall is [REDACTED]?

DAD: Uh, [REDACTED]

RYAN: Nah, it's [REDACTED] feet. He's not [REDACTED] feet.

MOM: He's not [REDACTED] feet. He's under [REDACTED] feet.

DAD: Okay.

RYAN: I'd say...

MOM: [REDACTED]..

RYAN: Okay.

MOM: We haven't measured him lately.

RYAN: [REDACTED]foot?

[REDACTED] You know I'm [REDACTED]pounds.

RYAN: Oh, [REDACTED]foot, why don't you stand up right here, see...oh, you are pretty tall. You're about [REDACTED] at least.

MOM: 'Cause, I'm [REDACTED], so...

RYAN: Yeah, he's about, almost, you're almost [REDACTED] How much do you weigh?

[REDACTED] [REDACTED]pounds, I mean, I weigh [REDACTED].

RYAN: Oh, man, you're about to be a football player pretty soon.

[REDACTED] I only weigh [REDACTED]pounds.

RYAN: That's all? That's big. Okay, [REDACTED] uh, did you see or hear anything?

[REDACTED] Well, I saw them fighting a little bit.

RYAN: You did.

[REDACTED] Uh, I don't...

RYAN: What else did you see? Did you see, uh...

[REDACTED] Um, we were standing, um, by the register, and then the people went out, and then we, we saw what, we, uh, looked what they were, saw what they were doing, and we saw two people fighting.

RYAN: You saw two people fighting? Where did you see 'em fighting at?

[REDACTED] Right, uh, like, right there.

RYAN: Inside or on the outside?

[REDACTED] Outside.

RYAN: Okay, and the two people you saw fighting, uh, what did they look like? Were they tall, short?

[REDACTED] They were tall.

RYAN: Tall, okay. Did they look old or young or...

[REDACTED] They were, like, normal.

RYAN: Normal, just...

MOM: Well, what, they weren't as old as me, were they?

[REDACTED] No.

RYAN: Okay. No, so they were a little younger?

MOM: Like teenagers?

[REDACTED] Yeah, no, they were adults.

MOM: Yeah.

RYAN: Um, do you remember what color their hair was, or did you see, they, were you able to see their hair?

[REDACTED] I think, I think I saw one.

[REDACTED] I saw one.

[REDACTED] I think one was, uh, like, black hair.

RYAN: Black hair, okay. Do you remember what kind of clothes they had on?

[REDACTED] No.

[REDACTED] No.

UNKNOWN: What's your other son's name, here?

MOM: [REDACTED]

RYAN: Did you see, what else did you, did you see anything else besides them fighting outside?

[REDACTED] No, and then, they, four people had to hold them down.

RYAN: Wow, saw four people hold them down, huh? What happened after they were holding them down?

[REDACTED] Then, um, one was walking away, and then the other guy came loose, uh, was, uh, he pretended he was gonna walk away, too, but he ran towards the, uh, um, other guy, and he looked like he was pulling something out of his pocket.

RYAN: Ooh, okay. So, you saw four people holding him down, but the one guy got up, got away, and then he looked like he...

[REDACTED] He looked, he...

RYAN: ...was gonna get something out of his pocket?

[REDACTED] Yeah, and then he ran towards the other guy.

RYAN: Okay. Okay, so he reached for something in his pocket, and then what happened?

[REDACTED] The police came, then I think shot them with rubber balls.

RYAN: Oh, did you see, did you see 'em do that or were you...

[REDACTED] I just heard the, uh, pop.

RYAN: You heard a pop, okay?

MOM: Pop-pop, two pops.

RYAN: Okay.



[REDACTED] Pop-pop, really quick.

RYAN: So, after the one guy, he was, had something that you saw, reached in his pocket and then what did you see and...

[REDACTED] I didn't really see him pull out...

RYAN: You didn't see him pull anything out or you just...

[REDACTED] I didn't see him.

RYAN: ...he just got, got away.

[REDACTED] He had a cloth in his hand.

RYAN: Had a cloth?

[REDACTED] Cloth.

RYAN: Was it...

MOM: Like a rag?

[REDACTED] Yeah.

RYAN: What color, do you remember?

[REDACTED] Like, light blue.

RYAN: Light blue? Okay, and then the police came, and then you heard a pop noise?

[REDACTED] Yeah.

RYAN: Popping noise?

[REDACTED] Actually, two pops.

RYAN: Okay. Did you, uh, hear anything else after that or see anything else or that was it?

[REDACTED] Uh, they got handcuffed.

RYAN: Okay. How many people got handcuffed?

[REDACTED] Two.

[REDACTED] Two.

RYAN: The same two that were fighting?

[REDACTED] Yeah.

[REDACTED] Yeah.

UNKNOWN: And, uh, [REDACTED] what's your birthday?

[REDACTED] Uh...

UNKNOWN: You knew everybody else's.

RYAN: After that what did you see?

[REDACTED] The, uh, fire truck and the ambulance.

RYAN: Okay, and then you saw the fire truck and ambulance? Oh, okay.

[REDACTED] Yeah, I remember that.

UNKNOWN: And you're gonna be seven?

[REDACTED] Yeah. How does he know that?

RYAN: Is there anything else?

UNKNOWN: I do the math in here.

[REDACTED] Uh, one got into the back of the police car.

RYAN: Uh huh.

[REDACTED] And then, uh, they set him free, but they, he had, made him sat, sit down, and handcuffed uh...

[REDACTED] Handcuffed him.

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RYAN: Handcuffed him?

[REDACTED] Yeah.

RYAN: And that was, well, did you see anything else or is that all?

[REDACTED] No, that's all.

RYAN: Okay. Perfect. Thank you very much.

[REDACTED] You're welcome.

RYAN: I appreciate it. You helped me out a lot.

**[END OF TRACK: [REDACTED] DURATION: 08:05]**

DGS:jg  
07-384-L  
10/3/07

**EVIDENCE TAPE**

People v. Isaac Serrano

RIF 136250

Transcript of Interview with [REDACTED] and [REDACTED]

March 24, 2007

074137

Key:           ALVAREZ:           Officer Daniel Alvarez  
                 [REDACTED]           [REDACTED] Witness  
                 [REDACTED]           [REDACTED] Witness  
                 MEYER:           Officer Meyer  
                 BLOOMFIELD:       Officer Bloomfield

**[BEGINNING OF TRACK: CD01TRACK01, DURATION: 10:26]**

ALVAREZ:           Sorry for the delay. We're trying to get chatting to you here as soon as we can ... Did you see anything?

[REDACTED]           I didn't see anything.

ALVAREZ:           Did you hear anything?

[REDACTED]           Nope.

ALVAREZ:           You didn't hear the gunshots or nothing like that?

[REDACTED]           Nope.

ALVAREZ:           What uh, what is, is this your current address?

[REDACTED]           Yes.

ALVAREZ:           What I'm doing, what I'm doing is uh, I'm going to basically take your statement saying that you didn't see anything or hear anything. That way we rule you out, we don't have to worry about you no more.

[REDACTED]           Okay.

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ALVAREZ: And then uh, and then after that, I don't know how much sooner after that you can take off, but I'll find out for you.

[REDACTED] Okay.

ALVAREZ: What's your home phone number, Sir?

[REDACTED] Uh, [REDACTED]

ALVAREZ: [REDACTED]?

[REDACTED] Yeah. [REDACTED]

ALVAREZ: Right. And is that your home or is that your uh, cell?

[REDACTED] Cell?

ALVAREZ: That's your cell?

[REDACTED] Home.

ALVAREZ: Home. Do you have a cell phone number?

[REDACTED] Uh, no.

ALVAREZ: You don't? Okay. What about a work address? Do you have a work address?

[REDACTED] Uh [REDACTED]

ALVAREZ: [REDACTED] spell it [REDACTED]

[REDACTED] [REDACTED]

ALVAREZ: [REDACTED] Okay.

[REDACTED] That's in [REDACTED]

ALVAREZ: [REDACTED]?

[REDACTED] Yeah.

ALVAREZ: What do you do?

[REDACTED] I'm a maintenance supervisor. ... It's hot.

ALVAREZ: And your uh, do you have a phone number there at work?

[REDACTED] Uh [REDACTED]

ALVAREZ: Nothing, that even, did you see the fight that was going on out there before? No? Were you sitting there the whole time?

[REDACTED] No, I was at the counter.

ALVAREZ: Oh, you were at the counter?

[REDACTED] Yeah. I was ordering my food.

ALVAREZ: Oh, okay. What, how did you find out something was happening outside?

[REDACTED] Just everyone started yelling.

ALVAREZ: Okay. Was that after the gunshots or before the gunshots?

[REDACTED] I didn't hear gunshots.

ALVAREZ: You didn't hear the gunshots? Okay.

[REDACTED] There was gunshots out there?

ALVAREZ: Yeah.

[REDACTED] Oh-ho, didn't even hear it.

ALVAREZ: Um, when you said yelling, yelling between who?

[REDACTED] The people in here.

ALVAREZ: Oh you heard people yelling here?

[REDACTED] Yeah.

ALVAREZ: Okay ... Okay. Thank you very much. You can have a seat. Oh. I wanted to keep it.

[REDACTED] Thank you.

ALVAREZ: Hello Ma'am.

[REDACTED] Hello.

ALVAREZ: Can I talk to you over here? Appreciate it. Sorry for keeping you here, but we'll get you out of here as soon as possible.

[REDACTED] Yeah.

ALVAREZ: Um, can I see your license please?

[REDACTED] Yes.

ALVAREZ: Thank you. Is this your current address?

[REDACTED] Yeah.

ALVAREZ: Okay. What's the [REDACTED] for?

[REDACTED] Hmm?

ALVAREZ: The [REDACTED] What's that for?

[REDACTED] It's um, [REDACTED], [REDACTED], [REDACTED]

ALVAREZ: And you say this is your current address?

[REDACTED] Yes.

ALVAREZ: What's your home phone number?

[REDACTED] Huh?

ALVAREZ: Your home phone number?

[REDACTED] It's uh, [REDACTED] area.

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ALVAREZ: Um hmm.

Um, [REDACTED]

ALVAREZ: Do you have a cell phone?

Yeah.

ALVAREZ: What's the cell phone?

It's uh [REDACTED]

ALVAREZ: Is it [REDACTED]

The same area.

ALVAREZ: Okay.

Yeah.

ALVAREZ: [REDACTED]

ALVAREZ: Okay. Do you work?

No.

ALVAREZ: No? Okay. Did you see anything or hear anything?

No, because I was, I sit over there.

ALVAREZ: Were you sitting over there?

I, I don't. No, my husband saw, I mean, not me, because I don't understand, I'm just, I didn't go to, I don't look out to the window.

ALVAREZ: Where's your husband?

He's over there with the other police.

ALVAREZ: Okay. Um, did you hear people scream inside here, in the restaurant?



[REDACTED] Just the two ladies there. She and the other one, the pregnant...

ALVAREZ: But you didn't, you didn't see the fight that was going on outside, nothing like that?

[REDACTED] No. When, when they started, I see it when they started fighting, but I go over there when I, when they go by that building over there. There.

ALVAREZ: Did you hear any gunshots?

[REDACTED] No.

ALVAREZ: No?

[REDACTED] No.

ALVAREZ: And, and how many people were fighting when you said you saw them fighting and they went that way?

[REDACTED] Two people.

ALVAREZ: Two?

[REDACTED] One in the blue shirt, and the other in the black shirt. That's, that's what I saw.

ALVAREZ: And which way did they, they went that way?

[REDACTED] Yeah.

ALVAREZ: You see the both of them together?

[REDACTED] Yes.

ALVAREZ: Were they, were they running or was it, was one ...

[REDACTED] Just running, they just fighting.

ALVAREZ: They were running behind?

[REDACTED] Yeah. Yeah.

ALVAREZ: Which one ran away first, do you remember?

[REDACTED] The, the black, black umm.

ALVAREZ: The black guy?

[REDACTED] Yeah.

ALVAREZ: Went that way first and then the, and then the one in blue followed him?

[REDACTED] Yeah. And, and then when they came again and the blue shirt came first, and there one behind the black, the black shirt because of they, and that's what I saw. I didn't see anything.

ALVAREZ: Were they Hispanic?

[REDACTED] I don't know, look like.

ALVAREZ: Looked liked Hispanic?

[REDACTED] Uh huh.

ALVAREZ: Both of them?

[REDACTED] No. Just like, I, I, looked um, the blue shirt was Hispanic, the other one I think maybe from Jamaica, I don't know.

ALVAREZ: Okay.

[REDACTED] Yes.

ALVAREZ: So they both ran that way and then they came back again?

[REDACTED] Um hmm.

ALVAREZ: Okay. And this time the guy in black was following...

[REDACTED] Followed the blue one.

ALVAREZ: Followed the one in blue?

[REDACTED] Yeah. Yes.

ALVAREZ: And what happened?

And the, and the blood, the guy in that blue shirt, fell down. And the other one I don't know, I don't see him. They came fast.

ALVAREZ: So the guy in the blue fell?

Yeah.

ALVAREZ: Did you see why he fell? Did he get punched?

No. Because I see, he just, just I see...

ALVAREZ: You just saw him fall. And were they hitting each other, is that how they were fighting? How were they fighting?

Um, when they started, I saw with the, the...

ALVAREZ: With the fists?

Yeah.

ALVAREZ: What about when they came back, you're not sure?

No. No.

ALVAREZ: Is that all you saw?

Yeah.

ALVAREZ: Okay.

I stay there.

ALVAREZ: If you saw their faces again, would you recognize them?

No, I, I don't, I don't know.

ALVAREZ: Okay.

No.

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ALVAREZ: Did you see when the officers were there or not?

[REDACTED] Huh?

ALVAREZ: Did you see when the officers were there?

[REDACTED] No.

ALVAREZ: You didn't see the officers there or nothing like that?

[REDACTED] No.

ALVAREZ: And you were sitting at that same spot right there?

[REDACTED] Yes. I was eating, I was eating the lunch, that's why. And I don't understand not, I don't like that. Um hmm. 'Cause I hear when, when some people say, ah, "shoot it, shoot it." But I don't know. I don't know, I didn't see it happen.

ALVAREZ: Okay. Now if you want to go back there.

[REDACTED] Okay.

ALVAREZ: Thank you.

MEYER: Talk to her?

ALVAREZ: What's that?

MEYER: Did you talk to her?

ALVAREZ: I got this gentlemen right here.

HACKETT: What's his last name?

ALVAREZ: It's [REDACTED]

BLOOMFIELD: [REDACTED] And you talked to the lady too?

ALVAREZ: Uh huh, the lady in blue. And her last name is [REDACTED]

HACKETT: Spell that.

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ALVAREZ:

[REDACTED]

HACKETT:

[REDACTED]

BLOOMFIELD:

These guys are all rolling tape. If not, then they're going to have to redo them all.

HACKETT:

Okay.

ALVAREZ:

I'm rolling.

**[END OF TRACK: CD01TRACK01, DURATION: 10:26]**

DAS:kd

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09/24/07

**EVIDENCE TAPE**

People v. Isaac Serrano  
RIF 136250  
Transcript of Interview with [REDACTED]  
March 24, 2007  
074137

Key: FIEN: Officer Branden Fien

[REDACTED] [REDACTED]

**[BEGINNING OF TRACK WS10183, DURATION: 01:46]**

FIEN: What's your first name?

[REDACTED] [REDACTED]

FIEN: [REDACTED], [REDACTED]?

[REDACTED] [REDACTED]

FIEN: Middle name?

[REDACTED] I don't have middle name.

FIEN: Last name?

[REDACTED] [REDACTED]

FIEN: How do you spell it?

[REDACTED] [REDACTED], [REDACTED]

FIEN: Hold on. [REDACTED]

[REDACTED] [REDACTED]

FIEN: Hold on slow down.

[REDACTED] [REDACTED] I don't know the last one.

FIEN: [REDACTED]

[REDACTED] Yeah.

FIEN: [REDACTED] okay. What's your birth date?

[REDACTED] [REDACTED]

FIEN: What year?

[REDACTED] [REDACTED]

FIEN: [REDACTED] What's your address?

[REDACTED] Oh I don't exactly.... its [REDACTED]

FIEN: [REDACTED]?

[REDACTED] Yeah [REDACTED]

FIEN: [REDACTED] What's your phone number?

[REDACTED] [REDACTED]

FIEN: [REDACTED]

[REDACTED] [REDACTED]

FIEN: [REDACTED]

[REDACTED] [REDACTED]

FIEN: Okay and what do you do here?

[REDACTED] Um, right here I'm the, I'm the cook and the helper for the cooks.

FIEN: Okay um, okay you didn't see anything?

[REDACTED] I didn't see anything.

FIEN: Okay, were you back there?

[REDACTED] I'm uh, I—no I was right here.

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FIEN: Okay.

[REDACTED] This my jobs right here with all the cooks.

FIEN: Okay.

[REDACTED] So.

FIEN: [REDACTED]

[REDACTED] I supervise for the cook you know.

FIEN: Okay. Okay cool thank you.

[REDACTED] Okay, I know.

**[END OF TRACK WS10183, DURATION: 01:46]**



**EVIDENCE TAPE**

People v. Isaac Serrano  
RIF 136250  
Transcript of Interview with [REDACTED]  
March 24, 2007  
074137

Key: FIEN: Officer Branden Fien

[REDACTED] [REDACTED]

FEMALE: Unknown Female

**[BEGINNING OF TRACK WS10182, DURATION: 02:22]**

FEMALE: Yeah, because he's always right here in the back so he couldn't see.

FIEN: Yeah we just wanted to talk to everybody whether they saw anything or not. Um, you go by what [REDACTED] right?

FEMALE: Yeah.

FIEN: [REDACTED] okay. Um, what's his first name?

FEMALE: Su primer nombre?

*What is your first name?*

[REDACTED] [REDACTED]

FIEN: [REDACTED]

[REDACTED] Yeah.

FIEN: How, how, how do you spell that?

FEMALE: [REDACTED]

FIEN: Uh huh.

[REDACTED] [REDACTED]

FEMALE: [REDACTED]

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[REDACTED]

[REDACTED]

FEMALE:

[REDACTED]

FIEN:

Middle name?

FEMALE:

Nombre de en medio tiene?

*Do you have a middle name?*

[REDACTED]

Eh um, eh [REDACTED]

FIEN:

[REDACTED]

FEMALE:

[REDACTED]

FIEN:

And last name?

[REDACTED]

[REDACTED]

FEMALE:

[REDACTED]

FIEN:

How do you spell that?

FEMALE:

[REDACTED]

[REDACTED]

[REDACTED]

FEMALE:

[REDACTED]

[REDACTED]

[REDACTED]

FEMALE:

[REDACTED]

[REDACTED]

[REDACTED]

FEMALE:

[REDACTED]

[REDACTED]

[REDACTED]

FEMALE:

[REDACTED]

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[REDACTED] [REDACTED]

FEMALE: [REDACTED]

[REDACTED] [REDACTED]

FEMALE: [REDACTED]

[REDACTED] [REDACTED]

FEMALE: [REDACTED]

[REDACTED] [REDACTED]

FIEN: [REDACTED]

[REDACTED] Yeah.

FIEN: What's his birth date?

FEMALE: Cuando naciste?

[REDACTED] [REDACTED]

FEMALE: [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

FEMALE: [REDACTED]

FIEN: [REDACTED]

FEMALE: Dirección?

[REDACTED] Es um, [REDACTED]

FEMALE: [REDACTED]

[REDACTED] [REDACTED]  
[REDACTED]

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FEMALE:

FIEN:

FEMALE:

FIEN:

FIEN:

Yeah

FIEN:

Yeah?

Yeah

FIEN:

Phone number?

FIEN:

What is it?

FEMALE:

Um,

FEMALE:

FIEN:

What is he here? Is he... a cook? And he didn't see anything he was back there?

FEMALE:

No oíste nada no.

*Did you hear anything no?*

FIEN:

What time did he start work today?

FEMALE:

¿A que hora empezaste a trabajar?

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*What time did you start work today?*

[REDACTED] A las 5:00.

*At 5:00.*

FEMALE: Five.

FIEN: So same time you did? Okay [REDACTED]?

[REDACTED] Si.

*Yes.*

FIEN: Okay, gracias.

*Okay, thank you.*

**[END OF TRACK WS10182, DURATION: 02:22]**

DS:nh

R-07-384-F

10/05/07

**EVIDENCE TAPE**

People v. Isaac Serrano  
RIF 136250  
Transcript of Interview with [REDACTED]  
March 24, 2007  
074137

Key: FIEN: Officer Branden Fien

[REDACTED] [REDACTED]

**[BEGINNING OF TRACK WS10181, DURATION: 21:59]**

FIEN: Okay what's your first name?

[REDACTED] [REDACTED]

FIEN: Do you have your I.D. on you?

[REDACTED] No.

FIEN: How do you spell your first name?

[REDACTED] [REDACTED]

FIEN: What's your middle name?

[REDACTED] [REDACTED] no that's my middle name, my first one is [REDACTED]

FIEN: First name is [REDACTED]?

[REDACTED] Yeah, but I always use [REDACTED] because I don't like [REDACTED]. To many [REDACTED]

FIEN: [REDACTED] what your last name?

[REDACTED] [REDACTED]

FIEN: [REDACTED]

[REDACTED] Uh huh.

FIEN: What's your birth date?

[REDACTED] [REDACTED]  
FIEN: And um, what's your address?

[REDACTED] It's um, [REDACTED]

FIEN: [REDACTED]

[REDACTED] Uh huh. [REDACTED]

FIEN: House or apartment?

[REDACTED] House.

FIEN: [REDACTED]?

[REDACTED] Yes.

FIEN: You live in [REDACTED]?

[REDACTED] Yes.

FIEN: What's your home phone number?

[REDACTED] It's um, I don't have a phone number, my cell phone is [REDACTED]

FIEN: Okay, and um, you know the address here?

[REDACTED] It's um, [REDACTED]?

FIEN: [REDACTED]

[REDACTED] Something like that yeah. I can look it up.

FIEN: It's okay. You know the phone number here?

[REDACTED] ...it's um, [REDACTED]

FIEN: [REDACTED]

[REDACTED] [REDACTED]

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FIEN: And what's your job here?

[REDACTED] Um, a shift manager.

FIEN: Okay, so [REDACTED], [REDACTED]

[REDACTED] Okay um, he was here earlier. Did he already told you about it?

FIEN: No, I don't know anything that's going on so you kind of gotta tell, tell me what happened or who you know.

[REDACTED] Okay, he was here earlier.

FIEN: Who is he?

[REDACTED] The, the person, I don't know his name but he's one of husband of the one that works here the employee. He's the husband of one of the employees alright.

FIEN: Okay.

[REDACTED] So he was—my sister called me like around 2:30 and told me you know, be careful you know, because um, [REDACTED] husband went and threatened me inside. I was on drive-thru and he went and pointed at me and started saying that you know, hey bitch and all that cussing words.

FIEN: Pointed what?

[REDACTED] You know pointed at her face like that with her finger, his finger at her and then she said—I just called her and she said that yeah she give you the number of her cell phone too. And um, and I guess um, he was—when I got—oh she told me this because you know, because he knows we're sisters so she's like just beware because I don't want him to do something to you because he doesn't seem like he's okay. And um, because he already threatened me, and then I was like okay. So I came and I saw him on this grey car so I walked on this side and when I got inside I saw him getting out of the car you know, but he, I thought he was waiting for his wife you know, because she gets off at five. So um, when I went to leave my purse I saw on the camera that he was inside and I was just about to say something but I guess they were arguing I don't know.

FIEN: Who, who was arguing?



[REDACTED] The, the, the guys name, I don't know the guy with the employees, you know with the kids employees. So I guess they took him outside because when I went out there they were already arguing they were starting to fight. So what I did I came inside and grabbed the phone and called 911.

FIEN:

Okay.

[REDACTED] So then later on he start beating one of the guys that is white which is, he was—he's one of the employees. So he took his shirt off because I guess—I don't know why he took his shirt off. So he took his shirt off and and he started fighting with him then he started fighting with the other guy you know that got stabbed. [REDACTED] his name is [REDACTED]

FIEN:

When did [REDACTED] when did [REDACTED] get stabbed today?

[REDACTED] I think he did, -- well he-- he did because that's why they shot him.

FIEN:

Oh okay.

[REDACTED] Because I was there and then they, they were holding him down over here on that, that sidewalk. They were holding him you know. I don't know why they let him go. They were holding him down and I told the person that was on the phone, that lady, and said "they are holding him down that way he will not move you" know, and not hurt anybody else. And then I guess the, the shift man you know, [REDACTED] was there so I don't know maybe he, he you know, he thought he was had enough and he was going to leave but I saw him getting his hand on his pocket on this side. Then I, I see he's getting something out but I didn't know what it was so my kid ran because he saw he was getting I guess, he saw that he was getting his hand on the pocket and he fell right over there and then it's when he starts stabbing him. I could hear him scream and that's when the police ran and and shot him. I don't know if they shot him or I don't know what they did but I heard a noise so I ran inside and then I was panicked and that's all I know.

FIEN:

Okay. Okay, let's let's kind of start over again and go a little slower because I'm kind of confused. Okay um, this guy—do you know his name?

[REDACTED] I don't know his name.

FIEN:

Okay and he is the husband of one of your employees?

[REDACTED] Yes.

FIEN: What's your employee's name?

[REDACTED] [REDACTED]

FIEN: And is she—did you say she's your sister?

[REDACTED] No she—my sister was working her today and he came and threatened her.

FIEN: Your sister?

[REDACTED] Yes.

FIEN: Why did he threaten your sister?

[REDACTED] I don't know, I have no clue. She just told me just be careful when you go the restaurant because I don't want him to say something. That's why he said—I, I called her up right now and I said "he was here again." And then he, she was like "how can he go inside the restaurant" you know, because she was gonna call you guys but the GM didn't let her. And you want her name? She said she could—you can call her anytime.

FIEN: Yeah, we'll get all that. Um, what time did you start work today?

[REDACTED] Um, 5:00.

FIEN: Five? Okay, and what time does your sister get home?

[REDACTED] I don't know because when I got here, when I received the call she was already at home because she couldn't stay here because she was so nervous and and mad and everything.

FIEN: So he was here earlier today?

[REDACTED] Yes.

FIEN: And he was threatening your sister?

[REDACTED] Yes.

FIEN: Was he threatening the other girl?

[REDACTED] What girl? The, his his wife?

FIEN: Yeah.

[REDACTED] No, I don't know.

FIEN: Is she here right now?

[REDACTED] But, yes, well she's supposed to be here.

FIEN: Somewhere around here?

[REDACTED] But they didn't let her go out.

FIEN: Okay. Alright so tell me what happened as soon as you come to work?

[REDACTED] As soon as I come to work I came from the shore because I see him down, sitting down in his car. I saw him get out of the car.

FIEN: What's his name?

[REDACTED] I don't know his name. I'm not—I don't know his name. And then I came down, I went to the back, I saw them arguing.

FIEN: Was he in the car by himself?

[REDACTED] Yes.

FIEN: So he's in the car by himself.

[REDACTED] Um hmm.

FIEN: Okay go ahead.

[REDACTED] And then I went through this door, he came inside, he came inside from this door I guess, yeah from this door. He got out of the car and came inside, I went over there and left my purse. When I went to the counters they were already arguing over here.

FIEN: Who was arguing?

[REDACTED] The three employees and him.

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FIEN: The three employees, what employees?

[REDACTED] [REDACTED], [REDACTED] and then um [REDACTED] arrived.

FIEN: [REDACTED] [REDACTED]

[REDACTED] Uh huh.

FIEN: Is [REDACTED] a guy or a girl?

[REDACTED] Um, is a guy, is a guy.

FIEN: [REDACTED], [REDACTED] and who?

[REDACTED] And and [REDACTED]

FIEN: [REDACTED]? They were arguing with this.

[REDACTED] Well they were—I don't know if they were arguing or they were having something like that and they took him out.

FIEN: Yeah they took him out.

[REDACTED] Yes they took him out and then um, when I got over there or when I saw them they were already—he was started hitting one of the kids.

FIEN: Hold on, hold on.

[REDACTED] So that's when I told the police.

FIEN: The guy, we're gonna call him the suspect.

[REDACTED] Okay.

FIEN: The suspect started hitting who?

[REDACTED] One of the kids.

FIEN: One of these guys [REDACTED], [REDACTED] or [REDACTED]?

[REDACTED] Yes, I I think it was [REDACTED]

FIEN: They all work here?

[REDACTED] Yes.

FIEN: Okay. So the suspect—they went outside and the suspect started hitting one of these guys?

[REDACTED] Yes I try to remember who because I was so nervous.

FIEN: Were you watching it from the camera or from the window?

[REDACTED] From the window because I saw them and as soon as I saw him beat, hitting one of the kids I came and brought the phone so that's when I called 911.

FIEN: Okay. Okay, so you...

[REDACTED] And...

FIEN: okay, so you looked outside the window, you saw the suspect hit one of these guys then you came inside to call 911.

[REDACTED] I was inside.

FIEN: Okay yeah, okay you ran over here to call 911?

[REDACTED] Uh huh, and then when I, I I was on the phone the guy started hitting one of the other, [REDACTED] I know it was [REDACTED] because he—I know it was [REDACTED] because I saw him.

FIEN: So you, okay. So you called 911.

[REDACTED] Uh huh.

FIEN: And then you looked over.

[REDACTED] And then I looked over and now he was hitting [REDACTED]. And when he was hitting [REDACTED] he fell.

FIEN: Who fell the suspect or [REDACTED]?

[REDACTED] The suspect fell and the two kids the [REDACTED] and [REDACTED] and um, [REDACTED] and [REDACTED] got—were grabbing him from his legs you know, that way he could not move, you know. And then they were not hitting him, they were just holding him down and I was telling this to the lady I said “they’re holding him down” you know, that way—and she was like “oh, are are they bleeding?” I’m like “no they’re not” you know. She was asking all these questions. I was like...

FIEN: They were trying to calm him down to stop him from fighting?

[REDACTED] Yes, so I guess, then I guess [REDACTED]. I mean [REDACTED] or I don’t know, they let him go for some reason, they shouldn’t. I told him why you guys let him go? So they let him go and when he got up my kids then start coming over here, then he grabbed, he put his hand on this pocket, on this pocket.

FIEN: The suspect did?

[REDACTED] Yes.

FIEN: Okay.

[REDACTED] And then I saw him walking...

FIEN: His right pocket?

[REDACTED] This one.

FIEN: Okay.

[REDACTED] It was this one because I saw it.

FIEN: Okay. So he got up and he touched his right pocket?

[REDACTED] Yes and I thought he was gonna get his car keys but then he start running and then my kids run because they saw him getting something out of his pocket.

FIEN: Where was he running to?

[REDACTED] To towards over there, towards over there. And then [REDACTED] fell over there and then that’s when he starts stabbing him because I could hear him screaming. And then that’s when the police arrived and and...

FIEN: So he chased your boys?

[REDACTED] Yes.

FIEN: He chased them and then he, and then [REDACTED] fell?

[REDACTED] [REDACTED] fell and got stabbed because I could hear him screaming every time he was going like this.

FIEN: Did you see him getting stabbed?

[REDACTED] Yes. I don't know with what but I saw him when he was going like this and [REDACTED] was like ugh, ugh, like...

FIEN: You sure he wasn't punching him?

[REDACTED] I'm sure he wasn't.

FIEN: Did you see something in his hand?

[REDACTED] No. No but he—could he—what else can it be because he was bleeding.

FIEN: Okay. How many times do you think he hit him or stabbed him?

[REDACTED] I don't know.

FIEN: [REDACTED] was screaming?

[REDACTED] Every time he hit him yes.

FIEN: Where were [REDACTED] and [REDACTED] at this point?

[REDACTED] [REDACTED] was here on drive-thru, no she was out there. He did it because I guess...

FIEN: What about [REDACTED]?

[REDACTED] [REDACTED]

FIEN: [REDACTED] and [REDACTED]?

[REDACTED] They were, they they [REDACTED] and [REDACTED] they were standing up over there.



FIEN: Okay. Okay so he, he's stabbing um, [REDACTED] then what happens?

[REDACTED] And then the police came and then they, they, they put mi inside because I, I was so shocked. The police shot him or I don't know because I heard a, a noise. I don't know if it was a gun or I don't know what it was but they...

FIEN: A loud noise? Was it like a bang or?

[REDACTED] Yeah.

FIEN: How many times did you hear it?

[REDACTED] I don't know maybe two or one, I don't know.

FIEN: Did you see the police shoot or no?

[REDACTED] No, I don't know I was not, I was like worried about my kid.

FIEN: Where were you standing at? When...

[REDACTED] Right there.

FIEN: When you say he's your kid.

[REDACTED] Well because they work with me.

FIEN: Okay. Okay, so you were still inside?

[REDACTED] No.

FIEN: You're outside at this point?

[REDACTED] Uh huh.

FIEN: Okay, so you're outside, the police showed up and they shot or you think they shot.

[REDACTED] The suspect or I don't know maybe they just did it so he can stop, I don't know, I don't know.

FIEN: So when you heard the loud noises, what's his name was still with [REDACTED] suspect was still with [REDACTED]?



[REDACTED] I can't remember I turned around.

FIEN: Okay. Then you heard maybe one or two loud noises, possibly gunshots, then what?

[REDACTED] Then I told you they pulled me inside.

FIEN: The police did?

[REDACTED] No, my manager and everybody.

FIEN: And that was it.

[REDACTED] And they didn't let me come out of the office so I was so worried about the kid and then they said that he's okay. So I don't know.

FIEN: Do you know, do you know why the suspect got into a fight with [REDACTED] and [REDACTED]?

[REDACTED] I told you he was there here earlier ago and...

FIEN: That's what...

[REDACTED] I guess that's why you need to talk to the you know, the person that left.

FIEN: So he was here earlier today and you know that because your sister told you?

[REDACTED] Yes.

FIEN: You know what time earlier today?

[REDACTED] I didn't ask her.

FIEN: And you said Thursday and he was threatening?

[REDACTED] My sister and I guess she said something about hitting [REDACTED] in the morning because he was getting a float. Which you know we get the float over here. So you probably think you know, he was in here. You know, because if he was getting a float and she was right here on drive-thru he came all the way inside.

FIEN: So that's your sister's husband, the suspect.

[REDACTED] Yes the suspect?

FIEN: You, you don't know his name?

[REDACTED] I don't know his name.

FIEN: He's your sister's husband right?

[REDACTED] No he's not my sister's husband.

FIEN: Who's husband.

[REDACTED] He is [REDACTED] husband, [REDACTED]

FIEN: And [REDACTED] works here to?

[REDACTED] Yes.

FIEN: [REDACTED] husband okay. And your sister called you and said hey, this guy is causing problems here today?

[REDACTED] Like she and she, she didn't even say the name. She's like, "oh [REDACTED] husband went and threatened me and start screaming at me, he called me a bitch and starts pointing his finger on my face" and blah, blah, blah. And I'm like okay and said—and she's like "just beware because he was threatening me."

FIEN: Did she mention anything about a gun or a knife or anything?

[REDACTED] No, but she was afraid. That's why she left earlier.

FIEN: She leave work early, she left work early?

[REDACTED] I think on the computer I look what time she left because I don't know what time.

FIEN: That's okay. Alright let me um, see if I got all this correct. Okay, so you come to work today at about 5:00 o'clock right?

[REDACTED] Um hmm.

FIEN: Your sister calls you and says hey, I just heard info. Um, [REDACTED] husband was here earlier today and was causing problems and threatening me.

[REDACTED] Um hmm.

FIEN: And just you know, I was kind of upset so you should be careful and keep an eye out right?

[REDACTED] Um hmm.

FIEN: Okay. So then a short time later you see him outside in his car.

[REDACTED] At 5:00 when I arrived to work.

FIEN: Okay, you saw him outside in his car.

[REDACTED] Um hmm.

FIEN: And then you went in the back and then you looked on the camera and saw that he was inside?

[REDACTED] No when I was coming in he got off his car so that's why I knew he was coming inside.

FIEN: Okay.

[REDACTED] But I didn't know he was gonna 'cause any problems.

FIEN: Okay.

[REDACTED] Anyway I thought the problem was only with her not with the kids you know. So I don't know what he told the kids.

FIEN: Did he have a problem with your sister or with [REDACTED]?

[REDACTED] Well [REDACTED] is the wife, so I don't think he has the problem with her or else he would have said something to the wife right?

FIEN: Right. Was the wife here?

[REDACTED] Yes.

FIEN: When it happened?

[REDACTED] Yes.

FIEN: Okay. Where was she at when it happened like back her or something?

[REDACTED] She was right here.

FIEN: Okay.

[REDACTED] And then she was here also when he came earlier and threatened my sister.

FIEN: Okay, so you went to the back and think he came inside and then you came back out here and saw him talking to [REDACTED] [REDACTED] and [REDACTED]?

[REDACTED] [REDACTED] [REDACTED]

FIEN: [REDACTED] And they all work here?

[REDACTED] Those three persons yeah.

FIEN: So you saw them talking to the suspect in the store?

[REDACTED] I saw them when they take him out.

FIEN: They took him out?

[REDACTED] But I don't, I didn't hear what they said.

FIEN: Okay. So they took him outside.

[REDACTED] Uh huh.

FIEN: And then um, then you saw the suspect hit one of—hit either [REDACTED] or [REDACTED] right? Okay. And then, then he hit [REDACTED] right?

[REDACTED] Um hmm.

FIEN: And then you went and called 911?

[REDACTED] And then I came over here and called 911.

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FIEN: Okay.

[REDACTED] But [REDACTED] was already fighting with him and then he fell and then they grabbed him.

FIEN: They tried to hold him.

[REDACTED] Yeah, they tried to hold him down.

FIEN: Okay.

[REDACTED] But then they let him go.

FIEN: Okay.

[REDACTED] And then he got up and you saw him starting to reach for his pocket.

[REDACTED] Yeah, right this on this side.

FIEN: And then he started chasing the guys?

[REDACTED] Yes.

FIEN: And then he caught up to [REDACTED]

[REDACTED] Who fell.

FIEN: Who fell and then they started— what you think was stabbing [REDACTED]?

[REDACTED] Yes.

FIEN: You heard [REDACTED] screaming and saw him bleeding?

[REDACTED] Yeah, right on this side I think it was on this side.

FIEN: Okay. And then you saw him the police, and then you saw the police

show up and then they just heard a loud band or two.

Uh huh.

FIEN: Possibly gunshots? And that was it? And then you came back inside.

They put me on the back yeah.

FIEN: Okay. And then where did [REDACTED] and [REDACTED] go?

They were standing up over there.

FIEN: Okay, okay.

But I guess they knew they were—I don't know—they saw the police I guess and they just stayed there.

FIEN: Okay.

Because when he was trying to police--the police didn't take that long they showed up pretty fast.

FIEN: Okay. Alright. Have you seen this guy in here before?

Yeah, he always comes to pick her up.

FIEN: Has he, has he caused problems before or not?

No.

FIEN: No, but he's obviously mad about something right?

Yes.

FIEN: Anything else you could think of? That's about it. When you called 911 what did you say?

I can't remember.

FIEN: There's a fight out by the lot.

Yeah, I think so, I don't know I was nervous, I'm still but I was more.

FIEN: When you saw the suspect reach in his pocket, did you ever see him take anything out?

[REDACTED] No but I know he grabbed something but I thought he was his key.

FIEN: Okay. And he chased the other three guy's right?

[REDACTED] Yes.

FIEN: How far did he chase them?

[REDACTED] He was running over—his car is the grey one so I thought he passed his car and I was standing right in front of that truck. I know he was not getting something. You know, because he passed his car. So when I was standing up in front of the truck I saw him running and I told the two kids run over there and then on the thank you that's where [REDACTED] fell. I wish you guys were over there like when the drive thru \_\_\_\_\_.

FIEN: So [REDACTED] fell.

[REDACTED] Yeah.

FIEN: And that's when he got him?

[REDACTED] Yes.

FIEN: Did, did your sister tell you why he threatened her or anything?

[REDACTED] No that's why she said if you need her number you can contact her. I have, you can have your cell phone or work number that she's working right now.

FIEN: Okay. Um, does he speak English?

[REDACTED] No.

FIEN: Did he see anything that happened?

[REDACTED] I don't think so because he's here always on the back.

FIEN: Can you ask him if he saw anything?

██████████ ¿Que si vistes tu algo? He says he didn't.

*If you saw anything? He says he didn't.*

FIEN: No okay. Um, I still need, I still need to get his name.

██████████ Who's?

FIEN: His, just because he was here so.

██████████ Dice que nomás necesita hablar con alguien que haiga.

*He says he only needs to talk to somebody that.*

**[END OF TRACK WS10181, DURATION: 21:59]**



**EVIDENCE TAPE**

People v. ISAAC SERRANO

RIF 136250

Transcript of Interview of [REDACTED] & [REDACTED]

March 24, 2007

074137

Key: BRETT: Officer Ryan Brett

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RYAN: DA Inv. Ted Ryan

UNKNOWN: Unknown Officer

**[BEGINNING OF TRACK: WS 10185, DURATION: 14:29]**

BRETT: All right, well we'll get this done so we can get everybody out of here, too. Well, they got their team, though, at least so...

[REDACTED]

Didn't want them to see it, but this is hard. I'm, like, this is not the way we do things.

BRETT: No, not in Corona, not normally.

[REDACTED]

Yeah.

BRETT: Uh, what is your, what is your last name?

[REDACTED]

[REDACTED] [REDACTED]

BRETT: And your first name?

[REDACTED]

I'm [REDACTED]

BRETT: [REDACTED] what's your birthday?

[REDACTED]

Uh, [REDACTED]

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BRETT: And your address?

[REDACTED]  
BRETT: A phone number at the house?

[REDACTED] At the house it's [REDACTED]

BRETT: Okay. Together over at the cash register?

[REDACTED] Yeah.

BRETT: Okay, uh, tell me what, how it started or what went, what happened?

[REDACTED] Us four came in. We were standing at the register, and apparently someone was going at it. We didn't even realize it at first. And we were, like, God, the service in here is bad, then we realized that there was people running out, and uh, the guy that went to the hospital was provoking everything I saw.

BRETT: The, which, there were, there were two that had to go to the hospital. One had a blue shirt on and worked here; the other one had a white tank top, a white shirt.

[REDACTED] Oh, okay, it wasn't him.

BRETT: Not that one; that's another one.

[REDACTED] Okay, the one with the apron on that was working...

BRETT: Okay.

[REDACTED] ...he, uh...

BRETT: Is he in a blue shirt?

[REDACTED] I just remember a blue apron.

BRETT: Okay.

[REDACTED] But the one, I think it was the shaved head one, the one that, that, uh, the one that was laying out here when you guys pulled in.

BRETT: Uh huh.

Um, there was, like, four people holding it down, because every time he got loose, he'd go after the guy in the apron.

BRETT: Okay.

And, um,

BRETT: Well, how did it start up here, uh, tell me how it first started.

Pat, watch my purse.

BRETT: Yeah, hold, watch her purse; we'll be right back.

When we were here, they were kind of over here.

BRETT: In the, in the lobby.

In, in this area here.

BRETT: Okay.

'Cause I ran over here, and the guy was throwing blows, and then some of the employees had ran out. They were trying to pull him...

BRETT: The shirt-tank guy was punching at the other guy in the blue?

The one with the shaved head, the husband of hers, her husband.

BRETT: Okay.

Uh, he, he was doing all the, he's the one that showed up here too fast.

BRETT: Okay.

And, um, so the other guy was just basically in self defense, you know, but he wasn't running after him, so they were holding the guy back, but every time that guy got let go, he was very strong, he goes back after that guy, but the guy that was getting punched on, kept running away from him.

BRETT: Okay, the guy in the blue that, you remember the guy in the blue...

[REDACTED] The little apron guy, yeah.

BRETT: He's the one that kept running away and everything else. Did you see when they had him held down over here?

[REDACTED] Yeah, and then, um...

BRETT: Hey, don't go out that door just yet.

[REDACTED] There was, uh, they had him down on the ground.

BRETT: Okay, they being the employees?

[REDACTED] Yeah.

BRETT: Okay.

[REDACTED] Holding him, but they had the cops on the phone.

BRETT: Right.

[REDACTED] You guys were on your way, but they wanted to hold him because the girl was hysterical and the guy had his foot against the door, the one that they were holding down. And the other guys, so they, some had his feet, some had his legs, some had his body, and somehow, uh, you know, I don't, I'm not sure, but he got back up and went back after that guy, threw punches at him. An employee had ran that way, and he was just, you know, nailing on him.

BRETT: Okay, did you see that when the police pulled up?

[REDACTED] Yeah.

BRETT: What happened when they got here?

[REDACTED] Uh, well, I didn't, I saw, uh, police...

BRETT: Well, there's a white, there's a white truck in the way from inside the store.

[REDACTED] Well, I, yeah, but I was from here, I mean, I ran from here to here, but then I was also watching the kids and trying to get...they were very slow, but...

BRETT: Okay.

[REDACTED] Just all of a sudden, the guy, the police officers came up, uh, since they were trying tase him didn't work, and then...

BRETT: Did you see them doing the taser?

[REDACTED] Yeah, I did they kind of tossed it aside, and I mean, it was, like, five seconds, the police officers showed up, and within seconds, uh, they pulled out the, whatever the rubber gun is, and just, bam, bam, on...

BRETT: Okay.

[REDACTED] It was really quick. I was, like, oh, my gosh.

BRETT: Did you see, uh, the guy in the, with the, the shaved head. Were there any weapons or see anything like that from where you're standing?

[REDACTED] Well, when he was coming, once he got out of the door, the guy was running away, and he was trying to pull something out of his pocket.

BRETT: Which, who was?

[REDACTED] The, uh, shaved...

BRETT: Shaved-head guy, okay.

[REDACTED] The guy that was trying to provoke everything.

BRETT: We'll call him the one who started it all, okay?

[REDACTED] Yeah, yeah because I...and so he was walking hurt, and he was pulling something out like this, and I don't know, I mean, I saw the knife on the ground, but I don't know, I didn't see where it came from.

BRETT: Okay, so you did see a knife out there, too?

[REDACTED] Yeah.

BRETT: Do you think he was the one who was trying to pull it out of his pocket?

[REDACTED] Oh, absolutely. The other guy was working here.

BRETT: Okay.

[REDACTED] I mean, this guy's strange.

BRETT: Okay, let's go on back and sit down; I'll get your, uh, did your boys see what happened, also, or...

[REDACTED] You can ask them, you know. [REDACTED] you want to...

BRETT: Okay, yeah, we'll sit back over here to the table. I think one officer's being interviewed one already.

BRETT: I got mom's to finish right now, so...

[Ryan interviewing [REDACTED] in background]

UNKNOWN: You take care of that?

BRETT: Yeah, I got mom and I'm gonna get his information real quick, so that will be, that should be everybody, huh? 'Cause I've walked around and everyone that says they've been interviewed.

UNKNOWN: Is, uh, I think his brother's, his brother's over there.

[Background noise, overlapping conversations]

BRETT: Uh, just the little boy here, but, I mean, I can do him, but I just interviewed mom, and I can give you him, too, unless you want to do it. How many down there, four or five? I, I'll take care of it.

UNKNOWN: Sure.

BRETT: Ma'am, was he, was he pulled by his front waistband, like, digging in his waistband area, you said, the pocket?

[REDACTED] He was digging in the front pocket

BRETT: Left pocket or right, do you remember?

[REDACTED] Uh, he was digging in this none

BRETT: He would be right. Okay, did you see him actually come out of there or no? At that time, he was back here?

BRETT: Do you want, the, uh, down under [REDACTED] can you put times four; that's Mom, two daughters, and the guy in the red. Uh, not [REDACTED] I'm sorry. I gave you the other people. [REDACTED], [REDACTED] her husband, mom, I'm gonna do one of the kids, uh, Dad's already been interviewed. Okay, hold on. I have [REDACTED] only, right now. [REDACTED] what's your other son's name here?

[REDACTED] [REDACTED]  
BRETT: [REDACTED] I'll take care of him. Yeah. [REDACTED] do you think, from what you saw, did it look like the taser worked or no? Was the guy still rolling and flipping around or still fighting with the other guy?

[REDACTED] Yeah, uh, the, the taser went off tossed it aside, and uh, they just boom, boom at him

BRETT: When, when that, when they actually used force on the guy on the ground, what was going on? Were they, where those two still fighting?

[REDACTED] Uh, I mean, it happened so fast. They were fighting, and when the police officers showed up...

BRETT: The shaved-head guy was on top of the other guy?

[REDACTED] On top of the guy in the planter over there.

BRETT: Okay.

[REDACTED] The guy was on, on the ground and the guy was just pounding on him.

BRETT: Okay, so they were going at it, still?

[REDACTED] Well, the one, but both of them.

BRETT: Okay, shaved-head guy.



[REDACTED] Oh yeah, yeah, the shaved-head guy was going at, and the police officers ran up, I mean, it was so quick after that.

BRETT: Okay. You heard two?

[REDACTED] Two pops; pop, pop.

BRETT: After the two pops that you heard then, then the officers basically went back, uh, handcuffed the guys or...

[REDACTED] Yeah, after, well, after the pops, uh, the guys were...one was frozen, one was rolling. He was in pain. That's the other one. I wasn't paying attention at that point because he was like his bone was...

BRETT: Had bad cut on his arm, huh? Yeah.

[REDACTED] Somebody had mentioned that, that he got stabbed. I don't know did he get stabbed?

BRETT: It looked, yeah, it looked like it. Okay. And this is [REDACTED]

[REDACTED] Yeah.

BRETT: And, uh, [REDACTED] what's your birthday?

[REDACTED] Uh, uh...

BRETT: You knew everybody else's information.

[REDACTED] Don't be nervous. He, he's the good guy

[REDACTED] I know, I don't know my birthday.

BRETT: Just drawing a blank, right?

[REDACTED] Yeah.

BRETT: It's in the summer, huh.

[REDACTED] Yeah, my birthday's in the summer.

BRETT: All right. And you're gonna be seven?



[REDACTED] Yeah. How does he know that?

BRETT: Ah, doing the math up here. Hated it. It wasn't my favorite subject, but I paid attention. Now, [REDACTED] did you see what happened out here? No? Were you too, you weren't too short, were you?

[REDACTED] I barely saw.

BRETT: Yeah, what'd you barely see?

[REDACTED] Uh, saw some blood.

BRETT: Blood? What did you see happening between these people out here?

[REDACTED] They're fighting.

BRETT: Okay, how many people were fighting?

[REDACTED] Two.

BRETT: Two, oh. My boss will go crazy if you don't get it right. Two, two guys were fighting. You saw that out here by the doors?

[REDACTED] Yeah.

BRETT: Yeah, did, did, uh, did you see what happened when the police got here?

[REDACTED] No.

BRETT: Or were you over here by that time?

[REDACTED] I was over here I didn't hear the pops.

BRETT: Good, okay, okay. Well, that's all right 'cause, you know, I think we have enough people in here that saw what happened, so...

[REDACTED] Yeah, don't have to make it on a six year old

BRETT: Yeah, it's hard when it's pivotal info Oh, yeah, Superman came down, and...

[REDACTED] Yeah, enough excitement for one day.

BRETT: So, did you guys happen to get your food yet, or no, you're still waiting?

[REDACTED] Well, no, we just came for an ice cream. We've never even been there.

BRETT: Well, poor folks out in the car are still waiting for some ice cream. That's...

[REDACTED] Well, that one gal in the truck, she pulled up right before you guys. Hadn't even got out of the car.

BRETT: Yeah.

[REDACTED] When you guys come.

BRETT: I talked to her. She's, like, all I want is some ice cream. I'm gonna see if I can't get her the...

[REDACTED] That's all I wanted, too, was ice cream tonight. I've never even been to an A&W. Is this, is this, like, common down in the lower parts of Corona this knid of thing

BRETT: Not common, oh, fighting, yes, but it doesn't usually resort to this.

[REDACTED] I live up, you know, like, on [REDACTED]

BRETT: Yeah.

[REDACTED] Up there, and no problems, so down below it's a little more activity.

BRETT: Yeah, either...this is our, our busier area, but this is still a really nice area. My daughter goes to school right down the street.

[REDACTED] Yes, yes.

BRETT: I have a boat right now being worked on right here. It's just...

[REDACTED] Yeah, actually, this is a nice area, 'cause it, it's the, the park that kind of worries me. Sixth St. the older.

BRETT: We are...where our hotels and motels are, so we get our parolees, and, I mean, this is a fight that was...

[REDACTED] You mean, like, prostitutes and drugs?

BRETT: Yeah.

[REDACTED] Oh.

BRETT: Drugs, yeah, that's everywhere though.

[REDACTED] Yeah, I know. I heard it's at the high schools?

BRETT: Scares me as a parent.

[REDACTED] Yeah.

BRETT: Private school sounds expensive, but it sounds good now.

[REDACTED] Yeah, it's not foolproof, though.

BRETT: Well, let me...you know, no. You can always get some...

[REDACTED] Sometimes the kids that are really bad go there and they. They bring it in.

BRETT: Yeah. They don't last long. They get, they get weeded out pretty quick.

[REDACTED] Yeah.

BRETT: Let me go see if I can't go get those other folks some ice cream...

[REDACTED] Okay.

BRETT: ...While they're waiting. Thank you. Thanks, [REDACTED]

**[END OF TRACK: WS 10185, DURATION: 14:29]**

**EVIDENCE TAPE**

People v. ISAAC SERRANO  
RIF 136250  
Transcript of Interview of [REDACTED]  
March 24, 2007  
074137

Key: RYAN: DA Inv. Ted Ryan

[BEGINNING OF TRACK [REDACTED] DURATION: 06:53]

RYAN: Okay, uh, it's March, uh, 24<sup>th</sup>. It is 18:00 hours. This is Investigator Ted Ryan with the Riverside District Attorney's office. I'm conducting an interview with [REDACTED] in, uh, regards to the shooting at the Long John Silver's in Corona. Is this your current address, John?

[REDACTED] Yes, sir.

RYAN: Give that back to you. [REDACTED] what's your, uh, phone number?

[REDACTED] RYAN:

[REDACTED] RYAN:

[REDACTED] RYAN: [REDACTED] Is that your home number?

[REDACTED] Yes, sir. Did you write [REDACTED]

[REDACTED] RYAN:

[REDACTED] yes, that's right.

RYAN: Okay, and, uh, are you retired or are you still working?

[REDACTED] I'm retired.

RYAN: Retired. Do you have another contact phone number or that the only one you got?

[REDACTED] No, that's the best one to get a hold of us.

RYAN: That's a good one, okay. That's perfect.

[REDACTED] There's an answering machine for if we're not home though.

RYAN: Okay, you may be contacted later on by an officer. Uh, can you please tell me what you saw?

[REDACTED] Well, I saw two young men out there.

RYAN: Uh huh.

[REDACTED] Getting into it, uh, verbally arguing first, and then the other, the one that was in the car right out here, the short, heavyset guy, he took off, and he's got on a white T-shirt. He took off a blue T-shirt, and I don't know who threw the first punch, I wasn't, I didn't have much, have much attention, and then they turned at him pretty hard, and they went over by the other door over there, the, the far door.

RYAN: The far door, okay?

[REDACTED] And I didn't see much of anything then. Then they both come back, and they really got into it back out, the other side of my pickup truck, that Chevy pickup.

RYAN: Is that white pickup yours right there?

[REDACTED] Yes, sir. And, uh, and when the police arrived, why, I thought the officer had out a taser.

RYAN: Uh huh, okay.

[REDACTED] It didn't look, well, he was pointing it at him, and then hollering at him, and then I heard the pop, and I knew the taser don't pop, well, I don't think they do; I've never, and that was about the extent of what I saw. It wasn't any of my business, and I wasn't getting involved.

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RYAN: Sure, understandable, understandable. So, you watched the fight go back and forth and ended up next to your truck.

Yeah, back over in the vacant space by the pickup truck.

RYAN: Saw the police come and aim what looked like a taser to you.

Yeah, well, he was holding it...

RYAN: The way he was holding it or something?

Yeah, it didn't look like he had anything But it wasn't doing anything so, and then I heard the pop, and it don't even sound like a real gun when it pops.

RYAN: And you heard a pop, and then what happened after you heard that? Did you see anything or...

I didn't. They, I stood up, and I saw 'em putting handcuffs on both of 'em, and that's about the extent of what I saw.

RYAN: Okay. Okay, can you describe the two young men, what they were wearing, do you remember?

Well, all I can tell you is the one had on a white T-shirt when they really got into it, and I think the other one had on a blue T-shirt with, I assume, blue pants of Levis, I don't know.

RYAN: Okay.

They might have both had on blue pants. I know they, the one that, with the T-shirt on that was in the car right out here, had a white...

RYAN: Had the white T-shirt on?

Had the white T-shirt on. He done tore a blue T-shirt off.

RYAN: Yeah, but he took a blue T-shirt off.

Yeah, a blue, something similar to what you're wearing.

RYAN: Dark blue?

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[REDACTED] Yeah.

RYAN: Okay, okay.

[REDACTED] I didn't know I was gonna get a show and dinner, too.

RYAN: Yeah, is that all you remember?

[REDACTED] That's pretty much all I can tell you.

RYAN: Okay, then that's perfect.

[REDACTED] Yeah, I wasn't paying that much attention. I didn't want to get involved.

RYAN: I don't, uh, I don't blame you.

[END OF TRACK [REDACTED] DURATION: 06:53]

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**EVIDENCE TAPE**

People v. ISAAC SERRANO  
RIF 136250  
Transcript of Interview of [REDACTED]  
March 24, 2007  
074137

Key: RYAN: DA Inv. Ted Ryan

[BEGINNING OF TRACK: [REDACTED] DURATION: 2:22]

RYAN: Okay, it is, uh, March 24<sup>th</sup>, 2007. It is, uh, 1830 hours. I'm here with [REDACTED] I'm conducting an interview with him at the Corona Long John Silver's. Okay, can you just tell me what happened again, what you saw?

[REDACTED] Well, actually, like I just...

RYAN: Like you just told me earlier.

[REDACTED] ...well yeah, just, uh, see, over by, looking out the window there, and...

RYAN: Uh huh.

[REDACTED] I don't know really what happened, what, what was going on...

RYAN: Sure.

[REDACTED] ...uh, 'till, uh, you know, I went up and get some ketchup and stuff out of the counter.

RYAN: Okay.

[REDACTED] And, uh, I see the, uh, the two young guys that are, were, like...

RYAN: Just two males—were they males?



[REDACTED] Yeah, real, real fighting or trying to get into a fight.

RYAN: Uh huh.

[REDACTED] And, uh, then I see, uh, a couple police officers arriving at that time.

RYAN: Uh huh.

[REDACTED] And that's when I, uh, see the, uh, the officers shot these, uh, male. And I just went back to my table and continue you know

RYAN: Okay.

[REDACTED] ...with my wife there.

RYAN: All right. Do you remember what the male was wearing that got shot?

[REDACTED] Uh, yeah, he had, uh, uh, uh jeans, pants, and, uh, a black T-shirt.

RYAN: Black T-shirt? Okay, and uh, the person, the two that, do you remember what the other, uh, young male was wearing that he was fighting with?

[REDACTED] Well, the other one in there was wearing a, a blue, uh, T-shirt, uh, one of the, uh, store T-shirts.

RYAN: He's a, okay, he's an employee?

[REDACTED] Right, and the other one, the one got shot, uh, I don't know he was working here or not. If he didn't have the uniform, working uniform to this place, so I don't really know nothing about that.

RYAN: Okay, did you...all right, did you see anything else, or is that...

[REDACTED] No, no, that was it, because I, I came back to my table and continued eating with my wife, so that was it.

RYAN: Okay, okay. All right. Thank you very much.

[REDACTED] Thank you.

[END OF TRACK: [REDACTED] DURATION: 2:22]

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**EVIDENCE TAPE**

People v. ISAAC SERRANO

RIF 136250

Transcript of Interview of [REDACTED]

March 24, 2007

074137

Key: RYAN: DA Inv. Ted Ryan

[BEGINNING OF TRACK: [REDACTED] DURATION: 09:29]

RYAN: It's, uh, March 24<sup>th</sup>, 2007, at, uh, 1745 hours. I'm interviewing [REDACTED]

[REDACTED] Okay, who lives at [REDACTED] in [REDACTED]

[REDACTED] What's your home phone number, [REDACTED]?

[REDACTED] Uh, it's my cell phone number. It's [REDACTED]

RYAN: [REDACTED]

RYAN: [REDACTED]

RYAN: [REDACTED] Do you have a work phone number?

[REDACTED] It's on my phone. Um, I work at [REDACTED] in [REDACTED] on [REDACTED]  
and [REDACTED] if that helps.

RYAN: Okay, that's fine. Okay, can you tell me what you saw, what you heard?

[REDACTED] Well, basically, I was at the table. I was talking with my buddies.

RYAN: Uh huh.

[REDACTED] And then, uh, [REDACTED] who was actually right there being rude, and uh, he just yells, "whoa," and I looked behind me, and there were two guys fighting. There one black shirt and one of the employees, and the guy in the black shirt kept trying to take swipes and punches...

RYAN: Uh huh.

[REDACTED] ...at one of the employees, and I'm thinking, what the heck this guy doing? And the manager went out and tried to separate 'em, and the guy in the black shirt just kept charging at him, charging at him, and then he backed off for a little bit, and when the employee started walking back in, following him back him, then started taking more swipes at him, so they came back out and started fighting right in front of our bikes. Well, we had our bikes towards the store.

RYAN: Uh huh.

[REDACTED] And they start fighting in front of them. I told my, my boyfriend and his buddy to move their bikes because I'm afraid if they fight they're gonna damage something, so they better move the bikes.

RYAN: Sure.

[REDACTED] So, they moved their bikes back, and then after they moved 'em, the fight proceeded on the other side of the, the entrance.

RYAN: Okay.

[REDACTED] Second entrance over there, and some more employees came out, and they were, basically, holding him down, trying to keep him from getting up, and there was...

RYAN: Holding who down?

[REDACTED] The guy in the black shirt.

RYAN: Okay, the guy in the black shirt.

[REDACTED] They kept holding him down. There was a female employee. She, she was real large.

RYAN: Uh huh.

[REDACTED] And she was out here on the phone. I guess she was trying to contact the police, and um, as she was doing that, the guy constantly started getting up and getting up, and they let him up, you know, just to see if he would shake it off, so when the employee started walking towards the front end of the building, and he started jumping on one of the employees, which didn't make any sense.

RYAN: Wow.

[REDACTED] He just keeps, he just kept...

RYAN: Okay.

[REDACTED] ...punching him, and the employee just started fighting back out of self defense, which is what anybody would have done.

RYAN: Okay.

[REDACTED] And then he turned around again because I looked at the table, and I turned around again, and they were over in the bushes in the flowers, and the next thing I knew, the cops pulled up, and we see them doing a bunch of stuff, and then I heard a shot, and I was, like, oh, God, he's down.

RYAN: Oh, wow, okay.

[REDACTED] And I saw the blood, and I was, like, oh, my gosh.

RYAN: Oh, you saw the blood? Okay, and so did you see anything?

[REDACTED] That's basically everything I saw.

RYAN: Okay, so, uh...

[REDACTED] And the girls were crying outside, and then they come back inside and start crying and...

RYAN: Was he, eat, eating lunch or eating, I mean, you're eating...

[REDACTED] Oh, we just came here to snack on while we were on our way home 'cause we were coming home from the motorcycle shop that's right up the road because I was looking for a new bike.

RYAN: Oh, how cool is that, and then you noticed, uh...

[REDACTED] And then we just...

RYAN: ...a male in a black shirt...

[REDACTED] Yeah, we just...

RYAN: ...and an employee fighting.

[REDACTED] Because my boyfriend, [REDACTED] he heard a thud.

RYAN: Uh huh.

[REDACTED] And I didn't, I didn't think anything of it, and then [REDACTED] he's, like, cool, shut out, and the two guys were just going at it. I'm, like, oh, my gosh. I couldn't believe what was going on. And I didn't realize why gunshots were going off until I saw the knife outside, and I was, like...

RYAN: Oh, you saw a knife?

[REDACTED] Great...oh well... he's gonna, he's going to jail.

RYAN: Saw the employee let up the guy with the black shirt, and then he walked back up here...

[REDACTED] Yeah, they let him off, then...

RYAN: ...then he jumped on one of the employees?

[REDACTED] Yeah, he just kept jumping on him and jumping on him, and the employee, he, you know, he just kept pushing him back because he didn't want anything to do with it.

RYAN: Uh huh.

[REDACTED] And finally, I guess, the employee had enough and he started punching back, and the one girl that was sitting over there, she, she was outside crying the whole time.

RYAN: Hmm.

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[REDACTED] And she looking, like, she was yelling something there. I wasn't sure what she was yelling, but...

RYAN: Saw the employee fight back?

[REDACTED] Yeah.

RYAN: Okay. The fight moved up into the flowers?

[REDACTED] Uh huh.

RYAN: Okay.

[REDACTED] And, uh, they kept moving back and forth and back and forth; finally ended in the flowers.

RYAN: Okay. You saw the, the police come in?

[REDACTED] Yeah, I, I saw the police come in, and I didn't see them do anything until I heard the shot, and that's when I looked. I was, like, oh, my gosh, they shot him.

RYAN: And then you heard a gunshot.

[REDACTED] Uh huh.

RYAN: Okay. What did you see after that?

[REDACTED] After that, I just saw the paramedics come, and, you know, him...

RYAN: You said you saw blood?

[REDACTED] I saw blood, I saw the gunshot wound everything

RYAN: How did you see, were you standing looking through the window or were you outside?

[REDACTED] When they were, yes, I, we were sitting by the window right here.

RYAN: Uh huh.

[REDACTED] After the gunshot because we were, like, oh, my God, what's going on?

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RYAN: Right, I mean, that's...

[REDACTED] And we saw the guy's elbow, like, all tore up, and...

RYAN: Okay.

[REDACTED] Saw the knife on the floor. We saw the one guy that was, and he, the guy in the black shirt, handcuffs when they were ripping his shirt off, and saw the, the gunshot hole, and in his left side. He was rolling all over the ground like he was in pain.

RYAN: Yeah, I'm sure it hurt.

[REDACTED] I can imagine.

RYAN: Anything else you remember seeing?

[REDACTED] Uh, I think that's pretty much it.

RYAN: That it? Okay. There you go. Thank you very much.

[REDACTED] You're very welcome.

[END OF TRACK: [REDACTED] DURATION: 09:29]

DGS:jg  
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**EVIDENCE TAPE**

People v. ISAAC SERRANO  
RIF 136250  
Transcript of Interview with [REDACTED]  
March 24, 2007  
074137

Key: NEVINS: Eric Nevins, Investigator, District Attorney's Office

[REDACTED] [REDACTED] Witness

[BEGINNING OF TRACK [REDACTED] DURATION: 09:23]

NEVINS: And this is the correct spelling and everything, [REDACTED]?

[REDACTED] Yes.

NEVINS: Do you have a middle name?

[REDACTED] [REDACTED]

NEVINS: [REDACTED]

[REDACTED] Yes.

NEVINS: Like that?

[REDACTED] Yes, sir.

NEVINS: Okay. And your date of birth?

[REDACTED] Is, uh, [REDACTED]

NEVINS: And you still go to [REDACTED]?

[REDACTED] Yes, I do.

NEVINS: What grade are you in?

[REDACTED] Twelfth.

NEVINS: There you go. So you're what? Seventeen? No, no—you're nineteen.

[REDACTED] Eighteen.

NEVINS: Eighteen? That's right, you'll be...

[REDACTED] Nineteen this year.

NEVINS: You'll be nineteen this year...

[REDACTED] Yes...

NEVINS: Okay. Do you have a California Drivers License or I.D. or anything like that?

[REDACTED] No.

NEVINS: Nope? And, uh, what do you, what's your job here?

[REDACTED] I'm a cashier, and I'll be manager pretty soon.

NEVINS: This is Long John Silver, right?

[REDACTED] Yes, it is.

NEVINS: What's the phone number here?

[REDACTED] Uh, [REDACTED]

NEVINS: [REDACTED]

[REDACTED] Uh huh.

NEVINS: Okay. What's your home address?

[REDACTED] [REDACTED]

NEVINS: Is that a house or apartment?

[REDACTED] It's a house.

NEVINS: City?

[REDACTED]

[REDACTED]

NEVINS: Zip code?

[REDACTED]

[REDACTED]

NEVINS: And your home phone number?

[REDACTED]

[REDACTED]

NEVINS: Do you have a cell?

[REDACTED]

Yeah, but I don't know that number, though.

NEVINS: You should have it in there somewhere.

[REDACTED]

Yeah. [REDACTED]

NEVINS: [REDACTED] Okay. Okay, and where were you located when all this stuff started?

[REDACTED]

I was located over there—I was dishing the sit-down...

NEVINS: Um hmm...

[REDACTED]

Over here in the kitchen area...

NEVINS: So you were behind the end of the counter, somewhere right over here, or further back in the kitchen?

[REDACTED]

Right here in the, where the food is prepared, mostly...

NEVINS: So right back behind the counter?

[REDACTED]

Yes, sir.

NEVINS: Okay, so you could see out, out here?

[REDACTED]

I saw everything.

NEVINS: Okay, so what happened?

[REDACTED] Okay, well, that guy is, um, like, that lady over there's husband, right?

NEVINS: Okay, what lady?

[REDACTED] The, the other lady with the blue shirt that works here.

NEVINS: Sittin' down? Okay, and who, which guy is her husband?

[REDACTED] The guy that was, started all the problems. And, um...

NEVINS: Okay, and what did—do you know his name?

[REDACTED] No, honestly, I don't.

NEVINS: What does he look like?

[REDACTED] He's, uh, he has a shaved head. He has a goatee. Hispanic. Uh, I think he's like five-seven...

NEVINS: Um hmm...

[REDACTED] He came in earlier 'cause I think he was drunk...

NEVINS: Um hmm...

[REDACTED] He went behind the counter and he said something to me, and punched me in my face.

NEVINS: Earlier?

[REDACTED] Yeah, earlier today.

NEVINS: Like with a closed fist? And, like, hard and hit you? Okay. Did he say why?

[REDACTED] No, he, he was mumbling something. He sm—he, he smelled like he was drinking.

NEVINS: Um hmm...

[REDACTED] So after that, the managers kicked him out. And, like, a few minutes later, he came back again to pick up—to pick her up. And, uh, my friend [REDACTED] who also works here...

NEVINS: Um hmm...

[REDACTED] Uh, he went outside and, I don't know, he just wanted to fight for him. And, uh, I guess he saw him. I, I guess he doesn't like me, and he doesn't like my friend [REDACTED] ..

NEVINS: Hmm...

[REDACTED] So, my friend [REDACTED] when he was out there and uh, when I came around, they were started, they already started fighting...

NEVINS: Um hmm...

[REDACTED] And uh, the other kid, [REDACTED] the seventeen-year-old, he, uh, I don't know why he went up there, either...

NEVINS: Um hmm...

[REDACTED] Uh, but, he was out there and then they started fighting him.

NEVINS: Does [REDACTED] work here also?

[REDACTED] Yes he does.

NEVINS: Okay.

[REDACTED] And, uh, well, as he was fighting—

NEVINS: Well, was it something where they were attacking, um, her husband, or he was attacking them?

[REDACTED] Well, at first, he was attacking them...

NEVINS: Um hmm...

[REDACTED] They were, they were covering themselves and then, they started attacking him.

NEVINS: Okay. And, um, but you, you don't know his name, right?

[REDACTED] Nuh uh.

NEVINS: What kind of clothes was he wearing?

[REDACTED] The husband? It was a black shirt, with blue pants.

NEVINS: So we'll just call him black, black shirt guy, okay? So they got in a fight in the parking lot out here?

[REDACTED] Yeah and then I was—

NEVINS: And you could see what was going on?

[REDACTED] Yeah. It was, I was, all right, it was me, [REDACTED] and [REDACTED] that were grabbing him...

NEVINS: Um hmm...

[REDACTED] For, like, a few seconds, to see if he'd calm down. So, uh, the manager told us to let him go, while the other manager was on the phone with you guys. Um...

NEVINS: Which manager was that?

[REDACTED] The one that was on the phone?

NEVINS: No, which manager told you to let him go?

[REDACTED] [REDACTED]

NEVINS: Which is...

[REDACTED] The guy with the black shirt. The...

NEVINS: Him? Or the other guy?

[REDACTED] The one with the glasses.

NEVINS: The one with the glasses, okay.

[REDACTED] He told us to let him go. We were all gonna walk back in here, and we told him to stay outside...

NEVINS: Um hmm...

[REDACTED] He pulled, uh, something out of his car...

NEVINS: Something like what?

[REDACTED] It looked like a knife or something, I don't...

NEVINS: Okay.

[REDACTED] So, uh, as soon as we saw that, we started running, and um, well, the [REDACTED] kid, he, uh, he tripped on the ground—on the, in the weeds over there, and that's when he started stabbing him.

NEVINS: So the black shirt guy started stabbing [REDACTED]

[REDACTED] Yes.

NEVINS: Okay. Where was he stabbing?

[REDACTED] Like, in the torso area.

NEVINS: In the torso? And was he, like, reaching back and, and hittin' him hard with whatever he had, the knife or whatever he had? Could you see clearly what it, what it was that he had? Was it...

[REDACTED] Not clearly. I don't know if it was scissors, a knife or, I don't know...

NEVINS: So it was some kind of metal object, it looked like scissors or a knife? Okay. Did the, did—could you see any colors? Like, did it have a, a black handle or an orange handle or anything like that, or could you just see the metal?

[REDACTED] It was black and, of course, the metal.

NEVINS: And the metal, can you see how long it was? Was it as long as my pen, or shorter...

[REDACTED] Probably just about as long as the pen.

NEVINS: And if I, if I tell you this is about, let's say about six-inches, does that sound about right?

[REDACTED] Uh, probably, 'cause he was holding it and only a little bit was coming out.

NEVINS: So the whole knife was this length? Okay. So the blade was actually probably about half of that length? So it was about a three-inch blade? And how many times do you think he stabbed him?

[REDACTED] Two—no, three or four times.

NEVINS: And then what happened?

[REDACTED] And that's when you guys arrived, and the, I guess the guy shot him.

NEVINS: And, uh, have you seen the guy in the black shirt prior to today? How did you know that this, that was her husband?

[REDACTED] 'Cause, uh, he always comes and picks her up.

NEVINS: I'm sorry, he always comes and picks her up. So, you've seen him before? You recognize him?

[REDACTED] Yes.

NEVINS: Okay. If you, if, if I ask you if you had seen him, say, more than ten times would that—more than twenty, I mean, about how many times do you think you've seen him before?

[REDACTED] Like, six days a week.

NEVINS: Six—for how long?

[REDACTED] Well, I know he comes and sits down and waits for her...

NEVINS: Uh huh...

[REDACTED] And then they leave.



NEVINS: No, no, I mean, like, going how far back, like six months, a year...

[REDACTED] Ever since I've started working, like, six months ago.

NEVINS: Okay. And what's, what's his wife's name that's sittin' over here?

[REDACTED] [REDACTED]

NEVINS: [REDACTED]

[REDACTED] Um hmm.

NEVINS: Do you know her last name?

[REDACTED] No.

NEVINS: Okay. Anything else you think I should know about? Did you think he was gonna kill your friend [REDACTED] if the police didn't arrive soon?

[REDACTED] Um, if they didn't stop him. Even when you guys were, when you guys came, he was still going to it, that's why they shot him.

NEVINS: Okay, I appreciate your time. Uh, somebody else might want to talk to you briefly before you leave today, okay?

[REDACTED] Okay.

NEVINS: Thanks.

[END OF TRACK [REDACTED] DURATION: 09:23]

## EVIDENCE TAPE

People v. Isaac Serrano

RIF 136250

Transcript of Interview with Witness [REDACTED]

March 24, 2007

074137

Key: MAZZARINI: Officer Mazzarini

[REDACTED] [REDACTED] Witness

[BEGINNING OF TRACK: 01 DM100001, DURATION: 22:20]

MAZZARINI: Okay. It's Saturday, March 24<sup>th</sup> at 19:31 hours and, and I'm here with [REDACTED] DOB of [REDACTED] Go ahead and tell me, uh, what happened today.

[REDACTED] I was standing at the counter waiting to order. Uh, we'd been standing there for a few minutes, and the employees came out of back and just kind of ignored us and walked us as, as we turned to observe the fight going on in the northwest corner of outside of the building.

MAZZARINI: What corner was that?

[REDACTED] Northeast corner.

MAZZARINI: Okay.

[REDACTED] Um, and I just observed that wa—uh, watch, uh, one would have picked—be a Caucasian, uh, gentleman and, uh, a Hispanic looked like employee. He was dressed like the rest of the employees. Uh, going back and forth, uh, the Hispanic seemed to be walking away from the guy. The guy, the other guy kept on charging him. It progressed from the northeast along the building to the northwest of the building, and that was out of—out of my sight. They were there for a while. Then I walked away from the counter, looked over, and there was four employees holding the Caucasian gentleman down, and it looked like they were just restraining him. After a while, they let him up, and he charged the guy again and went back again towards the, uh, northeast corner. They're down in the planters. They were, uh—I turned around and then turned around again, and they were still fighting in the planters, and then, uh, as the police showed up, first gentleman that pulled up—I believe the car pulled, got out, yelled something at the—at both of them, and the Caucasian guy kind of turned,

started walking towards him, and then the gun was drawn, and I saw, saw two shots being fired.

MAZZARINI: Okay. Um, now, you could see the officers and, and the white guy

Correct.

MAZZARINI: outside?

Right.

MAZZARINI: Okay. Okay, so you were at the counter waiting to order. The employees just walked

Walked right past...

MAZZARINI: right past you. How many employees?

Um, it was a lady that came out of the back and, what it appeared to be like, the guy working the, uh, drive-thru window, and then some guy that—another guy that came out of the back, and that was it. They kind of walked outside.

MAZZARINI: So it was two males and a female?

Correct.

MAZZARINI: So they walked from behind the counter and walked out towards the lobby?

Uh, out, out of the restaurant over towards the northeast side of the building.

MAZZARINI: So they actually exit

Exit out

MAZZARINI: the building.

of the res—There was already other employees out there.

MAZZARINI: Okay. Were they originally behind the counter?

[REDACTED] No. I didn't even see those—They were, uh—The guys that were outside—there was a young lady and the guys were outside. They were outside. I never observed—We parked, walked in the building. They were already outside.

MAZZARINI: Um hmm.

[REDACTED] We didn't observe them when we walked in

MAZZARINI: Okay.

[REDACTED] until we kind of just felt like we were being ignored there after five minutes of standing trying to order, and that's when they came out of the back, and I walked—they walked past us. And we turned around, and I observed them.

MAZZARINI: So they walked from, like, behind the counter area.

[REDACTED] From behind the counter, I said from behind the kitchen, they came out.

MAZZARINI: and they go a restaurant.

[REDACTED] Right.

MAZZARINI: Okay. Now, when they exited the building, which direction did they walk?

[REDACTED] To the west—east--northeast.

MAZZARINI: Okay. Now, once they reached the northeast corner of the building, were you watching?

[REDACTED] I watched the, the one lady turned back around, got a phone and started calling the police.

MAZZARINI: Okay.

[REDACTED] and this is the taller one. She, she was pregnant.

MAZZARINI: Okay.

[REDACTED] And there was, like, four other, uh, male employees out there, but, uh, the main two guys that were going back and forth was this one Caucasian and this other Hispanic guy. The other ones, guys, were just kind of walking around. I mean they tried to break it up, and, to no avail, the guy kept on charging. They kind of stepped back.

MAZZARINI: Okay. Um, now, after the after the, the female and two males exited the building and walked over there, how many people were already outside?

[REDACTED] At least three guys.

MAZZARINI: Okay, and it was—You said there was, uh, a white guy and —two Hispanic guys

[REDACTED] —What appeared to me... What appeared to be was three employees and the one Caucasian guy...

MAZZARINI: Was already outside.

[REDACTED] Right.

MAZZARINI: Were the—Were they three male employ—

[REDACTED] Yes.

MAZZARINI: employees? Were all the male employees—I mean they appeared Hispanic to you?

[REDACTED] Yeah.

MAZZARINI: Okay, and then there was the one white,

[REDACTED] White.

MAZZARINI: white guy. And they were just standing there while

[REDACTED] the two, uh—The—One of the guys that actually got arrested.

MAZZARINI: Oh.

[REDACTED] They were going back and forth. I mean..

MAZZARINI: Okay.

[REDACTED] I heard them—I was inside. I heard them kind of yelling that they were trying to stop it. They—It appeared that they try to break it up a couple times, and they didn't. They just stepped back.

MAZZARINI: So basically what it looked like was the white male and one Hispanic male were arguing?

[REDACTED] Oh, back—Oh, they were

MAZZARINI: Okay.

[REDACTED] more than arguing, but the aggressor seemed to be the Caucasian gentleman.

MAZZARINI: Okay.

[REDACTED] And I only say, aggressor, 'cause I kept on seeing him lunge after the other guy like two or three times.

MAZZARINI: But you couldn't hear what they were arguing about?

[REDACTED] No.

MAZZARINI: So during the argument, you mentioned that the Caucasian male was lunging at him?

[REDACTED] Yeah. Well, they went from the northwest corner then to the middle of the building. As I'm turning around looking at the middle of the building, the one guy's standing back and then the, the Caucasian guy just jumped at him trying to slug him and just missed him. That was...

MAZZARINI: Shoved...

[REDACTED] Yeah. Oh, yeah.

MAZZARINI: Could you—Could you tell which hand he was punching with?

[REDACTED] He's—It looked like it was a right—he was right-handed.

MAZZARINI: Okay. Could you tell it was like a closed fist?



[REDACTED] Oh, there were fists. He missed him. I've—'Cause I even commented that he wasn't a very good fighter. He missed him twice.

MAZZARINI: Okay, and after he lunged at him a couple times, you said they were more towards the mid—center of the building, like where the doors are?

[REDACTED] Uh, right in between the doors.

MAZZARINI: Okay. And then what happened?

[REDACTED] He—Well, he missed him. He lunged over and missed him, and then the guy went out around the corner to the back door. I guess not the back door, but the...

MAZZARINI: Little more towards the west?

[REDACTED] Yeah, the west door.

MAZZARINI: Okay.

[REDACTED] Um, and that was out of my sight.

MAZZARINI: And then what happened?

[REDACTED] Oh, I, I stayed away. I was still waiting to order, and about two, three minutes went by, and then I walked over around to see what was going on, and that's where I saw, like, at least four of the, uh, employees holding the gentleman down.

MAZZARINI: So you actually looked —

[REDACTED] Yeah, yeah.

MAZZARINI: —out the doors?

[REDACTED] I, I, I actually walked over and looked to the back

MAZZARINI: Okay.

[REDACTED] over there and, uh, observed where they were holding them down, and he was struggling to get up.

MAZZARINI: How many people were holding him down?

[REDACTED] I'd say at least four, like four males. Yeah.

MAZZARINI: Okay, and then what happened?

[REDACTED] Uh, I don't what he convinced them, but they let him up. And, and when once they let him up, he started charging the guy again going back the other way now.

MAZZARINI: Like, just as you looked out,

[REDACTED] Right.

MAZZARINI: you could tell he was on the ground? They were holding him down?

[REDACTED] Yeah.

MAZZARINI: And as you watched, he

[REDACTED] They let him—They let him up yeah.

MAZZARINI: Okay.

[REDACTED] Actually, I think I now--That I heard the door open. I heard somebody say—the lady said, “the police are coming” and that’s when they let him up.

MAZZARINI: Okay. Okay, then what happened after they let him up?

[REDACTED] He, he just charged after that guy, the same guy, again. Uh, he, instead of going back, uh, followed him all the way until he come back to the, uh, northeast planter. They kind of struggled around, fell in the planter. Fell in the planter a couple times, and then I...

MAZZARINI: So when he ran after him, he actually take him to the ground?

[REDACTED] Yeah.

MAZZARINI: Okay. And then what happened? Was he on the ground?



[REDACTED] Um, they got up—The were able to get up again. They fell back into the planter again, and I just observed, uh—At that point, I just observed blood on that Hispanic's—I think it was his left arm by the elbow.

MAZZARINI: Okay.

[REDACTED] Um, so he took him down in the planter, and then they got up.

MAZZARINI: Yeah.

[REDACTED] and there was blood on the...

MAZZARINI: Could you tell...

[REDACTED] No. I thought maybe he fell on the sprinkler head or something, 'cause they were on—'cause there's a lamp, I mean a pole right there, so I thought maybe he hit the pole and busted his skin open.

MAZZARINI: So you didn't actually see him hit him or anything on the ground?

[REDACTED] Unh uh.

MAZZARINI: Okay. You saw blood on which arm?

[REDACTED] The left arm.

MAZZARINI: Could you tell which area of the arm?

[REDACTED] Above the elbow, the back of the elbow.

MAZZARINI: And then what happened?

[REDACTED] Um, and they got up one more time, and as they were getting up the last time...

MAZZARINI: So did he take him to the ground again after you saw blood?

[REDACTED] Right.

MAZZARINI: Okay. How did he take him to ground? Just kind of grabbed him and threw him

[REDACTED] Yeah.

MAZZARINI: or?

[REDACTED] Actually he was able to—He grabbed and just like lunged at him and then got him almost like a football tackle.

MAZZARINI: Okay, and then what happened?

[REDACTED] Um, they got up again, and as they're getting up again, uh...

MAZZARINI: Like, right away?

[REDACTED] Yeah.

MAZZARINI: Okay. Okay.

[REDACTED] And the police car drove in. Um, then I think there's another one behind that one, and the car...

MAZZARINI: And, and, and now at this point, they were back in the east, northeast corner area?

[REDACTED] Yeah, they're in the northeast corner. They're still in that planter area.

MAZZARINI: Okay, and as they stood there, you said the police pulled up?

[REDACTED] The police pulled up, and, um, the first car of the uhm--policeman got out of the first car, yelled something, and then, um, the guy turned and was walking towards him.

MAZZARINI: Okay, um, you said, okay, the first car, the officer exited the driver's door,

[REDACTED] Um hmm.

MAZZARINI: and he yelled something at them?

[REDACTED] Um hmm.

MAZZARINI: Could you tell he—who he was talking to, or anything?

[REDACTED] Um, I thought he was talking to both of them, 'cause that there

MAZZARINI: Okay.

[REDACTED] was one guy in the first parking stall, and the other guy was still in the planter.

MAZZARINI: And then what happened after he yelled at them?

[REDACTED] The guy—It, it looked like the Caucasian gentleman was walking towards him.

MAZZARINI: Towards...

[REDACTED] Towards the police officer.

MAZZARINI: And could, could you tell the distance how far the officer was from the two guys?

[REDACTED] About ten feet, at most.

MAZZARINI: Okay. And then what happened?

[REDACTED] Um, the I don't, the gun was drawn, and I see, uh, two rounds were discharged.

MAZZARINI: Could you see the muzzle flash like you could tell it was coming from his gun?

[REDACTED] Uh...

MAZZARINI: Or did you just—Or did you just hear it.

[REDACTED] I just heard—I saw it drawn, and that's why I thought there were—well, I think they were bullets. They drew the gun.

MAZZARINI: Um hmm.

[REDACTED] He did the gun. I saw, saw—heard the first round, and then this other guy jerked back, and I'm not sure where he got hit in the front, and then I know it, it—I saw he got hit in the back with the second shot.

MAZZARINI: So he didn't actually fall to the ground?

[REDACTED] No.

MAZZARINI: Okay.

[REDACTED] And then even when he was on the ground, he was...

MAZZARINI: Okay, you said he jerked back and then, then what did he do?

[REDACTED] It seemed like he was going forward still.

MAZZARINI: He was walking forward still?

[REDACTED] Of course, this all happened in a split second.

MAZZARINI: Right. And then after that second shot was fired, what happened?

[REDACTED] Uh, the rest of the policemen just moved in.

MAZZARINI: I mean was the guy still standing up?

[REDACTED] Oh, no, he, he had—he went to back down.

MAZZARINI: Okay. After that second shot?

[REDACTED] Yeah.

MAZZARINI: And after he fell to the ground, what happened?

[REDACTED] Uh, then, uh, more officers came in and handcuffed him.

MAZZARINI: Where did they come from?

[REDACTED] Uh, they were—Well, there was a car right behind the other car, so they were right behind.

MAZZARINI: Okay.

[REDACTED] They would have been the ge—the officer was northeast. They were just a little further north,

MAZZARINI: Okay.

[REDACTED] and the same right behind him. Actually.

MAZZARINI: Could you tell, was that other officer involved at all or, like, could you hear him say anything

[REDACTED] I couldn't, I mean once the ones—I, I was just focused on what was going on right in front of me.

MAZZARINI: Okay. Could you tell, was the suspect holding—did he have anything in his hands?

[REDACTED] No,

MAZZARINI: You know?

[REDACTED] Actually, I didn't—I couldn't te—I couldn't tell. Some of, you know, sitting in the restaurant, some of the other people talking said that there was a knife involved. I didn't observe anything.

MAZZARINI: Okay. Initially, when he—when, um, the Caucasian guy was walking towards the officers, how, how were his hands? Was—Were they down by the sides? Were they up, or

[REDACTED] It looked like maybe they were up.

MAZZARINI: did you notice?

[REDACTED] and he just—he just looked in a hostile position the whole time, even when he was down after he had been shot, he looked hostile to me, so I kept on asking, uh, if he was on any, any kind of drugs, but just because of, you know, he got shot twice, and he's still fighting.

MAZZARINI: So when he was walking towards the officers, did he have his—have his hands like in front of him, or I mean were they down by his sides or could

[REDACTED] I thought he had them like this.

MAZZARINI: Like, like in a fighting status?

[REDACTED] Yeah.

MAZZARINI: Like in front of him a little bit?

[REDACTED] Well, like to the sides, but turned out.

MAZZARINI: Okay. Now you said his up. Could you tell—I mean was it like shoulder height, or

[REDACTED] Well...

MAZZARINI: waistline height?

[REDACTED] Looking up from behind, all I could see was his left hand.

MAZZARINI: Um hmm.

[REDACTED] His left hand was up. His other hand, I didn't see it—didn't see it down and see anything, so I didn't know—I don't know if he had anything on his right hand.

MAZZARINI: Okay, so...

[REDACTED] or where...

MAZZARINI: So you saw his left hand up.

[REDACTED] Yeah.

MAZZARINI: Couldn't see right hand.

[REDACTED] Alright.

MAZZARINI: Okay. And how far were you from the guys—from the two guys that were fighting distance wise? Just approximately.

[REDACTED] It's under 20, 25 feet if that.

MAZZARINI: Okay.

[REDACTED] I mean it's not a very far—long distance.

MAZZARINI: And how far were you from where the Caucasian guy got shot by the officers? How far were you from that?

[REDACTED] About the same, I didn't know

MAZZARINI: Okay.

[REDACTED] from that.

MAZZARINI: So after he got shot, and he was on the ground, you said the officers came up, and what did they do?

[REDACTED] Handcuffed him, and they handcuffed the other gentleman, as well.

MAZZARINI: And where was the other gentleman at?

[REDACTED] He was at...

MAZZARINI: The guy he was fighting with.

[REDACTED] Just a little east of him.

MAZZARINI: I mean was he standing up or lying down, or could you tell?

[REDACTED] I couldn't tell. I mean I just fixated on the one guy.

MAZZARINI: Okay. So after they handcuffed the guy that was shot...

[REDACTED] I looked over. The other guy was literally just east of him right there in the planter. They handcuffed him there. I think he was sitting on the planter when they handcuffed him.

MAZZARINI: Okay. So they both handcuffed this, this guy. Then they walked over and handcuffed the other guy. After that, what happened?

[REDACTED] I think a bunch of—bunch of Norco, Corona, Corona PD showed up. Riverside, uh, Sheriff showed. Paramedics showed up. Paramedics were treating, uh, both the guys.

MAZZARINI: Okay.

[REDACTED] And, uh, I don't—I'm not sure where the—I never saw—I turned around, 'cause I didn't see where the Hispanic guy was taken away, but he wasn't there. Then I saw them go—Uh, take a—paramedics took the Caucasian gentleman off.

MAZZARINI: Okay. Do you have a cell phone number?



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MAZZARINI: Is there anything else you can think of that happened, or that you saw that?

No. It's about...

MAZZARINI: Okay. Okay, if I have any other questions, I will, uh, give you a...

**[END OF TRACK: 01 DM100001, DURATION: 22:20]**

DS:jej  
R-07-384-A  
9-25-07



**EVIDENCE TAPE**

People v. ISAAC SERRANO  
RIF 136250  
Transcript of Interview of [REDACTED]  
March 24, 2007  
074137

Key: BRETT: Officer Ryan Brett

[REDACTED]

[REDACTED]

UNKNOWN: Unknown Woman

**[BEGINNING OF TRACK: WS 10184, DURATION: 05:45]**

BRETT: Can you take it out of there for me there? I don't want to have to hold your whole wallet. So, you pu—

[REDACTED] I pulled...

BRETT: You pulled up and the workers had one of these guys held down?

[REDACTED] Yeah, the guy who got shot.

BRETT: Okay. Did you see that part of it?

[REDACTED] No.

BRETT: Because, well, how did they get all the, how did they get over here?

[REDACTED] They ran.

BRETT: Chasing him?

[REDACTED] Well, started walking, like, okay, he was okay.

BRETT: The guy, like, the white shirt. Was he wearing a white tank top, I think, looked like?

[REDACTED] Like, a white T-shirt, I think.

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BRETT: Okay.

[REDACTED] And then he saw, I guess, the other guy who he was going for, I don't know, and they just started running.

BRETT: Chasing the other guy, the guy in the blue shirt?

[REDACTED] Yeah.

BRETT: Was he chasing the, the guy in the blue shirt?

[REDACTED] Yeah, the uniform.

BRETT: Did you see him with a kni—did you see a knife in his hand or any weapons in, in the guy, the whites had?

[REDACTED] No, I didn't; no, I didn't. That was behind me after they shot, I heard gunshots. Did... Did, did they do something?

BRETT: Uh, yeah, well, there's a, yeah. He was stabbing the other guy, looks like.

[REDACTED] Oh.

BRETT: That's when the officers pulled up, he was being stabbed.

[REDACTED] Yeah, I looked around but I didn't

BRETT: Did you see all, a lot of blood when they were fighting over here or nothing?

[REDACTED] I didn't see any blood.

BRETT: Do you still live on, on [REDACTED]?

[REDACTED] Uh huh.

BRETT: You didn't come out over here, out here from [REDACTED] for ice cream, did you?

[REDACTED] No, my mom just came to bring the grandchildren.

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BRETT: Oh. Well, once they get to a certain point inside, you could probably walk to the other door and go in and get your ice cream still.

[REDACTED] Okay.

BRETT: We're not going to deny you that.

[REDACTED] Okay.

BRETT: But I, I got to make sure that the people I mostly interviewed; I said you might get re-interviewed inside. You don't need that.

[REDACTED] Oh, great.

BRETT: You don't need that again.

[REDACTED] Is that the other guy?

BRETT: No that, oh, I'm not sure who that one is.

[REDACTED] It's, like...

BRETT: He was, he was also here for part of it. He might have been an employee, took his shirt off.

[REDACTED] I don't know.

BRETT: Okay, how about a phone number for you?

[REDACTED] [REDACTED]

BRETT: [REDACTED]

[REDACTED] [REDACTED]

BRETT: What time do you think this, you pulled in and saw those two guys fighting here? It's, uh, it's 5:40 right now.

[REDACTED] Uh, probably, like, three minutes before you guys pulled up, maybe, five minutes. We were, like, oh, look A & W

BRETT: So, you guys just pulled in...

[REDACTED] We pulled in.

BRETT: ...parked right here to get an ice cream, and you, you, how many people were fighting on the ground in front of your car?

[REDACTED] No, they weren't fighting. They had that guy, they shot...

BRETT: Had the guy in the white tank top?

[REDACTED] Yeah, controlling 'em. Everybody was on top of 'em.

BRETT: How, how many guys were on top of 'em?

[REDACTED] Like, two or three. All the ones that were out here, and then, uh, they told 'em they told him to "calm down" or something and then they all got up and everybody was fine.

BRETT: Okay.

[REDACTED] And then he just started running after the other guy.

BRETT: Another guy come out this door or he was already over here?

[REDACTED] I don't know where he came from? I don't know if he was...

BRETT: Yeah.

[REDACTED] I don't know if he was there or here.

UNKNOWN: No, he was, he was there talking to the lady.

[REDACTED] The other lady.

BRETT: Okay.

[REDACTED] Yeah, I think, I guess he must have been mad, I don't know.

BRETT: So, when he is being held down, and the other guys are telling him to "calm down, calm down," and he eventually did.

[REDACTED] Uh huh.

BRETT: And they let him up?

[REDACTED] He did, he did.

BRETT: Okay.

[REDACTED] 'Cause they walked calmly, and then, I don't know, he started running. I guess he saw the guy there, and he started running.

UNKNOWN FEMALE: He was running

[REDACTED] Yeah, I know he was and then right there, that's, that's him  
\_\_\_\_\_ putting up.

BRETT: So, you, because of the vehicles, you couldn't see what happened?

[REDACTED] No.

BRETT: You just, what'd you hear?

[REDACTED] Uh, I don't know what to say, pop?

BRETT: Yeah, and, and what, the police were yelling or what, what did they...

[REDACTED] Stay still or, uh, stay down or something, so...

BRETT: Okay.

[REDACTED] I, I was gonna, I ran over there to see what was going on, but then I heard that gunshot, and I came right back.

BRETT: Oh, so you ran over. What, did you see...

[REDACTED] Over, I ran, I ran that way.

BRETT: But did you see or when you were running over there you heard a shot? How many shots did you hear?

[REDACTED] Two.

BRETT: Two shots, and you...

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[REDACTED] And my sister...

BRETT: You didn't quite get around, you couldn't quite see when you heard the shots? You just heard someone telling 'em to stay down?

[REDACTED] Something like that, either stay down or, uh, freeze or something, something like, that it was cops

BRETT: Okay, wa—was, uh, was the officer yelling that, right?

[REDACTED] Yeah. Yeah what if the guy that got shot has something...

BRETT: Yeah.

[REDACTED] ...to start shooting at the cop, but I don't know if he did

BRETT: Well, apparently he did. I'm gonna keep checking on, since you guys, pretty much we're the only people I'm out here talking to, um, if, as soon as I can, I'll let you come around to go inside once, once they've got, and there's enough people in there, now. They'll get him interviewed pretty quick.

[REDACTED] Okay.

BRETT: So, maybe ten more minutes. Tell the little guy that ten more minutes or so he can get an ice cream.

[REDACTED] Yeah, he's just hyper

BRETT: Aww, he's got Sponge Bob there in the windows.

[REDACTED] Yeah.

BRETT: All right, thank you.

[REDACTED] Thank you.

UNKNOWN: You're welcome.

[END OF TRACK: WS 10184, DURATION: 05:45]

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10/3/07

**EVIDENCE TAPE**

People v. Isaac Serrano

RIF 136250

Transcript of Interview with [REDACTED]

March 24, 2007

074137

Key:           ALVAREZ:           Officer Daniel Alvarez

[REDACTED]           [REDACTED] Witness

**[BEGINNING OF TRACK: CD01TRACK02, DURATION: 11:39]**

ALVAREZ:           Hello.

[REDACTED]           Hi.

ALVAREZ:           Have any of the officers talked to you?

[REDACTED]           No.

ALVAREZ:           No? Okay. Do you mind coming over here talking to me?

[REDACTED]           Well one thing. I do not have my driver's license with me. It's buried in our truck.

ALVAREZ:           That's fine.

[REDACTED]           Oh.

ALVAREZ:           Well, I'll just get, I'll just get your name and information. Do you want me to take a chair for you over ...

[REDACTED]           Yes.

ALVAREZ:           Excuse me. Can I have this spot right here? Thank you.

[REDACTED]           Thank you.

ALVAREZ:           Oh, no problem. Thank you for uh, being patient with us.



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[REDACTED] Any time.

ALVAREZ: What's your last name Ma'am?

[REDACTED] [REDACTED]

ALVAREZ: And your first name?

[REDACTED] [REDACTED]

ALVAREZ: And do you have a middle name?

[REDACTED] [REDACTED]

ALVAREZ: [REDACTED] What's the [REDACTED] for?

[REDACTED] [REDACTED]

ALVAREZ: [REDACTED] Two [REDACTED]'s? ... What's your, what's your date of birth Ma'am?

[REDACTED] [REDACTED]

ALVAREZ: And your home address?

[REDACTED] It's [REDACTED]

ALVAREZ: And your telephone number at home?

[REDACTED] Uh [REDACTED] no [REDACTED]

ALVAREZ: Do you have a cell phone number?

[REDACTED] No.

(police radio in background)

ALVAREZ: No. ... There's two Officer Alvarezes and they're trying to get a hold of one of us. That's the other one. Sorry.

[REDACTED] That's okay.

ALVAREZ: Um, not currently employed, correct?

[REDACTED] Retired.

ALVAREZ: Retired. Nice, good for you. Um, did, did you see anything?

[REDACTED] Well, all I saw was the, the; when they started fighting with them. But now the, what I saw was the young man in a white tee-shirt, and the young that just went in that door were fighting. Where the others came in, I don't know, because it seemed to me like there was a lot of fighting going on and I, if I saw it, I didn't know what it was, you know what I mean?

ALVAREZ: Right, no, I understand.

[REDACTED] So that's what I saw. And they were really punching each other.

ALVAREZ: Okay.

[REDACTED] And when the employee from here got into it, they went down that way so I didn't it.

ALVAREZ: Okay. So you said it was a young man in a white shirt?

[REDACTED] Yes.

ALVAREZ: What, could you tell if he was Hispanic, or white?

[REDACTED] He was Hispanic, I believe. Now he walked off.

ALVAREZ: How old would you say that he was, maybe? Approximately, if you had to guess?

[REDACTED] I think that their, their ages were very close. The young man that was on the ground and this young in white were around, I would say were very close to same age. 25 to 30-ish, somewhere in there. And both of them about the same size.

ALVAREZ: Now the, the uh, the gentleman in the white shirt...

[REDACTED] Uh huh.

ALVAREZ: Um, you, how, how had, what was he doing?

Well he was the one I saw throw the first punch.

ALVAREZ: And who did he punch, do you know?

The young man that's laying on the ground.

ALVAREZ: Okay, what was he wearing, the young man on the ground, do you remember?

To tell you the truth, I don't remember. I know it was like a, like a polo shirt, but I don't know what color it was, or anything.

ALVAREZ: Now when he threw the first punch, the gentleman in the white, the other, the other subject fell to the ground. Immediately or?

No, I don't believe so. All, both of them were just really tearing into it.

ALVAREZ: Okay.

Uh, the one in the white shirt was just hostile. The one in the other, I almost feel like that was a teal colored shirt, the one that was on the ground. Uh, but he wasn't fighting quite as hard as the guy in the white.

ALVAREZ: What caused him to go to the ground; the fight? Or how did he...

I suppose so.

ALVAREZ: Did you see him fall to the ground?

No, I just noticed that he was gone, so that's where I assumed that he had gone to this, fell to the ground.

ALVAREZ: Okay ...

Then he got up, and then they ran down this lane.

ALVAREZ: Okay. And it was a teal shirt?

[REDACTED] I think. For lack of a better color.

ALVAREZ: And they, they went that way to go fight?

[REDACTED] They went down to the end of the building or someplace down there, or because I could no longer see them. But the crowd was gathering down there too, I assume. You know this is really simple on TV.

ALVAREZ: That's how they trick us.

[REDACTED] You think, I can remember that when it starts.

ALVAREZ: So after they went to the, towards the rear, what else did you see? Did you see anything after that?

[REDACTED] Well some of them came back up here, but to tell you the truth, I don't know who all was involved, and they were really bashing each other. The man, the young man that originally you guys picked up on the gurney, he came up and then I believe it was one of the employees that got into a rant. He was just ready to fight, now that's obvious. And he didn't care. (laugh)

ALVAREZ: How many uh, two of them went that way when they were fighting initially, right?

[REDACTED] Yes.

ALVAREZ: And then when they came back, how many people did you have fighting?

[REDACTED] Two more, two different ones. Well might been different ones. The young man from here; the employee. And the young man that was originally was in the fight.

ALVAREZ: The one with the white shirt or the one with the teal shirt?

[REDACTED] No, the one with the white shirt walked off. I don't know where he ...

ALVAREZ: When, when did he walk off? Did you see him walk off?

[REDACTED] When they started down that way, I saw him turn and go around the building.

ALVAREZ: Okay.

[REDACTED] Now whether he came back or not, I have no idea. I just saw him turning.

ALVAREZ: So the subject in the teal shirt and the employee were done fighting out here?

[REDACTED] Yeah. And along about that time you guys arrived.

ALVAREZ: Now while you were saying here, where is, is it like next to white truck?

[REDACTED] Yes. Our truck.

ALVAREZ: Is that your truck?

[REDACTED] Yep.

ALVAREZ: Okay, after, after they were fighting there, wh-what else did you see?

[REDACTED] Well...

ALVAREZ: You said the officers arrived?

[REDACTED] Yes.

ALVAREZ: And what happened after that?

[REDACTED] I have no idea after that. Because all we could really see were the officers coming up and there was guns drawn in the back.

ALVAREZ: The officers were pointing guns? Do you know how many officers were pointing them?

[REDACTED] I would say 3. I may not be right, but that's what I thought I saw.

ALVAREZ: Do you know why they were pointing the guns?

[REDACTED] Well no, because I could not see the young man on the ground.

ALVAREZ: Excuse me. And they were pointing them at who, at the 2, both subjects?

[REDACTED] No. Just the one on the left.

ALVAREZ: Which is the gentleman wearing the teal shirt?

[REDACTED] The other, teal, the teal blue, or teal. 'Cause he was down. Now the employee, I don't really know where he was. I do know that later on they cuffed him and took him someplace. I have no idea.

ALVAREZ: Okay, so the police officers were pointing their guns, and then what happened after that?

[REDACTED] Uh, they cuffed the one young man, the employee. And then the next thing I saw was the one they got on the ground, they put him on a gurney. I'm not sure why he was on the gurney, I have no idea.

ALVAREZ: Okay. Did you see anything else or hear anything else? Did you hear any gunshots?

[REDACTED] No I did not. But, I have to wear hearing aids.

ALVAREZ: Okay.

[REDACTED] So if there was gunshots, I may not have heard it.

ALVAREZ: Okay.

[REDACTED] My daughter thought she heard a shot but I did not.

ALVAREZ: Um, if you were to see these gentlemen again, would you recognize er, by face? Would you be able to point them out in a picture or in person?

[REDACTED] I might. I'm just not positive.

ALVAREZ: And they were all Hispanic, correct, they were around the same age?

[REDACTED] Yes, I believe so. He has just about...

ALVAREZ: Even the employee also?

[REDACTED] I would say so, about 25 to 30 type thing.

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ALVAREZ: Okay, can you hold on for me real quick?

 Sure.

ALVAREZ: Thank you.

**[END OF TRACK: CD01TRACK02, DURATION: 11:39]**

DAS:kc

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09/24/07

**EVIDENCE TAPE**

People v. Isaac Serrano  
RIF 136250  
Transcript of Interview with [REDACTED]  
March 24, 2007  
074137

Key:           ALVAREZ:           Officer Daniel Alvarez

[REDACTED]           [REDACTED] Witness

**[BEGINNING OF TRACK: CD01TRACK03, DURATION: 08:33]**

(sounds of police radio in background)

ALVAREZ:           What's your name?

[REDACTED]           [REDACTED]

ALVAREZ:           [REDACTED]?

[REDACTED]           [REDACTED]

ALVAREZ:           Oh, [REDACTED] Hi, I'm Officer Alvarez.

[REDACTED]           Hi.

ALVAREZ:           I hope you don't mind talking to me for a little bit. Okay, I'll try to make it as quick as possible, okay?

[REDACTED]           Okay.

ALVAREZ:           What's your last name, [REDACTED]?

[REDACTED]           [REDACTED]

ALVAREZ:           [REDACTED] And your first name is spelled [REDACTED]? Do you have a middle name?

[REDACTED]           Yeah.

ALVAREZ:           What is it?



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[REDACTED] [REDACTED]  
ALVAREZ: How do you spell that?

[REDACTED] [REDACTED]

ALVAREZ: [REDACTED]

[REDACTED] No, [REDACTED]

ALVAREZ: Oh, okay. Sorry.

[REDACTED] That's okay.

ALVAREZ: Do you know your, your birthday?

[REDACTED] Yeah.

ALVAREZ: What is it?

[REDACTED] Um, [REDACTED] Um...

ALVAREZ: Do you know what year?

[REDACTED] Yeah, [REDACTED]

ALVAREZ: [REDACTED] So how old does that make you?

[REDACTED] 9.

ALVAREZ: 9. What grade are you in?

[REDACTED] 4th.

ALVAREZ: I remember being in 4<sup>th</sup> grade a long time ago.

[REDACTED] I bet.

ALVAREZ: Um, do you know your address?

[REDACTED] Yeah, [REDACTED] um, [REDACTED]  
[REDACTED]

ALVAREZ: [REDACTED] And what was the name of the street again?

[REDACTED]  
ALVAREZ: [REDACTED] Do you know your telephone number at your house?

[REDACTED] Yeah. It's [REDACTED]

ALVAREZ: [REDACTED]  
[REDACTED]

ALVAREZ: And you don't have a cell phone, do you?

[REDACTED] Yeah, I do.

ALVAREZ: Oh you do? Wow, I wish I had a cell phone when I was a kid. What's, do you know your cell phone number?

[REDACTED] I don't know it.

ALVAREZ: You don't know it? Okay. So what do you do for a job? You go to, you're in 4<sup>th</sup> grade right? That's your job, to be a student? Are you a good girl? (laughs) All right, um, I know you're upset. Um, but I'm going to have to ask you some questions.

[REDACTED] Yeah.

ALVAREZ: Um, did you see anything that happened, uh, out here in the parking lot?

[REDACTED] Yeah, I saw, um, there was these two guys who were fighting and punching each other.

ALVAREZ: Um hmm.

[REDACTED] And then when they were over there at one point, um, they were, they were on the ground. And this one, and this one lady was like leaning over a guy. And then I heard, and I saw the police come and he just had a gun, and then but I didn't see when they shot, I just heard a pop. I just saw, um, I just heard a noise.

ALVAREZ: Okay. When um, the guys, you said they were fighting out here?

[REDACTED] Yeah.

ALVAREZ: Do you remember what color shirts they were wearing?

[REDACTED] Um, this one guy, um, was wearing a blue shirt and I think the other guy was wearing a white or grey shirts. And then um, this one guy took off his shirt.

ALVAREZ: Does? Was it one of these two or was it another guy?

[REDACTED] Um, well, a lot, um, some more people um, were trying to stop the fight but then, um, the people who were already in the fight were starting to um, to fight with the people who were trying to stop the fights.

ALVAREZ: Okay. Now they were first fighting here and then you said they went to go fight over there, right?

[REDACTED] Yeah.

ALVAREZ: Okay. Now these guys that were fighting, could you tell if they were like, were they white guys, were they Mexican guys or Hispanic?

[REDACTED] Well I think uh, I think they're like Hispanic.

ALVAREZ: Hispanic?

[REDACTED] Yeah.

ALVAREZ: Okay. Could you tell how old they were?

[REDACTED] Um

ALVAREZ: About?

[REDACTED] I think like one of them was in like their 20's and like, they, were like the other one was in their 30's.

ALVAREZ: Do you know which, which was which?

[REDACTED] Um, the guy with the blue shirt, um, I think was in his 30s and the guy with gray shirt was like in his 20s.

ALVAREZ: Okay. When did the employee go out to start fighting out there?

[REDACTED] Um, a couple of minutes after the fight started.

ALVAREZ: Did he go out here or did he go to the back over there?

[REDACTED] Um, he went through the front door.

ALVAREZ: Through the front door. Is that, is that when they were fighting over here or was it when they were fighting in the back?

[REDACTED] When they were fighting over here.

ALVAREZ: So they, they first fought here, and then they were fighting over there.

[REDACTED] Yeah.

ALVAREZ: And then after that, where did they fight?

[REDACTED] Um, well, then, and then this lady was um, check up on that, that was calling police. Um, a couple minutes later, the police came.

ALVAREZ: Okay. And what happened when the police got here?

[REDACTED] Um, the, um, one of the, um, one police, um, one police officer, they were surrounding the place with caution tape and um, the other one had a gun. And the sus—and the guy was on the ground.

ALVAREZ: Okay. Now you said you heard a pop, right? Was that before they, they put all the tape?

[REDACTED] Um, no, it was after.

ALVAREZ: You heard the pop after?

[REDACTED] Well no, um, they put the tape, um, they put the tape after the pop.

ALVAREZ: After the pop?

[REDACTED] Yeah.

ALVAREZ: Now did you see, did you hear where the pop came from?

[REDACTED] Um, it came from over there by the Thank You sign.

ALVAREZ: Okay. Is that when the police officers were here?

[REDACTED] Yeah.

ALVAREZ: What did the pop sound like? Did it, did it sound like a...

[REDACTED] Um, it sounded like a really, um, um, big, booming sound.

ALVAREZ: How many did you hear?

[REDACTED] One.

ALVAREZ: One. Did, did you know what it was?

[REDACTED] Yeah, because I saw the, because I saw one of the police officers with the gun, so I knew what it was.

ALVAREZ: Just one officer had a gun, or did you see more officers?

[REDACTED] I only saw one.

ALVAREZ: Okay. Did you see him with a gun before or after the pop?

[REDACTED] Um

ALVAREZ: -Or Both?

[REDACTED] -Before.

ALVAREZ: Before. And you said that was over here by the Thank You sign.

[REDACTED] Yeah.

ALVAREZ: So that, does that mean that when they were fighting over there, they started fighting over here again?

[REDACTED] Yeah.

ALVAREZ: Okay. And who was fighting over here? Same, same people?

[REDACTED] Um, yeah. The um, another employee, um, came out the back door and went around, um, to try to stop and then they went over back there and then the police showed up.

ALVAREZ: What about after the pop, what did you see after the pop?

[REDACTED] Um, well...

ALVAREZ: Like, like immediately after the pop, what did you see?

[REDACTED] Um, I saw the guy um, holding caution tape over the thing go around to, around this area.

ALVAREZ: Okay.

[REDACTED] Around ...

ALVAREZ: All right [REDACTED] thank you very much. You're a really smart girl. To have known all that information, I don't know if I would've known that when I was 9. You're really, really smart. She's a smart girl.

UNKNOWN: She's got her own mind.

ALVAREZ: Yeah. Okay, well, thank you very much, okay, I appreciate it. All right, bye-bye. This is uh, last name [REDACTED]

**[END OF TRACK: CD01TRACK03, DURATION: 08:33]**

**EVIDENCE TAPE**

People v. Isaac Serrano  
RIF 136250  
Transcript of Interview with [REDACTED]  
March 24, 2007  
074137

Key:           ALVAREZ:           Officer Daniel Alvarez  
                 [REDACTED]           [REDACTED] Witness

**[BEGINNING OF TRACK: CD01TRACK04, DURATION: 08:36]**

ALVAREZ:           Do you have your identification with you by any chance?

[REDACTED]           Yes.

ALVAREZ:           Can I see that please?

[REDACTED]           Grab the license or what?

ALVAREZ:           Sure. Do you mind if I take it out?

[REDACTED]           No. It's just hard to get out.

ALVAREZ:           Do you want me to try it?

[REDACTED]           Yes.

ALVAREZ:           All right, thank you. Got it?

[REDACTED]           I couldn't get it.

ALVAREZ:           That's okay. If I can't do it, then we'll leave it in. (laugh) You just can't  
ever throw this wallet away if you can't take it out.

[REDACTED]           It's stuffed in there.

ALVAREZ:           Oh you're right. You know, I'm just going to leave it in there. ... By the  
way, I'm Officer Alvarez.

[REDACTED]           What?

ALVAREZ: I'm Officer Alvarez. Nice to meet you.

[REDACTED] Nice to meet you.

ALVAREZ: It's unfortunate that I have to meet you in these circumstances but...

[REDACTED] Are you done?

ALVAREZ: No, I was just looking at the date of birth. [REDACTED], correct?

[REDACTED] Yes.

ALVAREZ: Is this your current address in, in, on [REDACTED]?

[REDACTED] Yes.

ALVAREZ: . What's your home telephone number?

[REDACTED] [REDACTED]

ALVAREZ: [REDACTED] Do you have a cell phone by any chance?

[REDACTED] What?

ALVAREZ: A cell, a cellular phone? No? Okay. Okay. Did you see anything here in back?

[REDACTED] When we could see out the window, we saw those 2 guys, those 2 guys, they just beating up, just hitting one back and forth.

ALVAREZ: Um hmm.

[REDACTED] Looked like those other guys was trying to pull 'em apart, but didn't have a bunch of luck. They just kind of went down behind the building; I didn't get to see all of it. One of them fell on the ground, I saw it.

ALVAREZ: He fell on the ground, on the ground over here?

[REDACTED] Right there on the corner, you know where they're coming back where the door was at back there, that's where he went down. I just saw him fall on the ground, that's all we saw. He was just trying to break 'em up. Running from one side back and forth.



ALVAREZ: Okay. And the, and the 2 guys that, just so you know, I'm recording it in case I miss something. Um, the 2 guys that were fighting initially, did you hear, do you know what color shirts they were wearing by any chance?

I couldn't describe them it to you.

ALVAREZ: You can't remember what color?

No.

ALVAREZ: Okay. What about, could you tell if they were Hispanic or if they were white or?

Well they looked like they were white to me.

ALVAREZ: Could you tell about how old they were by any chance?

How what?

ALVAREZ: How old they were? Approximately?

Oh, I don't, maybe late teens maybe. 18, 19 something like that. I don't know for sure, kind of hard to judge. They were kind of, slender, tall slender guys. Think one of them had an apron on like they wear in here.

ALVAREZ: Okay.

Maybe one of them is a guy that works here, I'm not sure.

ALVAREZ: Now the one that was wearing the apron, was he one of the ones that was fighting initially or did he come in to try to break up the fight? Do you remember? And if not, it's not a big deal.

Kind of hard to know. I can't tell whether he was trying to break 'em up or whether he was getting in with it. Like he was fast fighting. (laugh)  
Looked like he was trying to fight.

ALVAREZ: But either way, he wasn't one of the first ones that started fighting?

I don't think he was.

ALVAREZ: What race did he look like he was?

[REDACTED] Well from where I was sitting, he was light colored.

ALVAREZ: Light colored.

[REDACTED] Light colored Mexican, I don't know. Sometimes you can't tell the difference between 'em.

ALVAREZ: Sometimes you can't. Now when you say they were fighting, they were like fist punching each other.

[REDACTED] Yeah, trying to.

ALVAREZ: Trying to?

[REDACTED] Pushing one another, yeah, shoving them, tried shoving one another, just pushing at 'em and looked like they're tried to cock 'em.

ALVAREZ: So they fought here, then they went towards the back of the building.

[REDACTED] Right there. We were sitting right up side there, yeah.

ALVAREZ: Right there. And then after they went to the back, what happened?

[REDACTED] I couldn't see, they went behind the building, I couldn't see them.

ALVAREZ: Did they, did they come back, or did they stay over there? Did you see anything after that, after they left? Towards the back?

[REDACTED] I think they came back, they came back up this way and they were still trying to fight.

ALVAREZ: And they were fighting right where they were before?

[REDACTED] Yeah.

ALVAREZ: Oh here's this by the way. Thank you.

[REDACTED] It happened so fast, couldn't hardly tell what's going on.

ALVAREZ: Now when they, when they were fighting, when they came back and were fighting over here, what happened after that?

Doing the same thing they were doing before, they were just shoving and pushing one another. They were trying to stop it, somebody was trying to pull 'em apart, I couldn't tell if the guy was trying to keep 'em apart or it didn't do much good.

ALVAREZ: Right. What happened, what happened after that, anything? Did you, did you see any officers arrive on scene?

No.

ALVAREZ: No? Did you hear any, any uh, any loud noises, like loud pops, like possibly like gunshot or anything like that?

Not till after the police got here, then I heard a gunshot.

ALVAREZ: Okay, so you did see the police get here? Okay.

(Possible Nodding)

ALVAREZ: Okay. And they were still fighting when, when the police got here?

(Possible Nodding)

ALVAREZ: What did you see when the police arrived?

There was a group of people still trying to get 'em apart, that's about all I seen. I didn't know so much.

ALVAREZ: Okay. How many, how many gunshots did you hear or pops?

Probably just that one.

ALVAREZ: Just one?

Probably just one, but I thought a policeman shot it, but I'm not sure.

ALVAREZ: What makes you think that?

The policemen were standing out there holding the gun at 'em; he was pointing the gun, I don't know if he shot it or not. I couldn't tell.

ALVAREZ: Only one officer that you saw was holding a gun?

[REDACTED] That's all I could see.

ALVAREZ: What's that?

[REDACTED] That's all I could see.

ALVAREZ: Okay. Now did you see the officer with the gun after or before the, the, you heard the shot? Or both, or both before?

[REDACTED] It was right after the policemen got here and they were trying to break them up.

ALVAREZ: And you heard a, you heard a gunshot?

[REDACTED] Yeah, and they were out there next to it. Right here. Right there.

ALVAREZ: When you heard the gunshot, is that when you turned and looked and saw an officer with a gun in his hand?

[REDACTED] I just the gun in hand, he didn't look like he was shooting it or anything.

ALVAREZ: But that was, but that was after the, the gunshot, correct?

[REDACTED] (No response)

ALVAREZ: After, after you turned around, after the gunshot, you turned around, you saw the officer, um, pointing a, holding a gun. What happened after that?

[REDACTED] I didn't see because I turned back around.

ALVAREZ: Okay.

[REDACTED] He's was back, he's behind me. He's back of me, I couldn't see it.

ALVAREZ: Could you tell who they were pointing the gun at?

[REDACTED] No, I couldn't.

ALVAREZ: Okay, if you were to see the guys that were fighting again, would you be able to recognize them?

[REDACTED] I doubt it, I doubt it very much. I didn't get that close a look at 'em.

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ALVAREZ: Okay ... Um, okay, well I been asking all the questions. Do you have any questions of me?

[REDACTED] I don't guess. It kind of, it happened so fast it was confusing.

ALVAREZ: Right. Well, I really appreciate your talking to me.

[REDACTED] Okay.

ALVAREZ: Thank you very much.

[REDACTED] Thank you.

ALVAREZ: And I'll walk you back to your uh, to your husband.

**[END OF TRACK: CD01TRACK04, DURATION: 08:36]**

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09/25/07

**SUMMARY OF EVENTS**  
**OFFICER INVOLVED SHOOTING**

**March 24<sup>th</sup>, 2007**

**CR#07-4137**

**Dispatch Summary**

**March 24<sup>th</sup> 2007 / 1709 hrs.**

Corona Police Department Dispatch received a 911 call from Long John Silver's restaurant 1340 El Sobrante Rd. Corona. The reporting party (RP), an employee, was upset and advised that a Hispanic male adult was at the business to assault an employee. The suspect arrived in a gray Honda, California license 5KRF159. The RP advised that the suspect had no weapons and there were no injuries.

At 1710 hours the RP said that the suspect was being held down by other employee's.

At 1711 hours the RP was very upset and the dispatcher attempted to calm the RP.

At 1712 hours the RP stated that the suspect had broken free of the persons holding him down.

At 1713 hours, unit 155, Corporal Jason Viefhaus, advised via radio that shots had been fired at the location and medical assistance was needed.

**Investigation Summary**

(This summary is compiled from officer, witness and suspect statements)

On March 24<sup>th</sup> 2007, at approximately 1400 hours Isaac Serrano (28 years old) drove to his wife's, [REDACTED], work place, Long John Silver's 1340 El Sobrante Rd. Corona. Isaac confronted a male employee, [REDACTED] (19 years old) who he believed to be having a relationship with his wife. Isaac punched and or pushed [REDACTED] behind the service counter. Isaac saw the store manager coming and left the store.

At approximately 1700 hours, Long John Silver's employee [REDACTED] (18 years old) saw Isaac sitting in his car outside of the store. Isaac had returned to pick up his wife, but he had brought a knife from home in case there was trouble. [REDACTED] had an argument with Isaac and they began to fight. Employee [REDACTED] (17 years old) got between the two and tried to calm the situation down. Isaac then attacked [REDACTED]. [REDACTED] and Isaac fell to the ground where the other employees held Isaac and called the police.

As they held Isaac on the ground, he said, "Oh, its over. I'm going to get you, you guys are dead. I'm going to fucking kill you, I'm going to fucking get you."

When Isaac calmed down the employee's let him up. Isaac stood up and pulled a black knife out of his right front pants pocket. [REDACTED] ran away and Isaac chased him through the parking lot. [REDACTED] fell to the ground and Isaac jumped on his back. Isaac then began to stab [REDACTED] with the knife.

At approx. 1712/1713 hours Corona Police Sergeant Frank Barron and Corporal Jesse Jurado arrived in a single unmarked Corona police car as Corporal Jason Viefhaus arrived in a marked Corona police car.

The officers arrived and witnessed a fight in progress. Cpl. Jurado detained a male subject who ran from the business. He believed the man to be involved in the dispute at the restaurant. Sgt. Barron and Cpl. Viefhaus saw Isaac chasing [REDACTED]. [REDACTED] fell into a planter area, and Isaac jumped on his back.

Isaac began to strike [REDACTED] with punching motions. An onlooker said that he had a knife, and Sgt. Barron saw that Isaac was stabbing [REDACTED]. Sgt. Barron gave commands to drop the knife as Cpl. Viefhaus attempted to deploy his taser. The taser failed to properly deploy, and Isaac stood up in a quick manner toward Cpl. Viefhaus. Believing Isaac was going to stab Cpl. Viefhaus, Sgt. Barron fired 1 round from his service pistol. Cpl. Viefhaus, fearing Isaac was going stab him and fired one shot from his service pistol.

Isaac was struck by both shots and fell to the ground. They handcuffed Isaac and called for medical aid and assisting officers.

### **Victim Injuries**

[REDACTED] sustained the following injuries;

Approx. ½" stab wound to his right wrist

Approx. ¾" stab wound to his right back side

1 ¼" X 4 ½" cut to his left elbow. This wound was down to the bone.

### **Suspect Injuries**

Isaac Serrano sustained two gunshot wounds. One bullet entered his right posterior shoulder and came to rest in his chest and lung area. The second bullet entered his posterior lower back and chest area and came to rest in his abdomen.

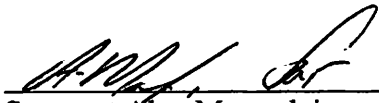
Both bullets were surgically removed and collected as evidence.

### **Inquiry Result**

In reviewing this incident we, Sgt. A. Marmolejo and Sr. Det. A. Lorton, determined that the Sgt. F. Barron and Cpl. J. Viefhaus, performed their duties within the policies of the Corona Police Department. The officers were confronted with an armed suspect who was actively stabbing a victim in the officer's presence. Fearing the victim would be killed, the officers give the suspect commands to stop and drop the weapon. The suspect did not respond to the commands to stop and he advanced towards Cpl. Viefhaus still armed with the knife. Fearing the suspect was going to stab Cpl. Viefhaus they each fired one round from their respective service pistols. The result of our inquiry is that the officers used the required and needed amount of force in this incident.

### **Disposition**

This report will be submitted as the Corona Police Department's Administrative Investigation Report. This report will be used by the Shooting Review Board who will determine if the shooting is within policy, out of policy or accidental. It will also be the job of the Board to consider any training issues and make any recommendations on them.

  
Sergeant Alex Marmolejo 6/27/08

  
Sr. Detective Alan Lorton