SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

CASE SUMMARY:

On Saturday, September 3, 2022, at approximately 1514 hours, Deputy Michelle Bush conducted a traffic enforcement stop on a burgundy Toyota Scion for an equipment violation near the intersection at L Street, near West Broadway Street, Needles. The Scion was occupied by the driver, Nikolas McPheter, and his girlfriend, [redacted]. After McPheter yielded, Sergeant Nickolas Caronna assisted Bush with the traffic stop.

At 1517 hours, SBCSD Deputy Alecsander Gonzales responded toward the traffic stop and cleared shortly after once he observed McPheter yielded. During the traffic stop, Bush utilized her Mobile Data Computer (MDC) to conduct a records check on McPheter. Bush discovered McPheter was a restrained person with an active domestic violence restraining order (DVRO) issued from Riverside County, and [redacted] was the protected person. Bush and Caronna attempted to arrest McPheter for violation of the DVRO.

At approximately 1530 hours, Bush instructed McPheter to exit the Scion. McPheter exited the Scion and attempted to flee. Bush and Caronna restrained McPheter and a struggle ensued between Caronna, Bush, and McPheter on a concrete earth fill slope near the Scion for approximately one minute.

During the struggle, Caronna, Bush, and McPheter transitioned from standing, kneeling, to laying on the ground as Caronna and Bush attempted to restrain McPheter. Once on the ground, Bush utilized her Taser to gain compliance and drive stunned McPheter, but it was ineffective. During the struggle, McPheter removed Caronna's Glock 21, .45 caliber duty handgun from Caronna's duty holster and pointed it at Bush and Caronna as they struggled on the ground.

At approximately 1531 hours, Bush fired two rounds from her Glock 17, 9-millimeter (mm) duty handgun which struck McPheter in the head and in the right hand. McPheter became incapacitated and medical aid was summoned.

At approximately 1535 hours, San Bernadino County Fire Department (SBCFD) and Baker Emergency Medical Services (BEMS) arrived on scene. At 1537 hours, BEMS Paramedic [redacted] pronounced McPheter deceased. [redacted] observed Caronna's black Glock 21 magazine in McPheter's left hand. BEMS assessed Bush and Caronna for minor injuries that did not require immediate care.

Reviewed By: **Sgt. J. Giles** Date: **12/6/23** Author: **Det. S. Thurman** Author Date: **12/6/23**

15-10603-401 Rev. 11/06 (CR1)

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CA
UNIFORM CRIME REPORT

03600

1. CODE SECTION	2. CRIME DEFINITION	3. CASE NO / CRIME CODE
☐ F Lethal Force Encounter ☐ M ☒ OTHER	Other	602200107 H# 2022-113

4. ASSIGNMENT MO-DAY-YEAR-TIME	5. ARRIVED MO-DAY-YEAR-TIME	6. BEAT	7. REPORT DIST.
Saturday 9/3/22 1530	Saturday, 9/3/22 1930		

8. OCCURRED DAY OF WEEK MO-DAY-YEAR-TIME	9. REPORTED MO-DAY-YEAR-TIME	10. LOCATION OF OCCURRENCE CITY
Saturday 9/3/22 1530	9/3/22 1530	L Street / W. Broadway, Needles

CODES FOR BOXES 12 & 22 ARE: V = VICTIM W = WITNESS RP = REPORTING PARTY DC = DISCOVERED CRIME IP = INVOLVED PARTY

VICTIM WITNESS

11. LAST, FIRST MIDDLE (FIRM IF A BUSINESS)	12.	13. RESIDENCE-ADDRESS-STREET-CITY-ZIP	14. RESIDENCE PHONE
Caronna, Nickolas		Confidential	

15. OCCUPATION	16. RACE/SEX	17. AGE	18. DOB M-D-YR	19. BUSINESS ADDRESS STREET-CITY-ZIP	20. BUSINESS PHONE

21. NAME: LAST, FIRST, MIDDLE (FIRM IF A BUSINESS)	22.	23. RESIDENCE ADDRESS-STREET-CITY-ZIP	24. RESIDENCE PHONE
Bush, Michelle		Confidential	

25. OCCUPATION	26. RACE/SEX	27. AGE	28. DOB M-D-YR	29. BUSINESS ADDRESS-STREET-CITY-ZIP	30. BUSINESS PHONE

SUSPECTS

31. SUSPECT NO.1 LAST, FIRST, MIDDLE	32. RACE/SEX	33. AGE	34. HT.	35. WT.	36. HAIR	37. EYES	38. DOB	39. ARRESTED	40. INTERVIEW
Mcpheter, Nikolas	W/M	[redacted]	5'-4	140	BRN	HZL	[redacted]	☐ YES ☒ NO	☐ YES ☒ NO

41. RESIDENCE-ADDRESS-STREET-CITY-ZIP	42. CLOTHING AND OTHER IDENTIFYING MARKS/CHARACTERSTICS
[redacted]	

43. SUSPECT NO 2 LAST, FIRST, MIDDLE	44. RACE/SEX	45. AGE	46. HT	47. WT	48. HAIR	49. EYES	50. DOB	51. ARREST	52. INTERVIEW
								☐ YES ☐ NO	☐ YES ☐ NO

53. RESIDENCE ADDRESS-STREET-CITY-ZIP	54. CLOTHING AND OTHER IDENTIFYING MARKS/CHARACTERSTICS

INV

55. CHECK IF MORE NAMES IN CONTINUATION ☒ YES ☐ NO — 56. ADDITIONAL INFORMATION ☐ VICTIM ☒ WITNESS ☐ OFFICER ☒ OTHER

57. PHYSICAL EVIDENCE RECOVERED ☒ YES ☐ NO — 58. PHOTOGRAPHS TAKEN ☒ YES ☐ NO — 59. LATENT PRINTS LIFTED ☐ YES ☒ NO

60. VEHICLE	61. COLOR	62. YEAR	63. MAKE	64. MODEL	65. BODY TYPE	66. LIC.	67. STATE	68. DAMAGE/ODDITY/ACCESSORIES
☐ V ☒ S	BURG	2005	SCION	TC	2DR	[redacted]	CA	

CRIME STATS

69. ROBBERY WEAPON: ☐ FIREARM ☐ OTHER DANGEROUS WEAPON ☐ CUTTING INSTRUMENT ☐ STRONG ARM
LOCATION: ☐ HIGHWAY ☐ OTHER BUSINESS ☐ SERV. STATION ☐ CONVENIENCE STORE ☐ RESIDENCE ☐ BANK ☐ MISC.

70. ASSAULT WEAPON: ☒ FIREARM ☐ KNIFE / CUTTING INSTRUMENT ☐ OTHER DANGEROUS WEAPON ☒ HANDS/FEET ☐ SIMPLE/NO INJURY

71. BURGLARY ☐ NIGHT ☐ DAY ☐ UNKNOWN — ☐ FORCEIBLE ENTRY ☐ ENTRY-NO FORCE ☐ ATTEMPT BY FORCE — ☐ RESIDENCE ☐ VEHICLE ☐ NON-RESIDENCE (BUILDING)

72. LARCENY ☐ PICKPOCKET ☐ PURSE-SNATCH ☐ SHOPLIFT ☐ FROM MOTOR VEHICLE ☐ MOTOR VEHICLE PARTS ☐ BICYCLES ☐ FROM BLDG: NOT SHOPLIFT OR MACHINES ☐ FROM COIN-OPERATED MACHINES ☐ ALL OTHERS

73. PROPERTY TYPES & VALUES		STOLEN		STOLEN		STOLEN
	CURRENCY, NOTES	$	TV, STEREO, ETC.	$	CONSUMABLE GOODS	$
	JEWELRY	$	FIREARMS	$	LIVESTOCK	$
	CLOTHING	$	HOUSEHOLD GOODS	$	OTHER MISC.	$
	OFFICE EQUIPMENT	$			TOTAL	$

☐ IDENTIFIABLE PROPERTY TAKEN ☐ NCIC ENTRY COMPLETED

74. DOMESTIC VIOLENCE INJURIES: ☐ NONE ☐ MINOR ☐ MAJOR — WEAPONS: ☐ YES ☐ NO

75. PEACE OFFICER ASSAULTED/ARSON ☒ YES, IF YES, COMPLETE BOXES 1,2,3,4 AND 34 OR 35 ON CR-4 FORM

SYNOPSIS

76. SYNOPSIS

Refer to case summary.

77. REPORTING OFFICER	78. EMP #	79. DATE	80. REVIEWED BY	DATE	81. ROUTED TO
S.THURMAN	F5124	10/12/22		10/18/22	☒ SUBMIT TO D/A ☐ OTHER ☐ IMMEDIATE FOLLOW-UP

82. REPORTING OFFICER IS 115 QUALIFIED ☒ YES ☐ NO

83. GANG RELATED ☐ YES ☒ NO

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER: **602200107**

REPORTING AREA:

CONFIDENTIAL

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Caronna, Nikolas

ADDRESS	PHONE NUMBER
Confidential	**( )**

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:

Codes Are: V-Victim | W-Witness | S-Suspect | RP-Reporting Party | DC-Discovered Crime | IP-Involved Party | O-Other

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
Caronna, Nikolas	**V**		**( )**

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
Sergeant	**W/M**	[redacted]	[redacted]	**1111 Bailey Avenue, Needles,CA**	**(760) 326-9200**

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
Bush, Michelle	**V**		**( )**

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
Deputy Sheriff	**W/F**	[redacted]	[redacted]	**1111 Bailey Avenue, Needles,CA**	**(760) 326-9200**

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	**W**	[redacted]	[redacted]

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
	W/M	**57**	[redacted]		**( )**

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	**W**		[redacted]

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
Paramedic	**W/M**	[redacted]	[redacted]	**633 Front St, Needles,CA**	**(760) 326-5299**

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	**W**		**( )**

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
Paramedic	**W/F**	[redacted]	[redacted]	**633 Front St, Needles, CA**	**(760) 326-5299**

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
S.THURMAN	**F5124**	**12/1/23**		**12/21/23**		

RTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☒ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER: **602200107**

REPORTING AREA:

CONFIDENTIAL

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Caronna, Nikolas

ADDRESS: **Confidential** | PHONE NUMBER: ( )

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:

Codes Are: V-Victim | W-Witness | S-Suspect | RP-Reporting Party | DC-Discovered Crime | IP-Involved Party | O-Other

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	W	[redacted]	[redacted]

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
	W/F	[redacted]	[redacted]		( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	IP	[redacted]	[redacted]

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
	W/F	[redacted]	[redacted]		( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
					( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
					( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
					( )

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
S.THURMAN	**F5124**	**12/21/23**				

FURTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☒ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER
602200107

REPORTING AREA

CONFIDENTIAL

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Caronna, Nikolas

ADDRESS
Confidential

PHONE NUMBER
( )

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:

Codes Are: V-Victim | W-Witness | S-Suspect | RP-Reporting Party | DC-Discovered Crime | IP-Involved Party | O-Other

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	IP		( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
FIREFIGHTER	W / M	[redacted]	[redacted]	1113 E. BROADWAY AVENUE, NEEDLES, CA	(760) 326-2833

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
[redacted]	IP		( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
.REFIGHTER	H / M		[redacted]	1113 E. BROADWAY AVENUE, NEEDLES, CA	(760) 326-2833

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
					( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
					( )

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			( )

Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:	Business Phone:
					( )

REPORTING OFFICER	EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
S.THURMAN	**F5124**	**12/21/23**				

'RTHER ACTION:	COPIES TO:	☐ SD/PD	☐ Other	REMARKS:
☐ YES ☒ NO	☐ Detectives	☐ CII		
15-15184-401 Revised 1/83 (CR2)	☐ District Attorney	☐ Patrol		

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

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Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

NOTIFICATION:

On Saturday, September 3, 2022, I was an on-call detective for the San Bernardino County Sheriff's Department, Specialized Investigations Division, Homicide Detail. At approximately 1530 hours, Sergeant Justin Giles informed me a lethal force encounter (LFE) occurred at the intersection of L Street and West Broadway Street in Needles, CA. I arrived on scene at approximately 1936 hours.

Giles assigned me as the case agent.

Reviewed By: **Sgt. J. Giles** Date:**9/3/2022** Author: **Det. S. Thurman** Author Date: **9/3/2022**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

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Lethal Force Encounter	**LFE**	**Other**

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Caronna	**Nickolas**		

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Giles assigned me to assist with interviews.

Reviewed By: **Sgt. J. Giles** Date:**9/3/2022** Author: **Det. J. Cavender** Author Date: **9/3/2022**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

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H# 2022-113

CRIME REPORT

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Lethal Force Encounter	**LFE**	**Other**

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Caronna	**Nickolas**		

NOTIFICATION:

On Saturday, September 3, 2022, I was an on-call detective for the San Bernardino County Sheriff's Department, Specialized Investigations Division, Homicide Detail. At approximately 1530 hours, Sergeant Justin Giles informed me a lethal force encounter (LFE) occurred at the intersection of L Street and West Broadway Street in Needles, CA. I arrived on scene at approximately 1940 hours.

Giles assigned me to investigate the scene.

Reviewed By: **Sgt. J. Giles** Date:**9/3/2022** Author: **Det. V. Quezada** Author Date: **9/3/2022**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

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H# 2022-113

CRIME REPORT

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Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
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Giles assigned me to assist with interviews.

Reviewed By: **Sgt.J.Giles** Date:**9/3/2022** Author: **Det. D. Gosswiller** Author Date: **9/3/2022**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

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VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

NOTIFICATION:

On Saturday, September 3, 2022, I was an on-call detective for the San Bernardino County Sheriff's Department, Specialized Investigations Division, Homicide Detail. At approximately 1530 hours, Sergeant Justin Giles informed me a lethal force encounter (LFE) occurred at the intersection of L Street and West Broadway Street in Needles, CA. I arrived on scene at approximately 1942 hours.

Giles assigned me to assist with interviews.

Reviewed By: **Sgt. J. Giles** Date:**9/3/2022** Author: **Det. R. Ripley** Author Date: **9/3/2022**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

BRIEFING:

On Saturday, September 3, 2022, at approximately 2234 hours, San Bernardino County Sheriff's Department (SBCSD) Detective Timothy Preston briefed investigators on the circumstances of the lethal force encounter. The following personnel were present during the briefing:

San Bernardino County Sheriff's Department, Homicide Detail:

- Deputy Chief Rick Bessinger
- Captain Robert Trostle
- Lieutenant Joseph Janowicz
- Sergeant Justin Giles
- Detective Robert Ripley
- Detective Shawn Thurman
- Detective Jonathan Cavender
- Deputy Vanayes Quezada
- Deputy Dylan Gosswiller

San Bernardino County Sheriff's Department, Needles Station:

- Captain Ross Tarangle
- Lieutenant Jacob Gault
- Detective Alan Pennigton
- Detective Timothy Preston

San Bernardino County Sheriff's Department, Crime Lab:

- Crime Scene Specialist [redacted]

San Bernardino County Sheriff's Department, Civil Liabilities:

- Sergeant Jeremy Vasquez

San Bernadino County District Attorney's Office:

- Deputy District Attorney [redacted]
- Senior District Attorney Investigator Jesse Moon

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

BRIEFING: (Continued)

On Saturday, September 3, 2022, at approximately 1514 hours, Deputy Michelle Bush conducted a traffic enforcement stop on a burgundy Toyota Scion, bearing a temporary California plate [redacted], for an equipment violation. The Scion yielded near the intersection at L Street, near West Broadway Street, Needles.

The Scion was occupied by the driver, Nikolas McPheter and his girlfriend, [redacted]. After McPheter yielded, Sergeant Nickolas Caronna assisted Bush with the traffic stop.

During the traffic stop, Bush utilized her Mobile Data Computer (MDC) to conduct a records check on McPheter. Bush discovered McPheter was a restrained person on an active domestic violence restraining order (DVRO) issued from Riverside County, and [redacted] was the protected person.

At approximately 1530 hours, Bush instructed McPheter to exit the Scion while she investigated the DVRO violation. McPheter attempted to flee on foot, when Bush and Caronna attempted to arrest McPheter. A struggle ensued between Caronna, Bush, and McPheter.

During the struggle, McPheter gained possession of Caronna's Glock 21, .45 caliber duty handgun from his duty holster. At approximately 1531 hours, Bush fired two rounds from her Glock 17, 9-millimeter (mm) duty handgun at McPheter and he was struck in the head by the fired bullet.

At approximately 1535 hours, San Bernadino County Fire Department (SBCFD) and Baker Emergency Medical Services (BEMS) arrived on scene. At 1537 hours, BEMS Paramedic [redacted] pronounced McPheter deceased.

Bush and Caronna sustained minor abrasions on their hands and knees. Bush and Caronna chose to receive further medical treatment on a different date. [redacted] was transported to Needles station located at 1111 Bailey Avenue, Needles to be interviewed by homicide investigators.

At approximately 1600 hours, SBCSD Specialized Division, Homicide Detail was contacted and assumed the investigation.

CRIME REPORT

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

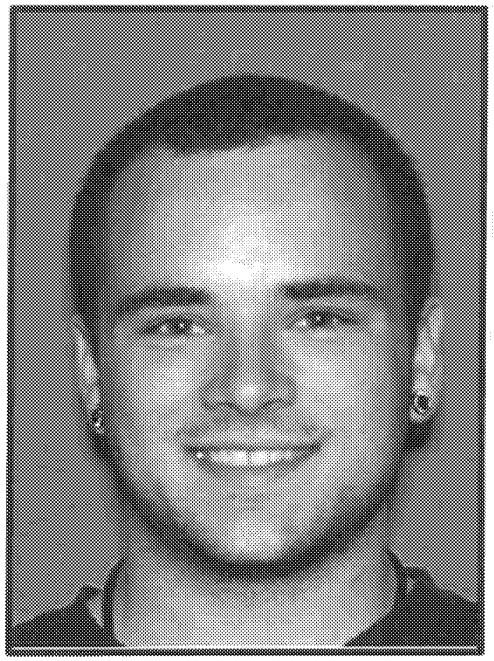
SUSPECT

Nikolas William McPheter

[redacted]

[redacted]**Canyon Lake, CA, 92587**

California Driver's License Photograph Dated: 10/25/2013



Reviewed By: **Sgt. J. Giles** Date: **10/12/23** Author: **Det. S. Thurman** Author Date: **10/12/23**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
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VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

SCENE INVESTIGATION:

On Saturday, September 3, 2022, at approximately 2050 hours, Crime Scene Specialist [redacted] and I conducted a crime scene investigation on South L Street, underneath the Interstate 40 Freeway (I40) overpass, in Needles. [redacted] assisted me by taking overall, midrange, and close-up photographs of the scene and evidence found at the scene. Evidence found within the scene was labeled using identification placards and photographed in place, prior to being measured and taken as evidence. All measurements were approximate and taken using a Leica DISTO laser measuring device.

SCENE WALK-THROUGH:

On Saturday, September 3, 2022, at approximately 2050 hours, San Bernardino County Sheriff's Department Needles Station Detective Timothy Preston conducted a walk-through with investigators.

The following personnel were present during the walk-through:

San Bernardino County Sheriff's Department, Homicide Detail:
Lieutenant Joseph Janowicz
Sergeant Justin Giles
Detective Robert Ripely
Detective Shawn Thurman
Detective Jonathan Cavender
Deputy Vanayes Quezada

San Bernardino County Sheriff's Department, Needles Station:
Detective Timothy Preston

San Bernardino County Sheriff's Department, Crime Lab:
Crime Scene Specialist [redacted]
Crime Scene Specialist [redacted]

San Bernardino County Sheriff's Department, Civil Liabilities:
Sergeant Jeremy Vasquez

San Bernardino County District Attorney's Office:
Senior District Attorney Investigator [redacted]
Deputy District Attorney Investigator Angela Sonico

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

SCENE DESCRIPTION:

Note: The image below is an image from Google Maps, which depicted an aerial view of South L Street and the Interstate 40 Freeway (I40) overpass. The lethal force encounter occurred under the overpass on South L Street. The top of the image depicted north.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

SCENE DESCRIPTION: (continued)

South L Street was an asphalt roadway located south of West Broadway Street and north of Highland Avenue. I40 overpass ran northwest and southeast over South L Street. The involved portion of South L Street was a north/south, two-lane roadway, with one lane of travel in each direction. The northbound and southbound lanes were separated by a yellow solid line. Each lane of South L Street was approximately 20 feet wide. A concrete curb, approximately four feet in depth and seven inches tall, encompassed each side of the roadway. The I40 overpass was structured with a concrete foundation on each side of South L Street. The foundation extended from the base of the I40 and attached to each of the South L Street curbs at a 31-degree angle. The incident occurred on South L Street, approximately 175 feet south of West Broadway. Nikolas McPheter lay on the west sidewalk of South L Street.

Note: The image below is a photograph taken at the scene underneath the I40 overpass on the east curb of South L Street. The photograph depicted a view of South L Street in a southwest direction. The photograph also depicted the I40's angled foundation which attached to each of the curbs of South L Street.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

PLACARD DESCRIPTION:

Placard 1 identified a silver metal 9 millimeter (mm) fired cartridge casing (FCC) on the ground. The silver metal 9mm FCC was head stamped "WIN 9mm LUGER."

Placard 2 identified a silver metal 9mm FCC on the ground. The silver metal 9mm FCC was head stamped "WIN 9mm LUGER." **Placard 2** was approximately one foot seven inches north of **Placard 1**.

Placard 3 identified a yellow San Bernardino County Sheriff's Department issued TASER with serial number [redacted]. The TASER was in the on position. Both TASER cartridges were intact and were not discharged. The TASER lay on its left side approximately two feet north of McPheter's right shoulder. **Placard 3** was approximately two feet six inches northwest of **Placard 2**.

Placard 4 identified a San Bernardino County Sheriff's Department ribbon bar. The ribbon bar contained two bar ribbons, a green and white ribbon (Life Saving Award) and a red and white ribbon (Medal of Valor). The ribbon bar faced up and rested on the two rear pins. Blood was smeared on the medal of valor ribbon. The ribbon bar lay on a pool of blood approximately three inches north of McPheter's head. **Placard 4** was approximately one foot three inches west of **Placard 3**.

Placard 5 identified McPheter's body. McPheter lay face down on the west curb of South L Street. McPheter's face lay on the concrete curb and rested on a pool of his own blood. The pool of blood flowed north on the concrete curb and extended approximately six feet. Nikolas' left shoulder touched the base of the inclined concrete foundation, and his left arm was tucked underneath his abdomen. Sergeant Nickolas Caronna's pistol magazine was located in Nikolas' left hand. Nikolas' left hand grasped the base of the magazine. Nikolas had short brown hair and wore a blue Bass Pro Shops medium size shirt that was inside out. Nikolas wore blue basketball shorts that were positioned below his buttocks. Nikolas wore long black Aeropostale socks which reached approximately two inches below his knees. Nikolas wore one shoe on his right foot. McPheter's second shoe was located approximately two feet south of his left foot. The shoes were black in color and contained a brown sole. The words "steel toe" were pressed into the material on the outer portion of the shoe heal. **Placard 5** was approximately six feet five inches south of **Placard 4**.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

PLACARD DESCRIPTION: (continued)

Placard 6 identified a black pair of Ray-Ban sunglasses. The glasses were bent and lay on the concrete floor. Next to the glasses lay a black nylon strap that appeared to be the neck strap of the glasses. **Placard 6** was approximately two feet three inches southwest of **Placard 5**.

Placard 7 identified a burgundy 2005 Scion TC, bearing temporary California license plate [redacted]. The Scion did not have a front license plate. The Scion was parked facing south on the west roadway edge of South L Street. The Scion's ignition was off and none of the Scion's lights were illuminated. The Scion's driver's side window and passenger side window were in the down position. The driver's side mirror had damage to the exterior front portion of the mirror. **Placard 7** was approximately 14 feet one inch southeast of **Placard 6**.

Placard 8 identified a white San Bernardino County Sheriff's Department Ford Explorer patrol vehicle, bearing California license plate [redacted]. The Explorer was parked northeast, behind **Placard 7** and faced south on the west roadway edge of South L Street. "POLICE" and "NEEDLES" was printed in bold yellow lettering on both sides of the vehicle and spanned across the front and rear doors. "San Bernardino County Sheriff," "16300 21" and "5" were printed in bold black and yellow lettering on the rear hatch, under the rear window. "16300 21" was printed in bold black lettering on the hood, above the passenger side headlight. "5" was printed in bold black lettering on the hood, above the driver's side headlight. The Explorer's ignition was on. Unilluminated spotlights were affixed in front of the side mirrors. The Explorer was equipped with an emergency light bar which was attached to the top of the vehicle. The emergency light bar lights were activated and had a proper functioning forward facing solid red light. Inside of the Explorer, above the driver side dashboard, was a vehicle's State of Nevada Department of Motor Vehicles registration for the Scion and McPheter's California driver license. **Placard 8** was approximately 34 feet seven inches north of **Placard 7**. The vehicle's front bumper was approximately 17 feet, nine inches, north of the rear bumper of **Placard 7**.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

PLACRD DESCRIPTION: (continued)

Placard 9 identified a white San Bernardino County Sheriff's Department Jeep Wrangler patrol vehicle, bearing California license plate [redacted]. The Wrangler was parked northeast, behind **Placard 8** and faced south on the west roadway edge of South L Street. "SHERIFF" was printed in bold yellow lettering on both sides of the Wrangler and spanned across the rear doors. "San Bernardino County Sheriff," was printed in bold black and yellow lettering on the rear window. "06627 10" was printed in bold black lettering on the rear hatch, below the driver's side rear taillight. "06627 10" was printed in bold black lettering on the hood, above the driver's side headlight. The Wrangler's ignition was on. The Wrangler was equipped with an emergency light bar which was attached to the top of the vehicle. The rear lights on the emergency light bar were activated. **Placard 9** was approximately 26 feet, one inch, north of **Placard 8**. The Wrangler's front bumper was approximately 10 feet four inches north of the rear bumper of **Placard 9**.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

PLACARD MEASUREMENT LOG:

Measurements were taken using a Leica DISTO laser measuring device and were approximate.

Reference point #1 was the south curb line prolongation of West Broadway Street. Reference point #2 was the west curb line of South L Street.

Placard #	Description	Reference Point #1	Reference Point #2
1	WIN 9mm LUGER FCC	169'9" south	5" west
2	WIN 9mm LUGER FCC	168' south	5" west
3	TASER	166'5" south	3'2" west
4	Ribbon pin bar	166'5" south	4'5" west
5	McPheter's body	**Left foot:** 172'8" south **Head:** 167'1" south	**Left foot:** 3'9" west **Head:** 4'9" west
6	Ray-Ban glasses	175'3" south	4'4" west
7	Scion TC	**Front driver side tire:** 191'10" south **Rear passenger side tire:** 183'2" south	**Front driver side tire:** 5'2" east **Rear passenger side tire:** (On curb line)

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

PLACARD MEASUREMENT LOG: (continued)

8	Ford Explorer patrol vehicle	**Front driver side tire:** 159'2" south **Rear passenger side tire:** 151'2" south	**Front driver side tire:** 8'4" east **Rear passenger side tire:** 2'3" east
9	Jeep Wrangler patrol vehicle	**Front driver side tire:** 128'7" south **Rear passenger side tire:** 120' south	**Front driver side tire:** 6'2" east **Rear passenger side tire:** 2" east

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

SCENE DOCUMENTATION:

I surveyed the crime scene with a F.A.R.O. Focus, 3DX, laser-mapping system. The F.A.R.O. was attached to a tripod and remained stationary while it scanned the scene. Once the F.A.R.O. completed a scan cycle, the tripod and F.A.R.O were repositioned, and additional scans were completed. A total of 10 scans were taken using the F.A.R.O. The data from the F.A.R.O. was processed and placed into evidence.

CORONER RESPONSE:

Refer to Detective Jonathan Cavender's supplemental report.

CRIME SCENE CLOSURE:

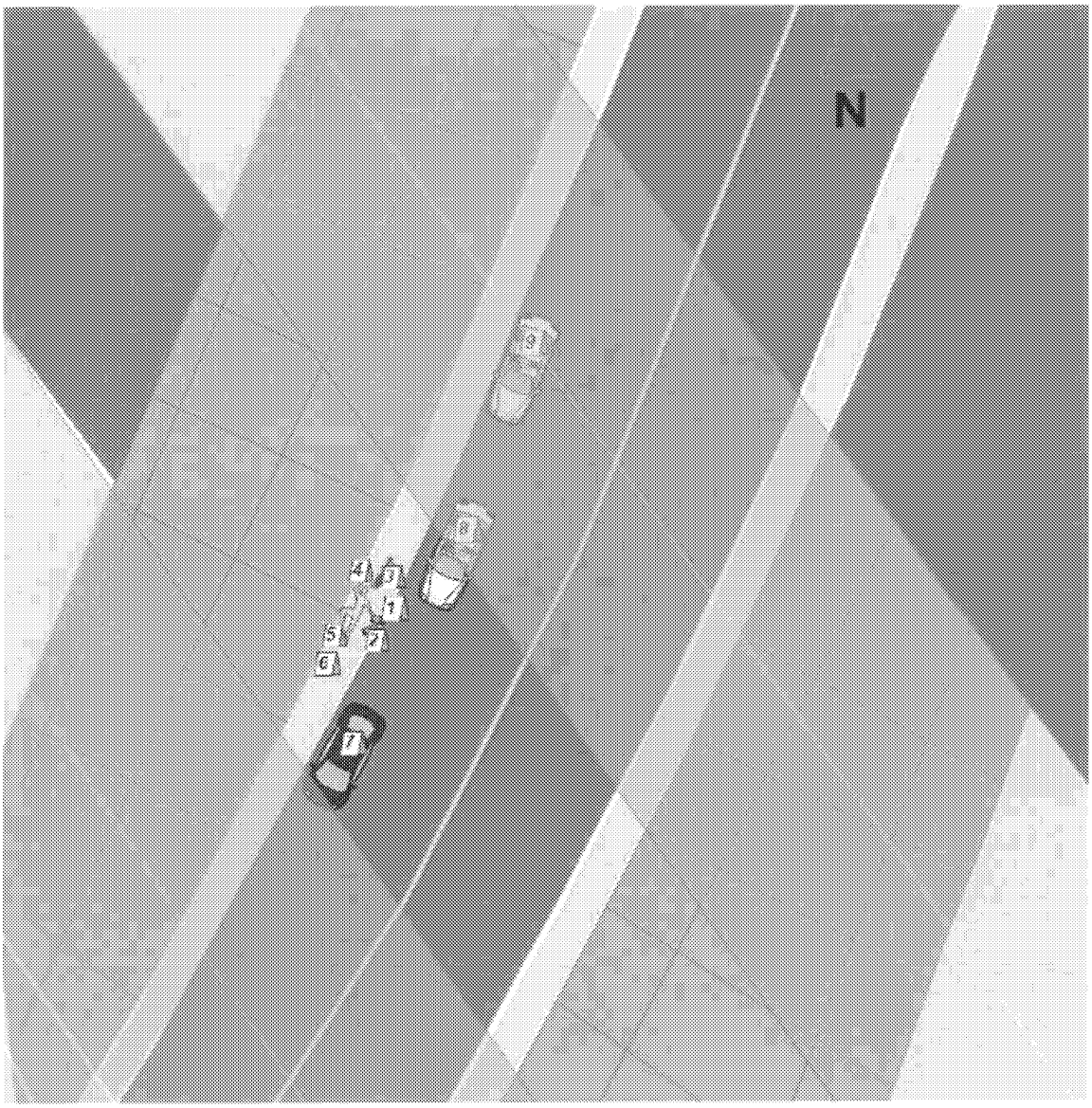
On Sunday, September 4, 2022, at approximately 0430 hours, a final walk-through of the scene was conducted. No additional evidence was located. All San Bernardino County Sheriff's Department personnel cleared the scene once the final walk-through was completed.

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

SKETCH:



SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

CORONER RESPONSE:

On Sunday, September 4, 2022, at approximately 0313 hours, Deputy Coroner Investigator Mark Johnson arrived at West Broadway and South L Street in Needles. Johnson provided me Coroner case number 702207109. Crime Scene Specialist (CSS) [redacted] was present during the examination and assisted with photographs and evidence collection.

At approximately 0335 hours, Johnson began his examination of Nikolas McPheter. McPheter lay face down on the west sidewalk of South L Street. McPheter's face lay on the concrete curb and rested on a pool of his own blood. The pool of blood flowed north on the concrete curb and extended approximately six feet. McPheter's left shoulder touched the base of the inclined concrete foundation, and his left arm was tucked underneath his abdomen. McPheter's left hand grasped the base of Sergeant Nickolas Caronna's Glock 21 magazine. The magazine was inside the palm of McPheter's left hand with his fingers fully wrapped around the base of the magazine. McPheter had short brown hair and wore a blue Bass Pro Shops, medium size, shirt that was inside out. McPheter wore blue basketball shorts that were positioned below his buttocks. McPheter wore long black Aeropostale socks which reached approximately two inches below his knees. McPheter wore one shoe on his right foot. The second shoe was located approximately two feet south of his left foot.

Johnson conducted a search of McPheter's pockets and did not locate any items.

GUNSHOT RESIDUE TEST:

On Sunday, September 4, 2022, at approximately 0340 hours, [redacted] collected a gunshot residue (GSR) test from McPheter's hands. The GSR test was later booked into evidence.

BODY ROLL:

On Sunday, September 4, 2022, at approximately 0335 hours, [redacted] and [redacted] from [redacted] assisted Johnson and rolled McPheter's body from left to right.

INJURIES:

Johnson noted the following injuries to McPheter's body.

- Suspected gunshot wound (GSW) on McPheter's right index finger.
- Suspected GSW to McPheter's left forehead.
- Suspected GSW to McPheter's top forehead.
- Abrasion to McPheter's left hip.
- Abrasion to McPheter's right elbow.

Reviewed By: **Sergeant Justin Giles** Date:**12/22/22** Author: **Detective Jon Cavender** Author Date: **12/22/22**

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

INJURIES: (Continued)

- Abrasions to McPheter's left and right knee.

IDENTIFICATION:

Johnson positively identified McPheter by using Integrated Biometric Identification System (IBIS).

BODY BAG/TOE TAG:

On Sunday, September 4, 2022, at approximately 0402 hours, [redacted] attached San Bernardino County Toe Tag #02483 to McPheter's right great toe. At approximately 0402 hours, McPheter was placed into a yellow vinyl body bag. The bag was labeled "Nikolas McPheter" with coroner case number "702207109" written in black ink. [redacted] secured the back with bag lock #7611625.

CORONER TRANSPORT:

On Sunday, September 4, 2022, at approximately 0408 hours, [redacted] and [redacted] left the scene and transported McPheter to the San Bernardino County Coroner's office in San Bernardino, California.

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

OFFICER PROCESSING: ***Deputy Michelle Bush***

On Saturday, September 3, 2022, at approximately 2220 hours, Sheriff's Crime Scene Specialist (CSS) [redacted] and I met with San Bernardino County Sheriff' Department (SBCSD) Deputy Michelle Bush at the Needles Sheriff's Station, located at 1111 Bailey Avenue in Needles. Bush had not changed her appearance since the lethal force encounter (LFE). During the LFE, Bush utilized her department issued Glock 17 handgun.

NOTE: The photographs below depicted Bush's uniform attire during the LFE.

[redacted]

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

OFFICER PROCESSING: UNIFORM/EQUIPMENT INVENTORY

Bush wore a SBCSD "Class A" uniform, which consisted of a tan, short sleeve, button-down shirt, green pants, and black boots. During the LFE, Bush's green pants sustained a tear under the left knee. Bush's uniform shirt displayed a cloth United States flag sewn above her right breast pocket, and a gold-colored nameplate pinned underneath the flag, which displayed "M. Bush" in black lettering. Bush's gold colored SBCSD badge was pinned above her left breast pocket. Bush's shirt displayed SBCSD patches on both the right and left shoulders.

Bush wore a black basketweave Sam-Browne duty belt, with a plastic buckle at the center of the belt. Bush's equipment on the Sam-Browne belt, proceeding clockwise from the (front) center of the belt was as follows:

- Black, basketweave digital recorder case, which contained a digital audio recorder.
- Black, basketweave belt keeper.
- Black, basketweave holster, which contained Bush's department-issued oleoresin capsicum (OC) spray.
- Black, basketweave pistol holster, with a department-issued Glock 17, 9-millimeter (mm) semi-automatic pistol.
- Black, cloth tourniquet case with tourniquet.
- Black, basketweave belt keeper.
- Black, basketweave handcuff case with metal handcuffs.
- Black, basketweave belt keeper.
- Black, basketweave handcuff case with no handcuffs inside.
- Black, basketweave belt keeper.
- Black, basketweave radio holder, which contained Bush's department issued handheld radio.
- Black, plastic empty Taser X2 holster.
- Black, plastic basketweave holster, which contained a Rapid Containment Baton (RCB).
- Black, basketweave belt keeper.
- Black, metal key clip with silver key ring and one silver key.
- Black, basketweave, double magazine holder, which contained two black Glock 9mm magazines.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

OFFICER PROCESSING: UNIFORM/EQUIPMENT INVENTORY (Continued)

I observed the following suspected blood stains on Bush's uniform and body:

- Suspected blood stain on the back collar of Bush's uniform shirt.

I observed the following injuries on Bush:

- An abrasion on Bush's left elbow.
- An abrasion on Bush's right ring finger.
- An abrasion on Bush's right middle finger.
- An abrasion on Bush's right index finger.
- An abrasion on the back of Bush's right elbow.
- An abrasion on Bush's inner right forearm.
- Three abrasions on Bush's left knee.
- Three abrasions on Bush's right knee.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

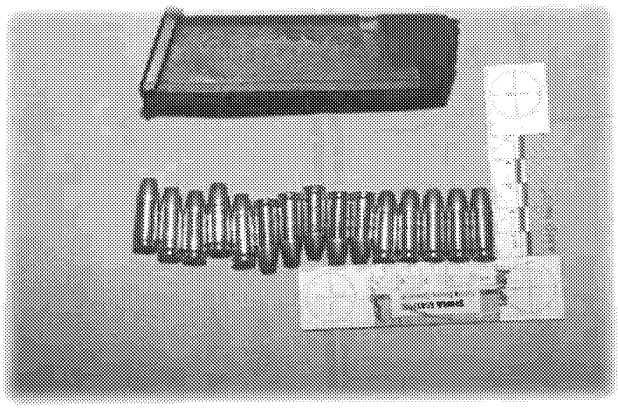
WEAPON INVENTORY:

Glock 17, Gen 4, 9mm

In my presence, [redacted] requested Bush to remove her handgun from her holster and render it safe. The handgun was a department-issued Glock 17, Gen 4, 9mm, semi-automatic handgun, with serial number [redacted] Affixed to the handgun was a Streamlight TLR-1 HL weapon mounted light, with serial number [redacted]

Bush removed the magazine from the Glock's magazine well and placed it on the table. Bush pulled the slide to the rear and ejected one live cartridge from the chamber. The cartridge was head stamped with "WIN 9mm LUGER +P."

The magazine removed from Bush's duty weapon contained 15 live cartridges. The magazine's capacity was 17 rounds. All the live cartridges were head stamped "WIN 9mm LUGER +P."



CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

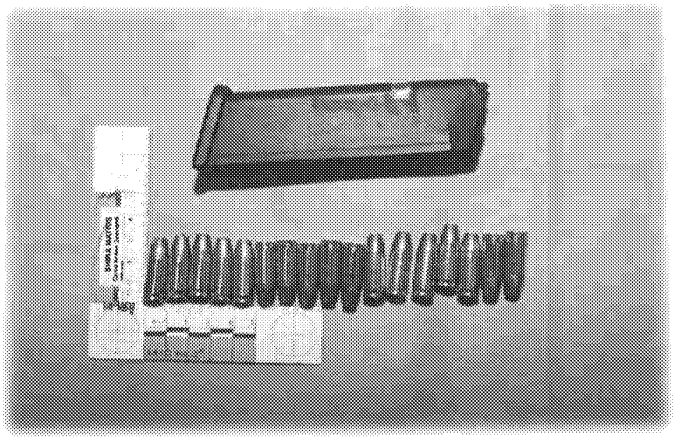
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WEAPON INVENTORY: (Continued)

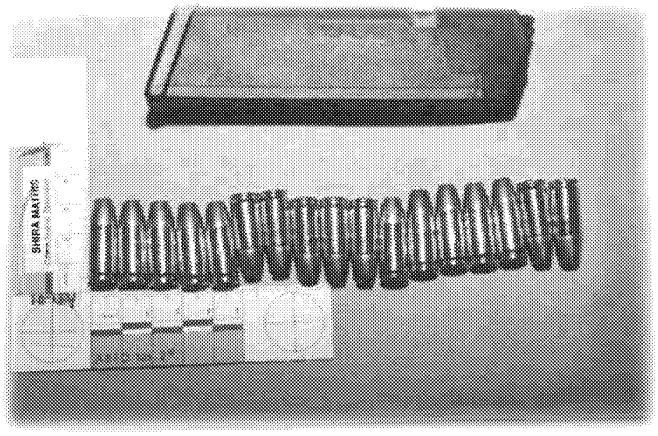
Additional Glock 17 Magazines

Bush removed the two 17 round magazines from the magazine pouch on her Sam-Browne duty belt.

The magazine contained 17 live cartridges. All 17 cartridges were head stamped with "WIN 9mm LUGER +P."



The second magazine contained 17 live cartridges. All 17 cartridges were head stamped with "WIN 9mm LUGER +P."



SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

DEPUTY INFORMATION: Deputy Michelle Bush

- Name: Michelle Bush
- Employee number: H8228
- Date of birth: [redacted]
- Height: 5'6"
- Weight: 135 lbs
- Agency: San Bernardino County Sheriff's Department
- Date of hire: [redacted]
- Assignment: Patrol
- Shift hours: 0600-1800 hours
- Rank: Deputy Sheriff
- Previous law enforcement experience: No
- Uniform: San Bernardino County Sheriff's Department's Class A
- Unit #: 16300 21
- Belt recorder: Yes
- Body camera: No
- Vehicle camera: No
- Photographs taken: No
- Injured: Yes
- Weapons used: Glock 17 Serial [redacted]

Reviewed By: **Sgt. J. Giles** Date: **10/3/23** Author: **Det. S. Thurman** Author Date: **10/3/23**

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

DEPUTY INTERVIEW:

Michelle Bush, Deputy Sheriff
San Bernardino County Sheriff's Department

On Monday, September 12, 2022, at approximately 1500 hours, Detective Robert Ripley and I interviewed San Bernardino County Sheriff's Department (SBCSD) Deputy Michelle Bush in a conference room at the SBCSD Colorado River Station, located at 1111 Bailey Avenue, Needles. Caronna's attorney, [redacted] was present during the interview. I audio-recorded the interview and later placed the recording into evidence.

Prior to the interview, I advised Bush we were conducting a criminal investigation in regard to the shooting of Nikolas McPheter. I explained to Bush she was not ordered to speak with us and could not be disciplined for refusing to provide me a statement. Bush understood and agreed to provide a voluntary statement regarding the incident. The interview was typed verbatim.

During the interview, Google aerial photographs and photographs of the crime scene were used as reference material. The original reference photographs were placed into evidence. The copies of the reference photographs were placed into the case file. Bush was provided with belt recording audio from the incident prior to the interview.

On Tuesday, September 3, 2023, I reviewed the audio recording of the interview and compared it to its typed verbatim report. I found the verbatim report to be complete and accurate.

The following is a verbatim report of Bush's interview.

DR# 602200107
H# 2022-113

Michelle Bush Interview:

THURMAN: Good afternoon I'm Detective Shawn Thurman, today is Monday, September 12th, 2022, at approximately 1448 hours. I'm here at the Needles station with Deputy Michelle Bush to speak to her in regards to a lethal force encounter that occurred on Saturday, September 3rd, at approximately 1500 hours. This lethal force encounter was documented under 602200107. The location took place near the intersection of L Street and West Broadway in the City of Needles. We are currently at Needles station. I am here with…

RIPLEY: Detective Robert Ripley.

BUSH: Deputy Michelle Bush.

[redacted] Attorney rep[redacted].

THURMAN: I think we forgot to get the spelling the first time, so we get the spell of your first and your last name and then sir we'll move to you.

BUSH: Yes, sir. Deputy Michelle Bush spelled first name phonetically spelled Mary Ida Charles Henry Edward Lincoln Lincoln Edward, last name is Boy Union Sam Henry.

[redacted] [redacted]first name [redacted] last name [redacted]
[redacted]

THURMAN: I just want to advise you that this is a criminal report, and will be submitted to the district attorney. You do not have to speak with me. No discipline can come to you for not speaking with me. Prior to this interview, has anyone ordered you to give a statement other than a public state safety statement?

BUSH: No.

THURMAN: Has anyone ordered you to speak with me?

BUSH: No.

THURMAN: And do you wish to speak with me?

BUSH: Yes, sir.

THURMAN: So, I have the spelling of your name, can I get your date of birth please?

BUSH: [redacted]

THURMAN: And your employee number?

BUSH: Henry 8-2-2-8.

THURMAN: And how long have you been in the department?

BUSH: [redacted]

THURMAN: So, when were you hired?

BUSH: I was hired on [redacted]

THURMAN: And your current assignment or who are you employed with?

BUSH: San Bernardino County Sheriff's Department.

THURMAN: And your current assignment?

BUSH: Patrol for the Needles station or Colorado River station.

THURMAN: And how long have you been assigned to Needles or the Colorado station?

BUSH: I've been here fo[redacted]

THURMAN: Current so your height, how tall are you?

BUSH: Five, six.

THURMAN: And how much do you weigh?

BUSH: One thirty, one thirty-five depending on the day.

THURMAN: When do you start patrol out here?

BUSH: I started patrol [redacted] I don't remember the exact date I got out here.

THURMAN: That's fine. And obviously you're currently a deputy.

BUSH: Yes, sir.

THURMAN: Any previous law enforcement experience?

BUSH: [redacted]

THURMAN: Any military?

BUSH: [redacted]

THURMAN: What was your shift the day of the LFE, of the lethal force encounter?

BUSH: My shift was 6am to 6pm.

THURMAN: What days?

BUSH: Oh, sorry. So, I was working that day Saturday that was my Monday technically. And then I was supposed to work until Tuesday of that week.

THURMAN: What was your callsign that day?

BUSH: 21 Paul 21.

THURMAN: And do you recall which unit you drove?

BUSH: I don't remember that one.

THURMAN: Were you solo, or did you have a partner?

BUSH: Solo.

THURMAN: And we're moving to your-your uniform that you're wearing that day. Start from head to toe. And then we'll go over your---

BUSH: Belt?

THURMAN: ---your Sam Brown.

BUSH: Same thing that I'm wearing right now is my hairs tied up

in a bun kind of same placement. Same makeup just eyebrows and mascara and then my shirt, my tan-tan shirt, badge on my left nametag on my right, green pants. And then on my shirt are my San Bernardino County Sheriff's patches, identifying myself and then green pants and boots.

THURMAN: Okay, and let's go over your Sam Brown.

BUSH: On my Sam Brown starting on the right. Is going to be my first my belt recorder. Next to it I have OC spray or pepper spray. Next is my firearm. Right behind my firearm is a tourniquet. Two handcuffs, then I have my radio, my Taser, RCB and then keys. And then on finally at the end of my left is my two magazines

THURMAN: Did you have your belt recorder activated during the lethal force encounter?

BUSH: Not during the lethal force encounter, no.

THURMAN: When did you activate it?

BUSH: I thought I activated at the initial stop and then I activated it again when because I remember pushing the button when I got out of the car. But anyways, so it got started again. And then while I was talking to Sergeant Corona, I

paused it so that we can discuss it because it had nothing to do with either one of them and we weren't contacting them at the time. So, I paused it thought I hit it again and I didn't unfortunately

THURMAN: So intermittently you paused it?

BUSH: Um-hum.

THURMAN: Do you know if you're unit that you drove has a camera?

BUSH: It does not.

THURMAN: Do you wear body worn camera?

BUSH: No.

THURMAN: So, we spoke about it, but did you have a chance to review the audio recordings?

BUSH: I did.

THURMAN: Were you given a copy of the video and audio admonishment?

BUSH: Yes.

THURMAN: And do you understand and comprehend the admonishment?

BUSH: Yes.

THURMAN: Do you by chance take any photos the day of the incident, the day of the LFE?

BUSH: No.

THURMAN: How much sleep did you get in the last 24 hours?

BUSH: Prior to the incident?

THURMAN: Yes.

BUSH: About eight hours seven, eight hours.

THURMAN: And then before that like between the 48 hours prior to the shooting hours of sleep would you say you got?

BUSH: So, I've worked boats the day before, so I did, I didn't have to be at work till 12 so I want to, and that was my weekend so I want to say at least eight hours the day before that.

THURMAN: Were you under a doctor's care or taking prescribed

medications that affected your ability to perform at the time of the shooting?

BUSH: No.

THURMAN: What was your duty weapon that day?

BUSH: Glock 17

THURMAN: And a Glock 17 is what caliber firearm?

BUSH: Nine-millimeter.

THURMAN: How do you typically load your firearm?

BUSH: Each magazine carries 17 rounds. So, each magazine on my belt has 17 rounds. For my firearm my magazine will have 17 rounds plus one in the chamber at all times.

THURMAN: Okay, so a total of 18 rounds altogether.

BUSH: Yes.

THURMAN: How many shots do you remember firing the day of the incident?

BUSH: Two.

THURMAN: And were you injured during the LFE or throughout the contact of an incident?

BUSH: Yes, I was.

THURMAN: And what were your injuries?

BUSH: I guess I'll just start with my hands. So, I had one knuckle busted up here. All four knuckles on my fingers are messed up including on my… so all my fingers knuckles they were messed up and then on my hand itself my knuckles were messed up. And then I had some swelling between my middle finger and my ring finger in between wasn't able to even able to cut potatoes for a couple days. My elbow I fell on it quite a few times it's just scraped up and bruised and then both knees are scraped up and bruised. One of my pant legs were even torn for brand new pants so.

THURMAN: I know you were speaking about it and touching as you're speaking could you for audio purposes. Could you explain to me which hand was hurt?

BUSH: The main hand that was hurt was my right hand.

THURMAN: Which four fingers were you talking about?

BUSH: That's my index, middle finger, ring finger, pinky finger.

THURMAN: Where were you injured at on those four fingers?

BUSH: On the fingers themselves are going to be on the knuckles, the middle knuckles. And then also on my hands, knuckles.

THURMAN: And by injury what were your injuries consist of?

BUSH: Scrape, scrape marks on each, lacerations can cause significant bleeding at the time.

THURMAN: I'm sorry, but what were the lacerations?

BUSH: On the knuckles.

THURMAN: On all four?

BUSH: On all four.

THURMAN: So that's your right hand. Did you have any other injuries on your left hand?

BUSH: So left hand I had one laceration to my middle finger on the middle knuckle.

THURMAN: Okay, and then I know you said both elbows but let's go to both elbows on your right elbow.

BUSH: So right elbow wasn't much just a small, small nick on my right. But on my left elbow was like two, three-inch laceration extended from the back of my elbow to where I can closely see it.

THURMAN: Like to the interior of your elbow?

BUSH: Yes. So, it's here----

THURMAN: From outside in?

BUSH: So outside. Yeah.

THURMAN: On the on the---

BUSH: Nothing on the inside.

THURMAN: ---posterior.

BUSH: Yeah, posterior side.

THURMAN: And then you said your knees.

BUSH: Yes, both knees. So, the left knee has two large lacerations, scraping from the fight like scraping on the sidewalk. And then my right knee has a laceration right below the knee like close on the shin. It was almost like a concrete burn is what I got from that.

THURMAN: Did you receive medical treatment the day of the incident?

BUSH: No, I didn't.

THURMAN: Are you on any type of duty modifications since the incident?

BUSH: No, sir.

THURMAN: Then before we get into the meat and potatoes of it, do you recall the temperature that day?

BUSH: It was hot it was like 110 to 115ish.

THURMAN: And do you recall the time of day?

BUSH: It was three, threeish in the afternoon.

THURMAN: Now I'm gonna kind of just open up open-open up to you to kind of give the narrative of what happened that day and take your time and we'll follow up with any questions.

BUSH: So, I was just over at a Jack Smith Park, it's our marina our launch ramp was driving from there to go back further into the city so that I can make go over there to get gas and start closing my day out. So, once I got to Broadway and Needles Highway to make a left onto Broadway, I pulled up behind a vehicle burgundy Scion TC that had an obstructed plate. This obstruction was a tinted cover over the plate. I couldn't see too well behind it, but it looked like a temporary-temporary, but I couldn't read it. We went through the stop I called out on the radio that I was initiating a traffic stop before I lit up my un, lit up the lights on my unit. I was finished with the radio traffic by the time I got to, I think that's Walnut and Broadway. So, while we were heading over the bridge, I activated my overhead forward facing lights and the vehicle yielded to L Street and Broadway. What I initially called out from that.

He parked under the second… there's so L Street and Broadway is under an underpass going up into a residential area which is southbound so residential areas southbound of that. He parked right underneath the second overpass which would be the eastbound lane of traffic overhead and I parked just behind him six to eight feet, I think. So, I got out of the car approached the driver side of the vehicle. Both windows were rolled down at this point. I looked in and I said, "Hey guys, how's it going, Deputy Bush with San Bernardino County Sheriff's

Department." "The reason why I stopped you is because I noticed you had an obstructed license plate makes it very difficult for law enforcement to see your plate." And there's other reasons for that. "License registration proof of insurance." And they told me they didn't have the registration that they were in-in the works of getting the registration. They handed me the pink slip for Nevada, a Nevada pink slip. And the pink slip comes back to the first registered owner. Then on the backside, I can see another name under the secondary buyer. But from what I recall is it wasn't completely filled out. And it wasn't under either of their names. The driver he, when he looked at me the initial stop, he looked at me. I remember feeling weird about that. I didn't know what it was, it just felt off. But I continued like normal, like a normal traffic stop to treat everyone equally.

So, I go back to my car. As I'm walking back to my car, Nick Corona, my sergeant had rolled up and I asked him if he could watch the car while they're sitting in the vehicle. I go back, I run the driver and it shows a no negative contact order and a domestic violence restraining order at first and license was valid. Look through all that, and then go and talk to him again. And I decided to pull him out of the car at that point so that I can separate the driver and the passenger for asking the question about what the DVR was all about or domestic violence restraining order

is. And I walked I first patted him down for weapons make sure just for safety. He didn't have anything on him at the time he was wearing, I believe a tee shirt, and then just the basketball shorts. And so, behind his vehicle between-between my unit and his vehicle, I just asked him real quick "Hey, what's the domestic violence restrain, restraining order all about?" And immediately felt like he was evasive. He told me that he didn't know anything about it that I'd have to ask his wife and pointed to the car and said that was her in the car. So, I told him that to sit down on the slope. So, there's a sidewalk and then slope for underneath the overpass to create that overpass. So, he sits down on the slope. And right now, he's being very cooperative with me I haven't had hasn't had any issues thus far.

So, I go back to my unit Sergeant Corona's watching both of them for me while I continue my investigation. Or I'm sorry, I have to. I'm skipping ahead of myself. So, I go and talk to her after I had him sit down. So, I go talk to her. I asked her what the restraining orders all about. She says no, it's a no negative contact order. And I told her just to wait in the car so that I can go back and investigate it and see it for myself. Because for my training and experience dealing with restraining orders, I, many people will go back to the people that they have gotten a restraining order for and then try to lie-lie about it. So, I have to I have

to verify those things and make sure while verifying these this I understand with domestic violence restraining orders is a shall arrest from my department policy. It's not something that I can just say okay, well, hey, just so you know, don't-don't do that again. I have to arrest on-on these kinds of violations. So, whether it's peaceful or not, and seeing that there was two restraining orders, one supersedes the other. There was a no negative contact and then the secondary one was the domestic violence restraining order, which was still active. Because the restraining orders were out of Riverside, I felt like our-our restraining orders a little bit more clear.

So just to verify before I made that decision to arrest the driver, I had Nicholas Corona, come over and check it for me double, double check everything triple check everything. And while we were having that conversation, I paused my recorder because I wasn't talking to the driver or the passenger at that time. At that point, we agreed it was an active domestic violence restraining order. And I decided to arrest the driver. I walked over in front of my unit, because he was sitting, like I said, on the slope, in between both my unit and his vehicle. I walked over to him. I said, "Hey, man, go ahead and stand up for me, put your hands behind your back, you're under arrest." And he's he asked, "I'm going in?" Said, "yeah, dude, you're going in right now", but we'll explain everything in a

minute. I tried to start saying that I did not get that piece out. When I as I was trying to say we will explain everything in a minute, or I will explain everything in a minute.

I had grabbed his right arm and started placing it behind his back and he immediately got tense, his body became rigid, and he began pulling away from me in the opposite direction to run. And I felt like he was going to fight to get to evade the arrest to get away from the arrest. As soon as he pulled a… tried start pulling away from me, I still had his arm. Nick Corona grabbed his other side which would be his left side. And we immediately go down to the slope of where he was originally sitting at. We're trying to get his hands behind his back. He's telling us he's not fighting us. I could hear his wife in the background, yelling, yelling to her husband to "no babe, don't do this no, babe don't do this." I couldn't hear her after that. But so, I'm still in the right Nick is on the left. We're trying to get his hands behind his back. He's telling us that he's not fighting and…sorry.

THURMAN: It's alright take your time.

BUSH: It's a lot to remember. And there's pieces that it was very, very quick so. So, he is all because he landed on his torso, he started trying to get.… I had this hand so right

hand behind his back, and he was actively trying to pull it in front of him to get away from me. At some point, he was successful in doing that same with Nick's grip on the left side, because he started picking himself up. So, he placed both hands against the slope and started pushing himself up as Nick was trying to grab him. And Nick was trying to use a pain compliance measure at that time. And he grabbed him by his penis and his balls and started grabbing hard and pulling him down. He starts yelling for his wife to help him and because he's actively fighting us and-and somehow, he gets he's able to move I don't quite remember, but he moves to the north so, to go down the street towards Broadway.

And I lost complete grip of him for a second, I grabbed his leg and started pulling at his shorts as Nick was doing something and I couldn't see what Nick was doing at the time. But I remember looking up as Nick was behind me, and I'm pulling at this guy shorts and they fall down below his butt a little bit. So, he ended up kicking away from me and was able to I was, he was able to break free from my grip. He starts running down L Street towards Broadway. I don't know how many feet he got a couple feet, not very far, because I want to say it wasn't even passed my unit and Nick grabbed him. And he, so he, the way he grabbed him, he turned him around, and he got the suspect ended up on his right side on Nick's right side where his gun is.

So now they were facing me facing south.

As I'm going over to get back into the fight, I see I see the suspect, putting his hand on Nick's holster. At the time, I did not understand what was going on because it happened so quickly. It almost looked like it just happened so quick. But I saw his hand go pull at Nick's, Nick's holster and his side. And then all of a sudden, the gun was fell out onto the ground. I saw the suspect leaned down but then Nick got him down on the ground closer to where I was at again. And I got a I got back into the fight.

Nick was again on the left; I was on the right. At this point the suspects facing us and he's grabbing at Nick a lot and he won't let him go. And he's… so Nick's facing-facing the subject while the subjects on his back. And he's propped up kind of leaning towards me as well so he's kind of on his side. And he won't let Nick go. I have one arm and I told the suspect to let him go. Let him go and I hit him twice in the face I want to say left side of the face like on the orbital bone or where his eye is. And he ends up because he's on his back or his side he ends up turning over to where he's trying to get back up on all fours and trying to run up, run away again from us.

Nick's hold on to him I just remember that it was difficult to pull my Taser out at the time like I was having difficulties.

And that's when he said that he tase him, so I get the Taser and I'm trying to finally get it out. I have to pull it from my, from my left hand because it's a cross draw. So, I have to pull it from my left hand. Pull it out, I switched sides. I tried to get a good spot on his back to where the Taser can be effective for deployment, but every time every second it was always moving, and Nick was in the way several times. So, I finally placed the Taser on his back and tried to activate both sides. I was only able to activate one side of the taser before he… at this time Nick, the suspect is yelling at us to don't tase him don't tase me, don't me that's what he's saying is don't tase me.

So, I tase him two times two, two times three times I can't remember I attempted I could tell it wasn't working. And all of a sudden, he swung his right arm, arm back and completely knocked my Taser out of my hand. Where he was at was just south of where the gun was still laying off to the side because I wasn't gonna leave my partner in a fight. As soon as he knocked that Taser out of my arm, he lunged to the gun, grabbed it with both hands and he brought it back in to like his torso into his torso. I put I placed both my hands on top of his right when he grabbed it, so we're going together and he's grab, he's pulling it back into his torso, and he is forcing he's trying to force the gun to where he can get a good grip on it, and he points it points it at me.

The barrel is literally at my chest whether I have whether I have a fucking bulletproof-bulletproof vest on or not it's aiming at my chest, and I feel his hands keep slipping and trying to get that grip on that on the trigger and he's trying to point it at Nick. I forced I forced the gun back down and I-I was holding on to it and I can see the slide going back and forth because I was trying to get it to not work trying to get… one: try not to get like not to work and then also trying to get it out of his hands pulling away from him.

And I have this moment through this whole thing of something that has changed me of I thought about what I wouldn't be able to go home to. I felt my I felt my life flashed before my eyes I felt like I was I was either gonna die or my partner was gonna die. I have a great relationship with him, and I know his kids I know his family and he is almost hitting retirement. I was scared for my life I'm scared for his. And as soon as I came to terms with that that feeling I went down I draw drew my firearm I unholstered it completely I was holding it just parallel to my side, my right side. And that's when Nick was already looking at what was going on because I was face to face was the suspect. And Nick was right next to me to the left. Nick's arm was also in front of this guy's chest like held over trying to hold down the firearm.

So, I heard Nick say shoot him in the fucking head and looked again and I assessed, I hold it out. There was nowhere else I could shoot. So, I shot one round towards- towards his face to stop threat. I remember suspect looking up at me. I waited, waited a second, I waited more than that, like three seconds or something like that. And he stared at me, and I can see that the round hit somewhere on his ear somewhere on the side of his face. And he's still was forcefully grabbing the firearm with his other hand and at some point all of a sudden I just saw a reach like he was going for either my gun or to hit me or something, and he was still combative, despite me shooting one round towards his face. And that's when I fired the second shot. After the second shot, I saw him his face, I saw him completely move back and then land kind of face on the floor or on the ground.

And I during that fight I did say that I did put out in the radio that we were fighting with, with someone. And then after the after everything was said and done, I did call shots fired. Corona helped with everything else calling in medical. Did not do life saving measures at the time because there was a lot of a lot of blood on the scene and he wasn't moving. I felt like it wasn't it was like that injury was life threatening. Medical got there and I was taken from the scene like five to 10 minutes after and brought to the station. Oh, and I did take the female passenger out of

the car and gave her to my partner and told him to tape off the scene before I left.

RIPLEY: Real quick, just we can clarify. Throughout like the whole narrative you kept saying he that's like the suspect.

BUSH: Suspect.

RIPLEY: Did you, did you identify the suspect?

BUSH: I did, Nikolas Mcpheter sorry, that doesn't help. Sorry.

[redacted] Can we take a break?

RIPLEY: Yep, we can take a break real quick. Going off tape, we'll be pausing at 1523.

THURMAN: We're back, nobody's in the room, nobody new is in the room. I believe we last left off with I believe you were explaining you just passed off the female to your partner. If you need to go back and clarify anything you can, it's up to you.

BUSH: No, it's all there, I think.

THURMAN: Did you want to continue, or do you want...?

BUSH: Yeah, we can continue. Well, I mean, I'm done with what.

[redacted] No, I mean did you complete your narrative at this time?

BUSH: Yes. I've completed my narrative at this point. Sorry.

THURMAN: No worries, no worries. First and foremost, thank you for that. I know it's-it's kind of it's hard to get through. But move into our questions. I'm gonna start off with so obviously prior to your shift, did you complete a vehicle inspection?

BUSH: Yes, I did.

THURMAN: What did that inspection consist of?

BUSH: We have a daily vehicle check out sheet. So, everything in the back of the car should have spikes, road spikes. So, if we get into a pursuit, we throw the spikes out in the car that we are pursuing the tires deflate. And then and then so all the other equipment in the car and outside of the car. Also, make sure we're noticeable make sure our stickers aren't falling off as far as showing the sheriff logo. Overhead lights, we'll make sure those are activated. Both spotlights on the front mostly used at night. But we'll check those too just make sure everything is working.

THURMAN: In working order. Are you are you speaking about like the overhead lights? What the color of those overhead lights?

BUSH: Forward facing and red and blue lights.

THURMAN: And those were operational?

BUSH: Yes.

THURMAN: Could you describe to me, you said that the sheriff stickers where are these stickers that you're speaking of?

BUSH: On each side of the car. So, on the passenger side and the driver's side of the vehicle.

THURMAN: Easily identifiable?

BUSH: Yes.

THURMAN: Identifiable as law enforcement more specifically as Deputy Sheriff?

BUSH: Yes.

THURMAN: Could you describe to me when you first witnessed the vehicle violation? Like I know you briefly spoke about it. When did you first witness that violation?

BUSH: On Needles---

THURMAN: Here's the roadway map if you need to.

BUSH: So, when I first observed it, I pulled behind the vehicle at Need, Needles Highway and Broadway to make prepare to make the left on Broadway.

THURMAN: A left to go west on Broadway?

BUSH: I guess, technically kind of south. So, we're this is not this doesn't show. That's J Street. So, this doesn't show everything. Because we're coming. So, Broadway is way over here and Needles Highway.

RIPLEY: You can just describe it.

THURMAN: You can just describe it.

BUSH: So, I'm just yeah, so Broadway Needles Highway, making the left. But I saw it when we were stopped at that stoplight.

THURMAN: Okay, so that was okay. And then how long were you following this vehicle prior to the traffic stop?

BUSH: Not very far. From the point of where I noticed the

violation to where I called it on the radio?

THURMAN: Um-him.

BUSH: Geeze two blocks, not even that. And then it was just before the bridge to go over the train. And then I prepped the traffic stop to be on L and Broadway.

THURMAN: Why is that?

BUSH: So that it's off of the main road. So that it's out of the way of other vehicles. Because it goes from a one-way street to a two lane. But if I were to stop him in that one-way lane, it would have blocked traffic.

THURMAN: Now you said you, you prep for the traffic stop. And you put the traffic stop over the air. What do you mean by that?

BUSH: So, I called it out as Broadway and L Street. Knowing that knowing my area that I work in; I know that that's the next right from where I was located. And majority of cars will just immediately pull to the right. So, it's tends to be the easiest route since I've done that before on previous traffic stops. It's easier just to pull them off to that side road. And I don't know if that answers your question.

THURMAN: Yeah. The radio channel, the radio channel that you guys were on, what channel was that?

BUSH: DCC seven.

THURMAN: And is that a recorded line?

BUSH: Yes.

THURMAN: Or channel?

BUSH: Yes.

THURMAN: I know you said it was a, you said a maroon in color…

RIPLEY: Burgundy color.

THURMAN: Burgundy, burgundy in color what type of vehicle?

BUSH: Scion TC.

THURMAN: Anything that stood out besides the vehicle violation on it?

BUSH: Besides the obstructed plate, I know it has stickers and stuff, but it was I know I couldn't recall wherever they were at or anything like that.

RIPLEY: So, we're going to show you a photograph real quick. Just tell us if you recognize the photograph or the vehicle in the car.

BUSH: That is the car, yeah.

RIPLEY: So, if you can, I'll have you do is going to draw a number one in the bottom left-hand corner and go ahead and initial right there.

BUSH: Draw a one and initial?

RIPLEY: Yep.

BUSH: Right hand corner?

RIPLEY: Either one.

BUSH: Just making sure.

RIPLEY: So that is the vehicle you'll be followed and conducted the traffic stop on, correct?

BUSH: Yes, yes.

THURMAN: And like previously said the-the violation was for the obstructed plate.

BUSH: Um-hum.

THURMAN: And what about it was obstructed again?

BUSH: Tinted cover on the back above the temporary plate.

THURMAN: Were you able to see the occupants of the vehicle prior to the stop?

BUSH: It looked like there was two in the car. But I wasn't completely sure because there's that tinted window on the back.

THURMAN: And prior to stop, was there any movement of the occupants within the vehicle prior to the stop?

BUSH: I could see some movement, but I couldn't, I couldn't tell what was going on or what kind of movements they made. I can't, I can't tell.

THURMAN: Based on your training experience with traffic stops. What is your experience with traffic stops?

BUSH: I've done many traffic stops. Usually when someone is moving around in the car that means they're trying to conceal something or sometimes even someone. I haven't had that yet but something. So, whether it's

drugs, guns, knives, something they're not allowed to have any type of contraband they'll move around a lot before I get to the car just to conceal stuff.

THURMAN: And you're saying that there was some movement, but you don't know what specifically?

BUSH: Yeah, some movement but I don't know specifically

THURMAN: So, when you make this stop where they pull into? Like where-where are you in relation to the traffic stop and by the bridge?

BUSH: So, I am, oh under the bridge would that be better?

THURMAN: We'll go with the overhead first.

BUSH: Overhead, okay. So, under so I so they're right under here. So…

THURMAN: So, we'll go X for suspect vehicle and then you can draw a triangle---

BUSH: A triangle for mine?

THURMAN: ---for your vehicle.

BUSH: So, like I'm right here somewhere. Because I can, my… at the time I remember the light was shining in my eyes. So, where the sun was at it was affecting my-my vision to be able to see completely into that car. I was trying to get a little bit closer so that I could see more clearer, but it wasn't going to work for safety purposes. So, I had to park right there.

THURMAN: And if you could, could you draw in the direction you guys turn to---

BUSH: Where we are facing?

THURMAN: Correct.

BUSH: So, I'll just put it here we were faced that way.

THURMAN: And from which direction did you guys come? And then for audio purposes which way, yeah facing towards you, which way would be north?

BUSH: North is going to be north is going to be up here on this end. Would you like me to draw it on here?

THURMAN: In relation to the stop.

BUSH: So, as I'm looking at the photo it's on the top of the of the

photo of this map is going to be north sort of. South is going to be below. I guess it would follow L Street a little bit more then.

THURMAN: And initial somewhere on the bottom.

RIPLEY: Just on the bottom corner. You can draw like a number two on there, too. You keep that like right there just in case you need to refer to it

BUSH: Okay.

THURMAN: And the time of day, could you describe the time of day? I believe you said something about sunlight so.

BUSH: Yeah, it was about three, three o'clock ish

THURMAN: And he said it was it was previously hot that day, correct?

BUSH: Yes.

THURMAN: Do you recall the exact temperature or no?

BUSH: Not the exact---

THURMAN: Not the exact, but approximate.

BUSH: --- but from I know it elevated because I saw a few different throughout the day since I worked 12-hour shifts. So, one point I saw it at 110 at one point I saw it at 113 and then another point I saw it at 115. So, the exact time I made the stop I don't know the exact temperature.

THURMAN: Fairly over 100 degrees?

BUSH: Yeah.

THURMAN: So, before you make contact or even at the stop or prior to the stop and before you make contact, what is your mindset at that time like what are you thinking about after seeing the movements and things in that nature?

BUSH: I'm-I'm conducting a traffic stop period. So, my mindset is see what's in the car who's in the car. Look into the car to make sure there's no threats like weapons or anything like that. See what the response is from the driver. When I, but my mindset was just say okay, just like I did on that scene was hey guys, how you are doing, Deputy Bush the Sheriff's Department, introduce myself go through all that. Identify at least the driver at that point. That was where I was going.

THURMAN: So, how'd you... a better question is: how are you feeling about the traffic stop?

BUSH: Fine, fine right now. He stopped and was in park. Was a little weird with the movement but It's just a something to remember while I was while I was conducting the traffic stop.

THURMAN: So now that the traffic stop is now stopped. What would and if can remember, approximately what was the timeframe between you actually putting the lights on to him stopping? Like do you recall it ?

BUSH: Not even a minute.

THURMAN: After you put lights on?

BUSH: Yeah, it was pretty quick.

THURMAN: And then once the vehicle stopped, obviously you made your approach, correct?

BUSH: Um-hm.

THURMAN: How did you approach the vehicle?

BUSH: I exit my vehicle and I approached the driver's side. I stayed behind the pillar between the back seat and the front door.

THURMAN: And which pillar would that be?

BUSH: A pillar, A pillar. I forgot what the doors are called.

THURMAN: Does---

RIPLEY: A pillar---

BUSH: Front.

THURMAN: Sound about right?

RIPLEY: A pillar's front, B would be the middle. C would be the back.

BUSH: Yeah, C.

THURMAN: C.

BUSH: C. No, I'm sorry, B pillar. It's definitely B pillar because it's in the middle.

RIPLEY: We'll refer back to image one real quick just so there's no confusion. You want to just kind of draw like an X on the roadway.

BUSH: Right there.

RIPLEY: Okay, so yeah, the B pillar.

THURMAN: And while you're at the B pillar, what-what are you looking at?

BUSH: I'm looking inside the car at the driver.

THURMAN: What do you see?

BUSH: He looks back at me. His facial expression was weird to me. I cannot explain it, it was a little off. His eyes seem like they were bloodshot. But at that point, he was he was talking fine. And it was about it.

THURMAN: You said he was speaking fine?

BUSH: Yeah.

THURMAN: Any… based-based on your [redacted] experience, was there any objective signs of any-any objective signs of being on the influence of anything as you were speaking to him?

BUSH: I didn't look into it that that closely at that point. It was definitely something that I wanted to look into just based off of the-the bloodshot eyes, but at that point there was I wasn't going into that at that point.

THURMAN: And so you make contact with him and did you identify yourself?

BUSH: Yes, I did.

THURMAN: What specifically did you say?

BUSH: I said "Deputy Bush San Bernardino County Sheriff's, the reason why I stopped you is just because of that obstructed plate." And I am very just like I'm showing you I'm very animated when I talk just to try to show, hey, it's no big deal. That's the reason why I stopped you. Even when I first approached the guys just said, "Hey guys, how's it going?" "Deputy Bush, San Bernardino County Sheriff's the reason why I stopped you because the obstructed plate." "We can't have that plate cover on there, makes it difficult for us and everybody else to see to identify your car." They both said they understood and that's when I got the information from them.

THURMAN: And the information requested, what specifically did you ask for?

BUSH: I asked license, his driver's license when I say licenses driver's license registration proof of insurance. At that time, they said they don't have the registration and they-they can provide the pink slip. So, I just asked them for

any documentation they had it for the vehicle.

THURMAN: And by his license, who are you referring to?

BUSH: To the suspect.

THURMAN: Could you describe the suspect?

BUSH: White male adult, short hair, I want to say it was brown. He seemed a little short for in stature like so kind of like my height or shorter maybe I wasn't sure because he hadn't stand, stood up yet.

THURMAN: So, when he reached for these documents, was there any type of delay? Or like how did these documents get back to you?

BUSH: The passenger got them out of the glove box. So, I was watching their movements the entire time when they did this.

THURMAN: And now the passenger can describe the passenger?

BUSH: Not very well. She was heavier set. White, light, female I didn't have much contact with her. So, I can't, can't say too much on her, but...

THURMAN: Just heavyset, white female.

BUSH: Yeah.

THURMAN: So, after you obtained their paperwork, you went back to the vehicle, is that correct?

BUSH: Yes.

THURMAN: And do you recall how far the vehicle was that you parked from suspect vehicle?

BUSH: Six to eight feet, something like that.

THURMAN: And approximately how long did it take you to travel six to eight feet back to your vehicle?

BUSH: Not long, 10 seconds, I guess.

THURMAN: Matter of seconds.

BUSH: Yeah.

THURMAN: And at that point, what did you do next?

BUSH: I sat in my vehicle. And as I was, what, or I'm sorry, this is when Nick Corona, my sergeant pulled up. So, he was

watching the vehicle. And then but I was constantly looking up while I was investigating his driver's license. So, I was running his information and looking at the vehicle registration that came back when I first ran the car on the radio. So, confirm that he had a driver's license. And then I was looking at the restraining order.

THURMAN: And---

BUSH: And the documentation. I'm sorry, is the Nevada pink slip.

THURMAN: Did you have a discussion with your sergeant when he pulled up?

BUSH: Not yet.

THURMAN: Not yet. What did your Sergeant do when he pulled up?

BUSH: He was watching for safety. Just being a backup unit was watching the car so I can conduct an investigation.

THURMAN: And where was he standing when you were conducting the investigation?

BUSH: He was somewhere in between my unit and the suspect vehicle. Somewhere in the middle on the sidewalk.

THURMAN: If you want, we can use this one right here. Could you…so we'll do a keep it consistent here. So, we have an X over the suspect vehicle. And then we have a triangle for your vehicle.

BUSH: Just over here.

THURMAN: And we can do a square for sergeant's vehicle.

RIPLEY: Is that sergeant's vehicle or where he was just standing?

BUSH: Standing. Sarge's vehicle, sorry. What other shape would you like me to use?

[redacted] Circle.

THURMAN: Circle works.

BUSH: Circle. So, his vehicle was right behind mine.

THURMAN: And how many feet was he behind your vehicle? Like his vehicle?

BUSH: I didn't pay attention to that.

THURMAN: That's fine. And then sorry, how many feet was he from suspect vehicle, your sergeant?

BUSH: If my unit six to eight feet is probably six, five or six feet away from the suspect unit or vehicle, probably five.

THURMAN: And what exactly is he standing? Is he in the roadway, is he on the side, where is he?

BUSH: On the sidewalk.

THURMAN: And what do you believe his-his field of view was? Towards---

BUSH: He was looking he was looking into the car. So, he was at an angle looking directly into the windows. So, he can see. I felt at the time that he could see both the passenger and the suspect.

THURMAN: So, you're conducting your investigation. Approximately how much how much time had passed before you made recontact with driver?

BUSH: I'm not sure. I don't remember that.

THURMAN: But it was after you ran everything via MDC, correct?

BUSH: Yes.

THURMAN: And then you made your approach to the driver side?

BUSH: Yes.

THURMAN: And then what happened after that?

BUSH: I asked him to step out of the vehicle. He stepped, he com, he willingly complied. Got out of the vehicle complied with a pat down search.

THURMAN: So why did you have him exit the vehicle?

BUSH: Because I wanted to separate him from the passenger so that I can conduct an investigation for the domestic violence restraining order. So, I wanted to confirm what he knew and separate from hearing each other what they're saying.

THURMAN: And when you conducted the research on the MDC you were able to see two different restraining orders, correct?

BUSH: Yes,

THURMAN: That was and correct me if I'm wrong, what was the DVRO, the domestic violence restraining order and then what was the other restraining order?

BUSH: It was a no negative contact order.

THURMAN: Do you know the difference between the two?

BUSH: I do.

THURMAN: And what is that?

BUSH: So, one: no negative means that they can be around each other for the most part, as long as they're not arguing being violent with each other or anything like that. The domestic violence restraining order is absolutely no contact.

THURMAN: And so, hence, that is why you bring him out to investigate?

BUSH: Yes.

THURMAN: That side of it.

BUSH: Yeah. Because the two of different ones in the system.

THURMAN: And I believe you spoke about it, but do you recall the two different where there out of the counties that inputted those in?

BUSH: Riverside County.

THURMAN: And what else?

BUSH: Can you clarify that?

THURMAN: Yeah. So, there was two different restraining orders. There was one from Riverside County. Was there a second one?

BUSH: I thought at the time they were both from Riverside.

THURMAN: When you asked him to exit the vehicle, what was, was there any response from him?

BUSH: He was compliant. That's all I can say is he was basically just saying, yeah. Like, I don't remember the exact word, but he immediately got out of the car. No issues. And that's when I just said, "Hey, man, any weapons on you?" No, okay, "I'm just gonna do a pat down for weapons real quick". And he even showed me his waistband made sure everything was good to go and walked from the driver's side back behind his vehicle.

THURMAN: This might seem like a silly question. But could you describe how you did you pat down?

BUSH: So, we were taught in the Academy to go from one side to the other. So, it's a sectional search. So, you kind of start

on the top, and then you work your way down, make sure you get every-every portion of were anywhere, anything that could be hidden. You don't go into any clothing, because that would go into any pockets or anything like that, because it's a pat down for weapons, not a full search for that person. So, then you'd go to the other side, and do the same exact thing. And you'd also search the full waistband. So, you search on one side and then search the waistband on the other. But he had shorts, so I didn't have to go all the way down his legs, because I can see that in plain view.

THURMAN: And correct me if I'm wrong. You didn't locate anything on his during the search?

BUSH: No, I did not.

THURMAN: Did you start from left to right or right to left? If you recall.

BUSH: I started on the right.

THURMAN: On the right side?

BUSH: Um-hum.

THURMAN: And now when you're patting him down, which way is he facing? Like so---

BUSH: He's facing the driver's side door of his car.

THURMAN: The driver's side door of the car. So, like towards the slope of the inside of the of the underpass?

BUSH: So, his driver side door is open. Pulled him back a little bit, but he's facing that open door kind of the-the hinge, if you will.

THURMAN: You don't recall how long it took you to do this pat down?

BUSH: It was real quick, but I don't remember how long it was.

THURMAN: And I know we conduct pat downs regularly, but is there any particular reason why you conducted the pat down then?

BUSH: Because I was pulling him out of the car. Anytime that I pull anyone out of the car, and they're going to be free of handcuffs for my safety, officer safety, I want to make sure that there's no weapons. Just simple as that, because I know that another officer is going to be there. Just keep everyone safe, including the passenger him and us.

THURMAN: So, after the pat down, what did you do next?

BUSH: I asked him about the domestic violence restraining order.

THURMAN: As he stood by the door?

BUSH: No, so I sorry. Let me back up a little bit. So, I had him walk in front. I told him to walk behind his vehicle. So, I let him walk in front of me. He's I told him to stop behind his vehicle. And that's when I asked him about the restraining order.

THURMAN: And by him, who do you mean?

BUSH: I mean, the suspect.

THURMAN: And at that point, what did he say next?

BUSH: He said that he doesn't know much about it. And I would have to ask his wife.

THURMAN: Got it. And how is his demeanor when you asked him this question?

BUSH: Very evasive.

THURMAN: I understand what evasive is, what is evasive?

BUSH: So, I felt from my training experience, I felt like he knew

more than what he was trying to tell me. Like he knew more about what it was about, but he wasn't gonna tell me about it.

THURMAN: And how did that make you feel?

BUSH: I know, in this job that people are gonna lie to us all the time, I didn't take it personally. Just, I have to do an investigation. So, I just, I let him tell me what he was going to tell me. And then I told him, okay, go ahead and sit down on the slope next to the sidewalk.

THURMAN: Any particular reason why you had, why you sat him on the slope?

BUSH: Officer safety. I prefer people sitting down and waiting. So, I can see large movements that they're going to try to attack us or anything like that. And that goes for a majority of my stops.

THURMAN: So, after you sat him down, what did you do next?

BUSH: I went and talked to the passenger. The passenger, I don't remember her name right now. But I remember getting her name remembering her name from the DVRO that I saw on my MDC. I remembered her first last name and then her year of birth. So, when I went and talked to her

that I would be able to identify her, and even double check when I went back to my car. So, I talked to her, she said, no, it's a no negative contact order we had a couple of years ago. But it's not a big deal. And-and she told me her name, her first, last name, and then her what year she was born. So, I was able to identify her at that point as being that person on a domestic violence restraining order.

THURMAN: So, once you identify that what happened next?

BUSH: I went back to my car to look at the no negative contact, and the domestic violence restraining order again.

THURMAN: And you did that to…?

BUSH: To double check. I like to double and triple check everything before I follow through with the decision sometimes just to make sure especially on a shall arrest.

THURMAN: And at that point, did you realize that that was a shall arrest when you confirmed the information?

BUSH: Yes. So, the no negative contact order is lesser than the DVRO the domestic violence restraining orders. So that supersedes the no negative contact because they're both active. The DVRO itself is a shall arrest per my

department policy.

THURMAN: And do you do recall the classification of this arrest? Whether it be a misdemeanor or felony?

BUSH: I don't recall. I mean, usually they're felonies because or they're just they can be both. So, reason why I say that is because there's-there's misdemeanor, DVROs, and there's felony depending. But it doesn't matter on a domestic violence, because they have to be held in custody until they can go to court on any of that so.

THURMAN: So, as you're determining that, is there any conversation with anyone as you're doing your investigation?

BUSH: Yes. So, at some point, I wave my sergeant over to the car. And I just asked, asked him to verify it, because I'm seeing both I tell him there's a no negative contact order. And then I go into telling him that there's this one too. And just clarifying the fact that because there's both in play, you still have to arrest on the DVRO.

THURMAN: Approximately, if you can recall, how long were you looking into these DVROs, non-contacts until you made the decision to the arrest? If you don't recall that's fine.

BUSH: I don't recall, but it was a good amount of time. I gave a

good amount of time to investigating before I made that decision.

THURMAN: And where were you sitting when you were doing all this?

BUSH: In my driver's seat.

THURMAN: In the driver's seat. So, after you made the decision that you, did you make, did you make a decision to arrest?

BUSH: Yes, I did.

THURMAN: And did you exit your driver's side?

BUSH: Yes, I did.

THURMAN: And then what happened next?

BUSH: So, I shut my door. I walk, walk around the front of my vehicle. Suspect is still sitting where asked him to sit. Because that's on that slope it would have made it hard for me to walk around him and cuff him from behind. Because he was being compliant with me, I told him to go ahead and stand up, basically, for me put his hands behind his back. And I told him he was under arrest. And that's when he asked, "you're taking me in?" When I told him to put his hands behind his back, he started doing so,

but when he asked me, you're taking me in. He got he got very tense, and that's when his body just became super rigid. And that's when I felt like he was gonna fight me.

THURMAN: Not when you went to basically put handcuffs on him, which hand were you, did you place on the suspect? If you could recall.

BUSH: I usually will, I usually use my right hand first. And I'll usually put that on-on the forearm. So yeah, so use my right hand, put it on his right forearm, and then started bringing it behind his back. And then I grabbed my, with my left hand, grab my grab his grabbed his bicep area. And that was the motion start the initial.

THURMAN: Are you going right hand to right hand left hand to left?

BUSH: Yeah, that's so I didn't have the left at all, during this contact. So, I only grabbed the right. And I was going to start once that hand got somewhat behind the back. It didn't get all the way behind. But the plan was to start grabbing his other one at the same-same time, but it didn't work that way.

THURMAN: So, correct my wrong. It's as you were going to place his left hand behind his back.

BUSH: Yes.

THURMAN: And that's when you felt him tense?

BUSH: Yes.

THURMAN: And you said that his body got rigid?

BUSH: Yes.

THURMAN: And then, correct me if wrong. In your training experience, you believed that he was going to fight.

BUSH: Yes.

THURMAN: Have you been in altercations before while conducting your duties?

BUSH: Yes, I have.

THURMAN: Do you…was it consistent about… was the feeling consistent that this is what was going to happen next?

BUSH: Yes.

THURMAN: The altercation?

BUSH: Yes. Between my experience of the jail and on patrol, it was definitely consistent.

THURMAN: So, when you go to go put his left hand behind his back what happens next?

BUSH: He starts pulling away from me and trying to run south, up L Street, but my sergeant intercepts him on the left side and grabs his left side, grabbing that left arm. I can't really see what my sergeant is doing at that time. But we're both we're both on the same wavelength as far as trying to get his hands behind his back to get cuffs on him.

THURMAN: Is anything being said amongst the three of you the sergeant or the suspect Nikolas and yourself?

BUSH: I'm telling him to stop and don't. I told him stop don't because he pulled it when he pulled away from me, I said don't. And then I said stop. And then I can hear. I don't know what Nick said at that time, I can't remember. But I remember specifically hearing the passenger in the car saying "no, babe, don't do this" screaming that to the suspect. So that I remember hearing but my memory on the… a lot of what was said I can't recall.

THURMAN: That's fine. When you're telling him don't, stop, these verbal commands, do they appear effective?

BUSH: No.

THURMAN: And why is that?

BUSH: He keeps pulling away and he keeps fighting. Pulling away from me and my sergeant.

THURMAN: Do recall if you can how many times you said either don't or stop.

BUSH: I don't recall.

THURMAN: Did you say them consecutively like don't then stop or just how did that go about, can you explain that?

BUSH: It was chopped up. So, I said don't immediately when he starts pulling away. And I know Nick said something as soon as he started going towards sorry when I say Nick, sarge. When he, I know sarge said something, but I don't remember what it was right when that happened. And then I said stop at some point after that, but again it was just broken.

THURMAN: But you never stopped?

BUSH: No, he never stopped.

THURMAN: And by he, I mean, the suspect.

BUSH: Yes.

THURMAN: Is that common amongst your duties? Is it, do people commonly fight with law enforcement?

BUSH: People commonly fight with law enforcement, yes.

THURMAN: And how did that make you feel at that time while he's not stopping as you're telling him to stop?

BUSH: That we were in a fight, just we were in a fight.

THURMAN: Were you in fear of anything? What was your mindset?

BUSH: My mindset was just detainment and like trying to get him under arrest trying to get him to stop fighting, and to comply with comply with us.

THURMAN: I'm sorry, go ahead.

BUSH: Go ahead, you're fine.

THURMAN: Now, you also said that you heard the female passenger say, babe, stop---

BUSH: Um-hum.

THURMAN: ---- or did she say babe don't?

BUSH: Yeah, it was babe, stop, don't do this something to that effect.

THURMAN: And how did that sound, did she appear like, calm collected, or how did it, how did you hear that?

BUSH: She seemed scared. Like she knew that he was fighting with us.

THURMAN: And where was she at when she was saying this?

BUSH: She was seated in the passenger seat of the suspect vehicle.

THURMAN: So, after sarge intervened, what happens next?

BUSH: We go forward on to the slope of that concrete slope. When I say we suspect goes down on to kind of on his torso. And at this point, he's bringing his both of his arms to the front of him to kind of help I'm assuming with this fall. And then my sergeant's on the other side of him on the left side, I can't see what's going on over there. But I'm grabbing, I'm grabbing the suspect on his right arm

still. And just trying to keep pulling that arm back.

THURMAN: I know we have the vehicles. If we could, if you don't mind, could you just identify in that general area like where's the sergeant in relation to the suspect and where are you on that sidewalk slope area?

BUSH: So, there's a lot of movement. So, we start from here from just behind---

[redacted] Can I-I ask a question? Would you be able to draw and distinguish between where everybody was or was or is it like a tangle of people?

BUSH: It's kind of a tangle. So, because we go from up here to I don't know how far back where he, where my sergeant lost his gun at you know, so from that point to this point, and then we went back to somewhat the original spot.

THURMAN: So, I'm not so much worried about the distance, just the- the body positioning like left to the right side, like where the suspect was if that.

BUSH: Yeah. So, suspects kind of in the middle, right and Nick is on the left, and I'm on the right.

THURMAN: On…?

BUSH: Suspect's left side.

THURMAN: Left side.

BUSH: And then do you want me to still draw it or…?

THURMAN: If, if you're able to identify it.

BUSH: I'm not very artistic. So, I don't know.

THURMAN: Just stick figures. And then you can just put the initials on top. So, B for Bush.

BUSH: Mind if I use a regular pen instead of a Sharpie or?

KUCHARSKI: If it will write.

THURMAN: I don't think it writes on regular so that's why we were using the Sharpie.

BUSH: It's all good. I don't know. You would definitely know more than…I don't do this every day; this portion every day. It doesn't work either.

RIPLEY: You can just describe it. It's okay you don't got to draw it.

BUSH: Okay because this is this is difficult.

THURMAN: That works, so sergeant's on---

BUSH: Left.

THURMAN: --- his left and you're on his right.

BUSH: Um-hum.

THURMAN: Now, do you recall where the sergeant's head is facing at the time like-like is he looking toward the suspect?

BUSH: He's looking towards the suspect. And the suspect was facing down towards the concrete at that time and kind of looking back obviously but...

THURMAN: And where are you?

BUSH: On his right on the suspect's right side.

THURMAN: Are you guys standing or are you guys on the ground?

BUSH: We're on the ground. Suspects on all fours I don't clearly remember my body positioning. My knees were believed my knees were on the ground. I was trying to get that both of my hands were trying to grab his grab his arm.

THURMAN: And by which arm are you trying to grab?

BUSH: The right arm.

THURMAN: Of the suspect?

BUSH: The suspect.

THURMAN: And during this time has anything been said then either by either all three of you the suspect, sarge or yourself?

BUSH: I don't recall it. I don't remember when certain things were said. I remember bits and pieces of what were said, just not exactly when.

THURMAN: And what were those bits and pieces?

BUSH: One of them is he was trying to tell; he was trying to tell us that he wasn't fighting. He wasn't fighting us as he was actively fighting us. And sarge even said yes you are or something like yeah, you are fighting us.

THURMAN: And by actively fighting, what do you mean by that? What was he actively doing?

BUSH: He kept he kept attacking sarge and grabbing him. I'm not very clear on the details of that. Yeah, I don't remember that one. And how that was happening. But I know he kept grabbing my sergeant.

THURMAN: Do you recall where he was grabbing him?

BUSH: I don't remember.

THURMAN: And then what happened next?

BUSH: So, we're, so they're, trying to remember where we were at in this. So, he's starting to get up on all fours and pull away from us to run down the street. So that's north, that's south. So, he's starting to slip out of my grip and he I don't know what happens with sarge and him on that side. But at some point, he starts standing up and trying to run when I say he, he is the suspect run away from us on that slope. I grabbed him I don't remember which leg I have to I say it was his right still grabbed his right leg. And then I tried grabbing his shorts and that's when his, a good portion of shorts came down.

THURMAN: And what was your observation at that point?

BUSH: Saw his butt cheeks. And then he ended up breaking my grip by kicking forward. So, I lost complete control of him for a minute. Sarge ran after him as I was still trying to get up. And sarge grabbed, sarge grabbed him and at some point, they turned around and he, suspect ended up on sarge's right side where his gun is.

THURMAN: As…we're gonna go back just a little bit.

BUSH: That's fine.

THURMAN: The first initial altercation that you guys are having on the ground approximately how long does that last before he tries to get up on all fours?

BUSH: I can't. I don't know. I can't tell you that. I have no idea how long how long that lasted.

THURMAN: And then as he's trying to go, you said which-which direction are we looking?

BUSH: That way.

THURMAN: That way.

BUSH: So, down the street.

THURMAN: Down the street.

BUSH: Towards Broadway.

THURMAN: Towards Broadway. Obviously, you're trying to hold on to you believe it was his right leg at the time.

BUSH: Um-hum.

THURMAN: And then obviously the view at the time is his buttocks?

BUSH: Um-hum.

THURMAN: Is anything being said at that point, is he saying anything like…?

BUSH: I don't remember.

THURMAN: That's fine. And what are you thinking about at that point in time? What is your mindset?

BUSH: So right looking down at sarge grabbing suspect… before I see the suspect trying to go for the gun I, I'm getting ready to run to where they are at. That doesn't happen. That was my thinking at the time. I know I moved a little bit I don't know how far down I went but, like closer because that little spot of time kind of freezes for a second for me because things got super slow. And I'm I watched I don't even know how it happened, but I'm just I saw the suspect just grab at his at sarge's holster and start playing with it and all of a sudden, the gun falls out and the guns on the ground.

THURMAN: And I just I'm sorry to clarify, is this the second set of

altercations?

BUSH: Yeah, so this is yeah, I guess this would be the second, yeah. So that that's when the gun falls out. And sarge does something to get him back down on-on that slope. Like push him, he does something I don't remember that part at all. All I know is he ends up on the left when I say he, sergeant's up on the left of him. I end up on the right of him. I don't even know. Yeah, so even if yeah. And then at this point, he's more on his like back kind of on his side facing this way.

THURMAN: Facing towards the street?

BUSH: Yeah, facing towards the street kind of on the side. And it, Nick, this is when Nick is grabbing his balls and his penis pulling and squeezing down hard. And I remember the suspect yelling they got they got they got me by the balls or get them off me babe or something like that. He's yelling it to the passenger in the car.

THURMAN: If we can just go back one sec.

BUSH: Um-hum.

THURMAN: The firearm that fell out.

BUSH: It's sitting over here. Like off on the sidewalk still.

THURMAN: Is that be, is that before sarge does his pain compliance grip on him?

BUSH: Yes, or yes.

[redacted] I want to make sure we've got the sort of timeline here clear. So that the gun falls out, hits the ground and then sarge goes for pain compliance. And then the altercation continues, is it…?

BUSH: Yeah, because we have another altercation. Yeah, because that's when I decided that we had to use the Taser at some point. Yeah, so that's like the third altercation.

THURMAN: Okay, I just wanted to clarify to that's where we're at.

BUSH: That's pretty sure that's where I'm at. I just want to make sure to.

THURMAN: That's fine.

[redacted] It's a hectic event.

BUSH: Yeah.

THURMAN: Understandable. Did and just going back just real quick. Did you see which hand was reaching towards the sergeant's firearm?

BUSH: Both.

THURMAN: Both hands were.

BUSH: Yeah, he kind of went he did a dive because of the maneuver sarge took he was like trying to spin him around by his shoulders or his neck head area trying to spin him around to go the other way. And the suspect kind of leaned forward and then looked straight at his gun and started playing with his holster. And then that's shortly or just seconds after that I saw the gun completely come out of the holster and then it just dropped to the ground. I don't know how it did or I don't know if he just lost grip of it or whatever. But it fell to the ground.

THURMAN: You-you saw it fall to the ground?

BUSH: Yes.

THURMAN: From-from-from which angle if you can describe that for me, I'm sorry.

BUSH: I was up the street a little bit looking straight at them, and I

	can't tell you the distance between us. I couldn't measure it.
THURMAN:	So, you saw like obviously the gun fell out. Were you able to hear the gun fall out?
BUSH:	Yes, I can hear it.
THURMAN:	Did you hear the…?
BUSH:	I heard just like as if I did it at the range at the Academy. I heard it.
THURMAN:	And what does that sound like?
BUSH:	Like metal hitting the ground.
THURMAN:	And what was your mindset? And like, what were you thinking about right there?
BUSH:	Right-right there I said, oh shit in my head. And noticed that the suspect moved away from the gun at that point. Was not actively going for the gun at that point. So, my mindset was like, okay, that's there. I know that's there. Like, we need to control that. I already called for backup, and my sergeants still in the fight. We're still in the fight.

RIPLEY: I'm gonna interject real quick. When you're describing their position, if you can just kind of describe whether they're like on the sidewalk or like on the slope. And as far also…

BUSH: Most of it is kind of on the sidewalk or sorry, on the slope, majority of the physical altercation is on that slope.

RIPLEY: Okay, also for like the gun and stuff. So just if you're gonna describe it just describe like, if we're talking about like, the slope or like the sidewalk.

BUSH: Um-hum.

RIPLEY: And just for future.

BUSH: The gun was on the sidewalk, on a flat surface.

RIPLEY: Just for future real quick, just because we're, everyone keeps like, step on top of each other. Just kind of wait for someone to finish it, like asking the question just because you mentioned they're gonna have to type this up. And they're gonna keep cutting each other off.

BUSH: Right.

THURMAN: Continue.

BUSH: So that's where my mindset was, was that's over there. He didn't try to go for it again. And try trying to go back to that. Gaining compliance and the arrest and getting him into handcuffs and doing whatever we can to-to get him into handcuffs peacefully, as peacefully as we can. So, I went over to it was all super close. So, I can't even tell you the distance between each but I continued to get in the fight. And that's when Nick's pulling out his balls and all that. Trying to do the camp pain compliance. But he was actively pulling away from sarge when that was happening, like, it didn't look like he had pain hardly at all. Like he knew it was happening. Like the suspect knew it was happening to him, but it didn't.

When I am sorry, I was raised with brothers. I have a male dominated family at work and at home. Like I know when a guy's genital area is hurt, it hurts really frickin bad. And that was not the reaction that he had. I was actually amazed that he was still pulling away from us and that didn't work. So, he's-he's kind of facing me on the side as I'm-I'm trying to get I'm trying to get him back on onto his face at some point but---

THURMAN: Who?

BUSH: The suspect. To get into that cuffing position and I have to disengage to try to get to my Taser because the hand, I

was using my right hand to try to pull his arm his right arm, I think. He was on his back then yeah suspect flips over in search trying to crawl up the wall. So that would have been his right arm again just trying to get the-the details to so. He's crawling up and Nick still, Nick I want to say Nick sarge Sergeant Corona's starting to get on to his back facing----

RIPLEY: Sergeant Corona's getting on his own back or he's getting onto the suspects back?

BUSH: He's getting onto his own back because he's trying to yank down between the suspects legs from grabbing his genitals. Because while the suspect is trying to crawl up the crawl up the slope. Does that make sense yet?

THURMAN: If I may. So, Corona's on his back---

BUSH: Yeah.

THURMAN: ---with suspect's testicles in his hands?

BUSH: Yes.

THURMAN: And suspect is overtop trying to crawl away?

BUSH: Yes.

THURMAN: Like towards up the slope?

BUSH: Yes.

THURMAN: And correct me if I'm wrong. The pain compliance that he's using is not effective.

BUSH: Mm-mm, not at all.

THURMAN: You're saying it's not effective, why?

BUSH: Because he's still running from us, he's still able to move away from us. He… there was no flinching in his body at all to the point where I felt like he might have been under the influence of a controlled substance or something. Because he had no hardly any reaction to it. So that happens, I had to while sarge was holding on to him, I had to briefly let go of him so that I can actually access my Taser because I was having a hard time getting it out.

So, I had to use my left hand, instead of doing the cross draw, like I plan, I'm used to doing cross draw, I had to pull it out from my left hand with my left hand, and then transfer it over to my right. Once I transferred it to my right hand, and got a good grip on it, I turned it on. And I started watching where sarge was and the suspect because at this point, his, the suspect's back is to me. So,

I'm trying to line up a good point to deploy my Taser. But there wasn't a good angle to where I would have incapacitated sarge, if I would have discharged my Taser. So, I decided to try pain compliance behind the shoulder blades by activating my Taser with the buttons on the sides and just placing the front of the Taser onto his onto his back.

RIPLEY: So, you tried to drive stun him?

BUSH: Yes. And so, tried that it did not work at all.

RIPLEY: When you say it did not work, you mean that the Taser didn't work, or it just was not effective?

BUSH: It was not effective. He did not feel pain. He was still moving away from it. He was still and I can only activate one side. Now the second side wasn't activated. And before I activated the Taser, he said don't tase me don't like don't fucking tase me. And---

RIPLEY: How did he know you're about to tase him?

BUSH: Because he heard Nick say tase him. Or sorry when I say Nick it's sarge. Sarge said to tase him. So, he overheard that.

RIPLEY: Was he…what was he looking at when you had the Taser out? Was looking at you or was he looking at sarge?

BUSH: He was looking at the concrete of the slope.

RIPLEY: So, he wasn't, he wasn't locked on to you, he just heard it?

BUSH: No, he kept looking around quite a bit, but he wasn't locked on to a single one of us.

RIPLEY: And how many times did you attempt to drive stun him?

BUSH: Two or three times. I don't know a definite answer on that one.

RIPLEY: Was it all in the same location?

BUSH: Yes.

RIPLEY: And how far apart did that occur?

BUSH: Pretty close, I don't, I don't know, though.

RIPLEY: Was it like second?

BUSH: Like a second.

RIPLEY: A second a minute?

BUSH: And then I also had it arced for a few seconds so consistently. But right when I thought even trying to get his neck replacing the Taser or something to try to get him to stop fighting us that's when he drew his-his arm back his right arm just completely knocked my Taser out of my hand that fell onto the sidewalk.

RIPLEY: Where's the pistol at this point?

BUSH: It's down-down the sidewalk a little ways, but within because of us the way we're moving around we had moved towards it over time.

RIPLEY: So, at this point, when you're trying to drive stun him at this point, how close are you guys to the gun?

BUSH: I can't tell you an answer. It was enough to where he was able to, to lunge completely do like a tiger hop or something like a pounce for the gun.

RIPLEY: Okay.

BUSH: Does that kind of makes sense or…?

RIPLEY: So, is it within like a car length?

BUSH: Yes.

RIPLEY: So, if he had gotten loose, how long would you believe it would have taken him to get that handgun?

BUSH: Quickly.

RIPLEY: Within seconds, five seconds?

BUSH: Yeah, within seconds, seconds not less than five seconds.

RIPLEY: So, you're trying to you're trying to tase him it's not working. What's the next step as far as what are you doing and what is sarge doing?

BUSH: So, he knocks the Taser out of my hand and like I said, the suspect immediately goes for that gun pounces onto the gun with both hands.

RIPLEY: How does he… describe how he's pouncing and how he's how he's moving his body? And how's he actually getting the gun?

BUSH: So, the gun is down a little ways this north of where we were originally at. Now what third fight now altercation third altercation. He is up on the slope, and he uses his back legs to push himself out of where we are. And then

jumps over to where the gun was sitting because the gun is sitting closer to that slope but still on the sidewalk.

RIPLEY: So, how when you say he pushed himself up, so is he on the slope and then he's like leaning forward and jumping?

BUSH: Yes.

RIPLEY: So, he was on his back, kind of leaned forward and then jumped?

BUSH: No, so because I just got done tasing him in the back, right? So, he's still on all fours still on all fours, but after he throws his arm this way, he's not really using that right arm he uses his left well I thought at the time was like to push sarge off and he completely uses like his thigh muscles to push himself off the ground and to dive onto the onto the gun.

RIPLEY: So, does he push off with these…. I know you're saying his thigh muscles, so is he like on his knees, pushing and propelling himself forward or is he…?

BUSH: No, he gets onto his feet. So, he's moves---

RIPLEY: So, he's jumping like---

BUSH: ---from his knees to yeah. Yeah, he jumps, yeah. Yeah, to like a---

RIPLEY: You described it as like a tiger.

BUSH: Yeah, that's the best way I can, I can put it like a tiger or like a way like a dog even just gets ready to like pounce.

RIPLEY: So, he's literally almost on all fours and just jumped like springing forward or jumping forward?

BUSH: Yes, yes springs.

RIPLEY: And how does he land on the ground?

BUSH: On his on his stomach. And he grabs the gun at this point he---

RIPLEY: How's he holding the gun?

BUSH: He's holding onto the end like on top of the-the slide of the barrel so he's trying to grab it he doesn't have the grip yet.

RIPLEY: Is that one hand or two hands?

BUSH: With two hands.

RIPLEY: And when you say he's holding on to it, is are his hands, arms completely outstretched, does he have them closer to his body?

BUSH: And when he goes to grab it, it's outstretched.

RIPLEY: And how long does he remain like that?

BUSH: Not less than a second like it's just quick.

RIPLEY: And what is the next response from you guys?

BUSH: He… so, my response is I see this happen and I immediately jump with him.

RIPLEY: And what did---

BUSH: After he jumped and placed his hands first on the gun, I'm right on top of his hands grabbing it with-with him.

RIPLEY: When he jumps and grabs the gun what is the first thing going through your mind?

BUSH: That he's gonna kill one of us.

RIPLEY: How does that make you feel?

BUSH: Scared.

RIPLEY: So, you jump on after him. How do you how you end up positioned next to him?

BUSH: So, he's, he's on his side. So---

RIPLEY: Which side?

BUSH: I want to say his left at this point, but he's facing out towards the street. He brings the gun to him.

RIPLEY: And the way you're, you're kind of showing me right now is you have two hands together.

BUSH: I'm doing this, yeah so, he's he brings it toward to him. I don't remember his hand placement at that point. He brings it to him. I'm just used to doing that so. He brings it to him. He's trying to maneuver his hands to where he can get his-his fingers, or his finger on the trigger. He points it at me.

RIPLEY: So, at this point, so where are you in relation to him?

BUSH: Like, super close.

RIPLEY: Are you guys both like laying on the ground?

BUSH: Yeah.

RIPLEY: Where are so he is on his left side?

BUSH: Um-hum.

RIPLEY: You said facing the street?

BUSH: Yes.

RIPLEY: Is his head kind of facing like downhill?

BUSH: Yes.

RIPLEY: Are you in front of him behind him?

BUSH: I'm in front of him.

RIPLEY: What, which side are you on?

BUSH: I would have to be on, I'd have to be on my right side.

RIPLEY: So, are you facing towards the slope?

BUSH: I'm facing towards the slope.

RIPLEY: And you said…how far away are you from-from him

where you?

BUSH: Face to face pretty much like I can see in between us, but we're right, right here.

RIPLEY: And where are your hands?

BUSH: My hands are on the gun, both hands.

RIPLEY: So, who, when you say your hands, your hands are on the gun? Are his hands encircling it and yours are encircling his? Or are you guys all touching the gun?

BUSH: His, his are insert so the suspects is kind of encircling the slide and its very fluids of him trying to get like I said that grip. But initially it was on that on the slide. One of my hands were on the slide. One was closer to the grip.

RIPLEY: Do you remember which one was which?

BUSH: I don't, because at one point, I remember the slide moving back and forth because I was trying to get the gun to malfunction or not to work or trying to get it out of his hand as well.

RIPLEY: So how long is it right then…so you're fighting over the gun, where is sarge at?

BUSH: Sarge is right next-next to me. So, once he sees the gun, I don't know at what point he saw it. He-he starts he starts pushing on the other side of him to try to hold it down. And this was already after suspect already pointed it at me and tried to point it over to sarge. And that's when I slammed his hand back down.

RIPLEY: So, before-before sarge kind of gets reintroduced to the struggle. Had the gun already been pointed at you?

BUSH: Yes.

RIPLEY: Where was the barrel pointed at in relation to your body?

BUSH: In the middle of my chest. So, where I would normally have my radio at.

RIPLEY: And how did that make you feel?

BUSH: Scared for my life. Like I wasn't gonna go home that night.

RIPLEY: What did you think the suspect was trying to do?

BUSH: I thought he was gonna kill me.

RIPLEY: So, the fight continues. How if you can tell me how long

into the struggle between you and the suspect did you realize sarge is now involved in it again?

BUSH: Just after. So, he points he starts trying to point the gun and I see sarge somewhere next to me in my peripherals, but I don't---

RIPLEY: You're showing me on your left side.

BUSH: Yeah. So out of my left eye. I'm seeing him there. But then, so I'm already taking his hands and point pushing it away and then the force of whatever sarge did helped push it push it down.

RIPLEY: So, it, is---

BUSH: I don't know what he did.

RIPLEY: So, is your sarge laying on top of him? Is he behind him?

BUSH: He's like to the side of him.

RIPLEY: Is he standing, kneeling, laying down?

BUSH: I can't I don't know.

RIPLEY: Okay, he just---

BUSH: I can't see him clearly because I was focused on that fucking gun.

RIPLEY: At what point… so sarge, is there doing something to push down. Now when you say pushing down is how do you know he's pushing down? Is his body moving?

BUSH: The force, the force, because he wasn't he wasn't able to bring it back towards sarge, the gun.

RIPLEY: Do you see your sarge's hands anywhere?

BUSH: Not on the gun. I don't know where his hands are really because I don't remember. I don't know if he touched the gun or not.

RIPLEY: So, he's doing something.

BUSH: He's doing something to help that situation.

RIPLEY: How long does that go on for?

BUSH: I don't know.

RIPLEY: During this time when he's, you guys are struggling over the gun, are any commands being given?

BUSH: I couldn't, I couldn't get anything out.

RIPLEY: Is the suspect saying anything?

BUSH: I don't know. Or oh, you know what, yeah. So, at some point he said, I'm not going to shoot you as he's pointing it at me and starting to point it at sarge, and still trying to grab the trigger.

RIPLEY: So, with his actions, does that make you believe he was being truthful in his statement?

BUSH: No, I think he was lying to us.

RIPLEY: And why do you think you'd be doing that?

BUSH: To try to manipulate the situation so that he can kill us ultimately just kill us so that he can flee.

RIPLEY: So, he says that do you hear any response from sarge?

BUSH: I don't remember if he did say anything. I don't remember.

RIPLEY: So, struggles continuing. So, by the time you guys were all three on that ground. How long is that little altercation lasting for?

BUSH: I don't know. It was fast.

RIPLEY: So, seconds, a minute, two minutes, five minutes?

BUSH: It was less than one minute, guarantee.

RIPLEY: And what's the next thing you remember at that point?

BUSH: So, I get some sort of grip with my left hand on the gun to where I feel confident it's not going anywhere. I can feel him still tugging. But at this point, I'm using my body my body weight a little bit to keep that down.

RIPLEY: At this point, are you still laying on your side, are you kneeling?

BUSH: I'm kind of I'm kneeling at that point.

RIPLEY: At what point did you get to your knees?

BUSH: I can't remember. I think it was when just after he tried to pull the gun closer. I shifted up to help assist me with getting the gun away from us or the gun away from us.

RIPLEY: And as that's occurring, what is sarge doing?

BUSH: I can't see him at that point.

RIPLEY: What is there certain or is there a reason you didn't see him?

BUSH: No, I'm just focused on the gun, the threat.

RIPLEY: So, you're looking at the gun, sarge is somewhere next to you. What happens after that?

BUSH: So, so after I get that grip, I feel like it's a solid grip. He's still fighting us. He's still pull it trying to pull it away from me. I… this happens quick, but like I said before, I thought about my dog. I literally saw him in my head. (crying) Uh, that sucks.

RIPLEY: It's okay, take your time.

BUSH: I saw I saw my dog in my head and the potential of not being able to go home.

RIPLEY: So, you guys are fight, you guys are fighting for the gun. What's kind of the and this is all going through your head?

BUSH: Yeah. And then I see sarge in my peripheral and ---

RIPLEY: Where?

BUSH: On my left peripheral and I just I know I have a good relationship with him is a working relationship. And he's a great partner, great sergeant.

RIPLEY: How is he positioned at this point?

BUSH: I can't tell his positioning, but he's face he's I want to say he's facing the suspect.

RIPLEY: Is he standing?

BUSH: I just don't know for sure.

RIPLEY: Standing, kneeling down?

BUSH: He's not standing, he's on the ground with us. I just don't I can't tell you for sure.

RIPLEY: So, at this point, still just you and the suspect holding the gun?

BUSH: Yeah. And then whatever sarge is doing on that side.

RIPLEY: So, what's kind of the next thing that happens?

BUSH: So, that goes through my head. Because if I don't get home, my partner doesn't get to come home. Like if I if I

don't do something to stop this threat that's in front of me. We're gonna die or we're not going to be able to go home. And so, I unholstered my firearm and I brought it to my side, it was still paralleled to side out of, out of the holster

RIPLEY: And what's the reasoning for that?

BUSH: I went to my gun because I was per, the suspect has his hands on my sergeant's firearm, and he has lethal force they can both kill us

RIPLEY: And with your [redacted] experience, what are you [redacted] to do when confronted with lethal force?

BUSH: Use lethal force.

RIPLEY: At this point, had you exhausted any other less than lethal options?

BUSH: Yes, I have.

RIPLEY: What other kinds of less lethal options do you carry on your belt?

BUSH: I also carry OC which is pepper spray.

RIPLEY: And we'll go step by step on this. At that point with what

you're being faced with, do you believe pepper spray was an option to use?

BUSH: It was not a sufficient option to use.

RIPLEY: And why is that?

BUSH: It serves the…it could of also incapacitated me or-or my sergeant.

RIPLEY: And have you been pepper sprayed [redacted] before?

BUSH: Yes, I have.

RIPLEY: Is it immediately effective?

BUSH: It's not immediately effective.

RIPLEY: And at this point did the subject still have the firearm in his hand?

BUSH: Yes.

RIPLEY: What other less lethal options do you have?

BUSH: I also have an RCB.

RIPLEY: Okay, with your positioning and everything, is there any reason you you'd be able to use it?

BUSH: No, because I wasn't throughout that entire altercation, I wasn't able to add adequately pull it out. So, I have to swing it from my right to my left to use it. And I have to swing it hard. And I didn't have the distance between me and the suspect in order to get that out.

RIPLEY: And at this point---

BUSH: And use it effectively.

RIPLEY: ---and at this point, your only other option would be your Taser, correct?

BUSH: Yes.

RIPLEY: And where was your Taser at?

BUSH: My Taser is now on the floor active.

RIPLEY: And how far away was from you was your Taser?

BUSH: I lost where it was after he threw it out of my hand.

RIPLEY: So, you guys are still fighting, you're drawing your firearm

but you're showing with your right hand.

BUSH: With my right hand.

RIPLEY: And what kind of holster do you have? Do you remember like the level? Is it department issued holster?

BUSH: It's department issued holster, yes.

RIPLEY: Does it have both the top---

BUSH: It has the---

RIPLEY: and side?

BUSH: ---hood, drop down and then also has the side secondary retention.

RIPLEY: So, and at the time, do you do you have to manipulate both retentions?

BUSH: Yes.

RIPLEY: So, you draw the firearm, where do you hold the firearm in relation to your body?

BUSH: Right below my armpit. I bring it up as far as I could go.

RIPLEY: And where is your left hand at this point?

BUSH: On the, on that sarge's gun that, the gun that suspect has.

RIPLEY: And this point where are you pointing the barrel of your firearm?

BUSH: At this point, it's down and I'm as I'm bringing it up, I hear sarge say you shoot him in the fucking head.

RIPLEY: So, at this point, prior to even pulling your own firearm, is there any reason that you would allow the suspect to just take control of that firearm?

BUSH: Absolutely not.

RIPLEY: And why not?

BUSH: Because he could have killed both of us.

RIPLEY: So, there was no there was no safe way to let him just have the firearm despite him saying he's not going to do anything with it?

BUSH: No.

RIPLEY: And up to this point did anything was any of his actions

show that he was telling the truth about him not wanting to injure anybody?

BUSH: No.

RIPLEY: So, you start drawing the firearm, how long did you have it out of the holster before you heard your sarge say what he said?

BUSH: We were we were on the same page; I think. When I say that, it-it all occurred with fluidity. So…

RIPLEY: So, prior to your sarge even saying to shoot him---

BUSH: I was already pulling it out.

RIPLEY: Had you at that point had you already made a decision as to what you were going to do?

BUSH: Yes, I did.

RIPLEY: And what is that?

BUSH: Use lethal force to stop the threat.

RIPLEY: So, did your sergeant saying that have any…did your sergeant saying that change anything as far as what you

already have planned to do?

BUSH: No.

RIPLEY: Now, with your guys' body positioning and I know you kind of touched on it earlier you said that there was nowhere else to shoot, to shoot him. Now, what kind of…slow it down a little bit. In your [redacted] experience if you need to immediately incapacitate somebody do shots to the body or upper torso generally work?

BUSH: No.

RIPLEY: What are they… what do they [redacted]? In relation to needing to immediately incapacitate somebody.

BUSH: Head, shoot to the head.

RIPLEY: So, your first so you start drawing you hear your sarge say what he says about shooting him in the head, when this is happening prior to shooting is the suspect close enough to be able to hear sarge, your sergeant saying shoot him in the head?

BUSH: Yes.

RIPLEY: Does the sarge, does your suspect make any attempt to

stop trying to grab the firearm?

BUSH: No, he does not.

RIPLEY: Does he make any attempt to surrender or give up?

BUSH: No.

RIPLEY: Does he ever stop fighting?

BUSH: No.

RIPLEY: So, you start drawing your fire or you have your firearm out, how is your-your body positioning and like your grip? How are you presenting the firearm?

BUSH: I was still… I presented it like about here.

RIPLEY: And what you're showing me is your arm is basically bent at the elbow you're immediately just pulling it---

BUSH: Pulling it straight out.

RIPLEY: ---straight out at like a 90 degree-degree angle with your arm?

BUSH: Yes.

RIPLEY: And your holding your gun, your-your simulated gun is your hand basically near your beltline.

BUSH: Yes

BUSH: So, just above my belt line I would say my, the reason why I did that was because if I extended my arm, he could gain access to my-my gun if I give too much.

RIPLEY: Where… how far is he?

BUSH: We were so close he's I mean we're face to face almost.

RIPLEY: How close is that barrel, the tip of the barrel of your gun to the suspect? Approximately?

BUSH: I guess a foot, a foot, two feet.

RIPLEY: So, you draw, suspect still has hand on gun you still have left hand on suspect's gun. At what point do you decide to fire?

BUSH: I looked after sarge said what he said I looked at this, I looked at everything and made sure that there was nothing no other options. That being said, like we established this there was nothing like I know from my

[redacted] experience that a body shot wouldn't have worked to stop him because he wouldn't have felt it. So, to answer your question it was like a second after I made that one, one second two seconds when I fired.

RIPLEY: So, one to two seconds after you drew?

BUSH: Yeah.

RIPLEY: Or you broke, basically removed the firearm from the holster.

BUSH: A second, drew it out, waited a second and then fired.

RIPLEY: On the first shot. What was your point of aim?

BUSH: It was at his head, not just center mass, his head.

RIPLEY: Did you use any type of sight system?

BUSH: I couldn't.

RIPLEY: So was it---

BUSH: It was just a point and shoot

RIPLEY: And how was your shooting platform at this point? Just describe how your body is.

BUSH: It was horrible I was a little---

RIPLEY: Were you laying down, were you kneeling?

BUSH: For some reason I kept going, going to my right a little bit.

RIPLEY: You said the… the last position you described was kind of how you were kind of on your knees---

BUSH: I was kneeling.

RIPLEY: ---- kneeling pushing down with your left hand.

BUSH: I want to say I ended up putting my foot up or I adjusted it some way. Because I don't know if that was like the pushing from sarge to make me feel like that or hit the suspect but some sort of pushing me keep going to the right.

RIPLEY: So, you fire, is the suspects were suspect facing at this point?

BUSH: I fired he looks he's facing me.

RIPLEY: When you when you fire, he's facing you?

BUSH: Yeah. He looks directly at me.

RIPLEY: And I know you described earlier where you saw the round strike. What was his reaction to that?

BUSH: He looks he looks directly at me and kind of has a pissed off look on his face. Like when I like angry sorry. He's like angry. Shock almost. But then he his body is still tense, and I feel the gun move.

RIPLEY: So, you fire round you strike him you believe somewhere in the head or graze.

BUSH: Like near, near his ear somewhere. I don't remember which one.

RIPLEY: And his reaction to it, is he still is he still holding the firearm?

BUSH: He's still holding the firearm. He---

RIPLEY: Is he attempting to give up at that point?

BUSH: No.

RIPLEY: So, at that point, does he still have the ability to use some type of lethal force against you?

BUSH: Yes.

RIPLEY: So how long after the first shot did you fire the second shot?

BUSH: Threeish seconds, approximately.

RIPLEY: During those three seconds, do you remember any, anyone giving you any commands?

BUSH: No.

RIPLEY: Do you remember the suspect saying anything?

BUSH: No. But what I can tell from his body language was he wasn't stopping.

RIPLEY: So, at what point did you decide to fire a second round and why?

BUSH: It's some point he-he raised his hand towards me, not when I say raised, like he was either gonna go hit, or he's gonna try to grab my gun. It happened so fast. I couldn't tell what was going on. All I know is he was still combative

with me. (Toilet flushes) It randomly flushes.

RIPLEY: So, what, which, which hand is he reaching out towards you with?

BUSH: I don't I don't. I don't know.

RIPLEY: Do you remember which hand he had on the gun?

BUSH: I couldn't. I was trying to focus on what was going on.

RIPLEY: So, on the second shot, what was your point of aim?

BUSH: Center of the head.

RIPLEY: Do you take any kind of sight picture at that point?

BUSH: No.

RIPLEY: And what was your shooting platform?

BUSH: It was more stable than the first one. I had stopped moving around at that point.

RIPLEY: And what was the suspect reaction to the second shot?

BUSH: He had no reaction because he moved back and fell face

down on the floor on the on the sidewalk.

RIPLEY: At that point did he, did he release control of the firearm?

BUSH: Yes. And then sarge, I did not see it, but I know sarge walked over and grabbed the firearm wherever it was at. But his body released like he became relaxed.

RIPLEY: How did that make you feel?

BUSH: Like the threat was no longer there.

RIPLEY: What do you think would have occurred, on the first shot, if he had not shot, what do you think could have occurred if the suspect kept control of that firearm?

BUSH: Like I said before, he could have shot us both and fled and we're next to a bunch of houses a residential area. He could have fled into a house. There is a school, even though it was a Saturday there's a school right, right above the way that kids go and visit when they're off just so they can go use the football field or whatever. Anything could have happened.

RIPLEY: And on this this second shot if you're not fired a second shot, do you think same as the first as far as what could have happened?

BUSH: Yes.

RIPLEY: And I know you said there's a school and houses and everything up the way but what does that mean to you as far as if the suspect had gotten away? What do you believe could have happened?

BUSH: He could have harmed innocent lives that had nothing to do with the situation. And also, the backing officers that I called for all of a sudden, we're incapacitated, and he has a gun and he's just gonna start shooting at the next partners that are gonna roll on scene.

RIPLEY: And so, this is this is going on aside from obviously your guys' you know your firearm and sergeant's firearm. You guys briefly talked earlier about like your units. Your unit in particular. Do you remember if the windows were up or down?

BUSH: I don't remember.

RIPLEY: Do you remember if your unit was running?

BUSH: Yes, it was running.

RIPLEY: Do you remember if it was locked?

BUSH: I don't remember. Oh, so yes, it was because I walked back over. So, I unlock it every time I exit. And I when we finally walked back over, I remember having to unlock it.

RIPLEY: If you were incapacitated, would someone have the ability to get access to that vehicle?

BUSH: Absolutely by breaking the window and-and the keys are in the car and my car is running so.

RIPLEY: And what else do you what other types of equipment do you guys have in the in the vehicles?

BUSH: Rifles, shotgun.

RIPLEY: And if they gain---

BUSH: Some units have less lethal in the back, which is beanbag rounds.

RIPLEY: And if they have access to the interior of that vehicle, is there anything special to gain access to those firearms?

BUSH: Yes. So---

RIPLEY: Correction is there, if someone knew what they were

doing would they need any kind of special equipment to gain access to those firearms?

BUSH: No.

RIPLEY: So, when the suspect goes down, you said at some point the sergeant recovers his firearm.

BUSH: Um-hum.

RIPLEY: Did he seemed to know at that point that it was his firearm?

BUSH: Yeah.

RIPLEY: Why is that?

BUSH: Because his gun was out of his holster.

RIPLEY: Did it appeared that that was the that was the first time he realized it was his firearm?

BUSH: I don't know. That one I have no idea.

RIPLEY: So, we're gonna so that happens. You briefly talked earlier how you guys didn't perform any kind of medical aid. And because you said it looked like he was

deceased. What about him that made you believe he was deceased?

BUSH: From my training experience, I know gunshot wounds to the head are very lethal. And just like I've seen from my training experience, they cause a lot of blood. And within a couple of seconds, his blood was covering the concrete and he wasn't moving no breathing.

RIPLEY: Was there anything on you or your sergeant's uniforms that would make you believe he was beyond help?

BUSH: Yes, so my sergeant was covered in the suspect's blood. I can't remember where but a lot on his back, shoulder area. On covered on his uniform and I had splatters somewhere on my back of my collar.

RIPLEY: So, suspect goes down, you and your sarge say anything to each other?

BUSH: We start calling for help. So, I said, I said shots fired on the radio and sarge starts going into roll medical, suspects down. And 22 40 King, I think. And these are all the sergeant's stuff and calling everybody in.

RIPLEY: I'm gonna backtrack for two seconds. What was your-your backdrop during both, both those rounds you fired?

BUSH: The slope of that concrete.

RIPLEY: Is there any residences beyond that?

BUSH: No.

RIPLEY: So, you fire those rounds, he goes down and your sergeant's doing sergeant stuff. What do you do after that?

BUSH: So, I say shots fired on the radio, and then I go over to the suspect vehicle and pull the passenger out of the car. I immediately cuff her up. And I walk her back to my partner that just got on scene.

RIPLEY: Does she say anything to you?

BUSH: She asked me if I shot him. I didn't respond.

RIPLEY: Did you see? So, describe to me how the suspect his body position when after the shot was last shot was fired.

BUSH: He was on the ground face down, but his face was pointing out to the street a little bit. He, his arms you can kind of see both, both hands. And you can see the-the magazine now in his hands not the magazine with rounds

in it in his hand, not the gun.

RIPLEY: At any time during your guys' struggle over the firearm, did you see that-that gun, at any time during the struggle did you see that firearm, or the magazine come out of that firearm?

BUSH: I did not see it, no.

RIPLEY: So that was the first time we realized that there was no longer at least a magazine and a firearm?

BUSH: Yeah, that was the first time I realized there was no gun there too.

RIPLEY: What did you and did you notice immediately. So, you saw the… Do you see your sergeant's gun first or your sergeant recovering the gun, or did you see the magazine?

BUSH: I saw the magazine.

RIPLEY: So, did you know at that time if that was the magazine from that firearm?

BUSH: Yes, I did.

RIPLEY: You knew it was from that one?

BUSH: I knew.

RIPLEY: How did you know?

BUSH: Because it matches the same exact equipment that we're issued and sarge also has a Glock.

RIPLEY: Is there any way that could have been like a different magazine?

BUSH: No, because I searched him prior to this incident, and I knew that he didn't have any type of weapons or ammunition on him at all.

RIPLEY: And do you remember at that point, do you recall seeing where your Taser was?

BUSH: Yeah, it was I think it was in front of him. I want to say it was just in front of him somewhere past his head. I don't know not clearly but it was on the ground covered in blood.

RIPLEY: At any point after that did Fire or an ambulance respond?

BUSH: Yeah, Baker ambulance responded. I think Fire got there

not really sure Baker ambulance was definitely there and pronounced him and I said over the radio what time he was pronounced by medical.

RIPLEY: How long after the last shot was fired did, they show up approximately?

BUSH: Less than five minutes.

RIPLEY: So, they… at… when yours when you guys are kind of fighting, and you see the suspect grabbing at your sergeant's gun, did it appear your sergeant knew the gun was being his holster was being grabbed?

BUSH: Say that one more time.

RIPLEY: Sorry.

BUSH: I'm sorry.

RIPLEY: When you when you saw the suspect trying to remove or handle your sergeant's holster or firearm, did it appear that your sergeant knew the suspect was grabbing his gun?

BUSH: I can't say that for sure.

RIPLEY: Did your sergeant say anything about him grabbing the gun?

BUSH: No.

RIPLEY: And I know this is kind of different situation. But how are you normally trained if someone's grabbing your gun? Like what---

BUSH: To yell he's got my gun, or she's got my gun or something to show everybody else that's what's happening.

RIPLEY: So, at any point during the incident did your sergeant ever say that the subject had his firearm?

BUSH: No, he did not.

RIPLEY: So, at the time, did you know for sure that was your sergeant's firearm?

BUSH: I did because I saw it come out of sarge's holster. And it was the same gun that was still laying on the floor.

RIPLEY: At any time, is there any reason you did or did not say aloud that he had the sergeant's firearm?

BUSH: It happened so quickly that and we were still in a fight that

I couldn't get it out. Just, yeah.

RIPLEY: So, we're gonna kind of, I'm going to kind of jump back real quick okay.

BUSH: Alright. Sounds good.

RIPLEY: Do you need a break or are you okay?

BUSH: I'm good.

RIPLEY: Real quick, and this is really brief. What date and time was this traffic stop called out approximately?

BUSH: Date was at 9-3-22 at approximately 1514 hours.

RIPLEY: And how was the suspect ID'd?

BUSH: By his driver's license.

RIPLEY: Did you ever the passenger I know you said you ID'd her. How did you ID her?

BUSH: I remembered the first and last name from her first and last name and year of birth from her restraining order. And I personally walked over and when I spoke to her, she gave me the same first last name and year of birth.

RIPLEY: At any time, did she…at any time was she uncooperative?

BUSH: No. She remained in the car the entire time during the fight.

RIPLEY: Post shooting did you give anyone a public safety statement?

BUSH: Yes, I did.

RIPLEY: And do you know to how?

BUSH: Corporal Preston.

RIPLEY: And how far how long after the shooting did that occur?

BUSH: I don't recall that. It was quite quickly after.

RIPLEY: So, shooting happens, how-how long or how much later the next like incoming unit or backup unit arrive?

BUSH: Less than like 30 seconds after it happened.

RIPLEY: And did you ever touch or manipulate the suspect's body in any way after the shooting?

BUSH: No, I completely walked backwards and away from the

scene.

THURMAN: Have you ever had any contact with the suspect before this incident?

BUSH: No.

THURMAN: I know you said that 40 King was around.

BUSH: Yeah, they-they were in the area because of it was Labor Day weekend. So, I know they were called. I think they showed up at some point, but I was already leaving the scene.

THURMAN: It was after the shooting that day?

BUSH: Um-hum.

THURMAN: Was any other anybody else hurt during this LFE, or lethal force encounter?

BUSH: Just Sergeant Corona.

THURMAN: Were you aware of what his injuries were?

BUSH: I'm not certain. I know he was scuffed up in different places and has issues with his knees since, but I don't

know details.

RIPLEY: Were there any communication issues or concerns that affected you during the incident?

[redacted] Be specific about communication.

RIPLEY: Between you and your you and your sergeant?

BUSH: No.

RIPLEY: What about between you and Dispatch?

BUSH: No.

RIPLEY: Or you and your incoming units?

BUSH: No, I was able to get perfectly out on the radio and I was for we were 415 with one which means we're fighting with one. And I remember hearing Dispatch say 21 Paul 21 I copy 415 with one and then she said 33 this channel.

RIPLEY: And what does that mean?

BUSH: Thirty-three means it's emergency traffic only.

RIPLEY: And at the time did you believe you had adequate

resources for the incident?

BUSH: I do.

RIPLEY: During the incident, how was your like fatigue level?

BUSH: During the incident?

RIPLEY: Um-hum, if you noticed any difference.

BUSH: I couldn't because the adrenaline and everything and everything going on.

RIPLEY: What about after?

BUSH: After extremely.

RIPLEY: And how would you characterize the level of teamwork between you guys on scene?

BUSH: Very good substantial teamwork.

RIPLEY: At any time during the incident did any like the lighting conditions or weather conditions change?

BUSH: Not dramatically, no.

THURMAN: Just jump back again real quick. Do you recall you saying that he there were two strikes things that you struck him?

BUSH: Yes.

THURMAN: Where do you strike him at, by him I mean suspect.

BUSH: I struck the suspect in his face two times. I want to say it was I think it was his left because I was looking at him and pushed him with my right hand, but I, it's hard to say I know it was in the near the eyes somewhere.

THURMAN: And I know this is a quick but lengthy interview and a quick and yet lengthy altercation. What part did you do recall striking him?

BUSH: I think it was the first part the first part of the altercation.

RIPLEY: Were those strikes effective?

BUSH: No.

RIPLEY: Did it stop him from fighting you guys?

BUSH: No, even though that I struck him twice and told him to let go of Sergeant Corona he continued to fight us and acted like he didn't even feel it.

RIPLEY: When during one of our witness interviews, someone mentioned that the suspect may at least for a second or two got the sergeant in a headlock. Did you see anything like that?

BUSH: Yeah, so I couldn't tell he that's why I said let him go spec, verbatim let him go to the suspect because I could tell he was holding on to him. I couldn't tell if it was a headlock or what but at that point that's why I delivered those two punches to the face.

[redacted] Anything to add?

RIPLEY: Alright so any of the things that you did write on we'll go ahead and make sure they're all initialed. One thing I know, you talked about what shift you're on.

BUSH: Yes.

RIPLEY: What time that, what time was that shift? What time did it start and end?

BUSH: Six AM to Six PM.

RIPLEY: That was the scheduled time, correct?

BUSH: Yes.

RIPLEY: And even though you didn't draw on those just go ahead and just initial the bottom and sign them you can just mark them as four and five. Just to put them in there.

BUSH: Do you want this one as well?

RIPLEY: Um.

BUSH: Sure.

RIPLEY: Just throw it in there.

BUSH: Does that hurt?

RIPLEY: No.

RIPLEY: Is there anything we haven't asked you that you think would be pertinent to this investigation?

BUSH: I think you've covered everything.

[redacted] I'm good.

RIPLEY: Go ahead and go off tape at 1724.

Exh 1

Historic US 66
Needles Fwy
Bluebird Mountain Rd
W Broadway St
Edgemere Rd
Edgemere Rd
Edgemere Rd

000159

Imagery ©2022 Maxar Technologies, USDA/FPAC/GEO, M... ft

000160

Imagery ©2022 Maxar Technologies, USDA/FPAC/GEO, Map data ©2022 200 ft

MB 5

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000162

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna's	**Nickolas**		

OFFICER PROCESSING: ***Sergeant Nickolas Caronna***

On Saturday, September 3, 2022, at approximately 2148 hours, Sheriff's Crime Scene Specialist (CSS) [redacted] and I met with San Bernardino County Sheriff's Department (SBCSD) Sergeant Nickolas Caronna's at the Needles Sheriff's Station, located at 1111 Bailey Avenue in Needles. Caronna's had not changed his appearance since the lethal force encounter (LFE). Caronna did not fire any weapon systems.

NOTE: The photographs below depicted Caronna's *uniform attire during the LFE.*

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

OFFICER PROCESSING: UNIFORM/EQUIPMENT INVENTORY

Caronna wore a SBCSD "Class A" uniform, which consisted of a tan, long sleeve, button-down shirt, green pants, and black boots. Caronna's uniform shirt displayed a cloth United States flag sewn above his right breast pocket, a gold-colored nameplate pinned underneath the flag, which displayed "N. Caronna" in black lettering. Caronna's gold colored San Bernardino County Sheriff's badge was pinned above his left breast pocket. Caronna's shirt displayed SBCSD patches and three yellow chevron stripes on both the right and left shoulders.

Caronna wore a black basketweave Sam-Browne duty belt, with a metal buckle at the center of the belt. Caronna's equipment on the Sam-Browne belt, proceeding clockwise from the (front) center of the belt was as follows:

- Black, basketweave holster, which contained Caronna's department-issued oleoresin capsicum (OC) spray.
- Black, basketweave pistol holster, with a Glock 21, .45 caliber pistol.
- Black, basketweave key holder hook.
- Black, basketweave handcuff case with metal handcuffs.
- Black, basketweave belt keeper.
- Black, basketweave belt keeper.
- Black, basketweave radio holder, which contained Caronna's department issued handheld radio.
- Black, plastic basketweave holster, which contained a Rapid Containment Baton (RCB).
- Black, plastic holster, which contained a yellow, X2 Taser.
- Black, basketweave digital recorder case, which contained a digital audio recorder.
- Black, basketweave, double magazine holder, which contained two black Glock .45 caliber magazines.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

OFFICER PROCESSING: UNIFORM/EQUIPMENT INVENTORY (Continued)

I observed the following suspected blood stains on Caronna's uniform and body:

- Suspected blood stain on the front right shoulder of Caronna's uniform shirt.
- Suspected blood stain on the right lower sleeve of Caronna's uniform shirt.
- Suspected blood stain on the right middle sleeve of Caronna's uniform shirt.
- Suspected blood stain on the top right back, and back shoulder of Caronna's uniform shirt.
- Suspected blood stain on the back right neck collar of Caronna's uniform shirt.
- Suspected blood stain on the back of Caronna's head.

I observed the following injuries on Caronna:

- An abrasion on his left middle knuckle.
- An abrasion on his right ring knuckle.
- An abrasion on his right index finger.
- An abrasion above his left eye.
- An abrasion on his right elbow.
- An abrasion on his inner right forearm.
- An abrasion on his left elbow.
- An abrasion on his left wrist.
- An abrasion on his left knee.
- An abrasion on his right knee.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WEAPON INVENTORY:

Glock 21, Gen 4, .45 caliber

In my presence, Johnson requested Caronna to remove his firearm from his holster and render it safe. The handgun was a Glock 21, Gen 4, .45 caliber, semi-automatic handgun, with serial number [redacted]. The handgun did not contain and magazine in the magazine well. Caronna pulled the slide to rear and ejected a live cartridge from the chamber. The cartridge was head stamped with "Winchester 45 Auto."

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

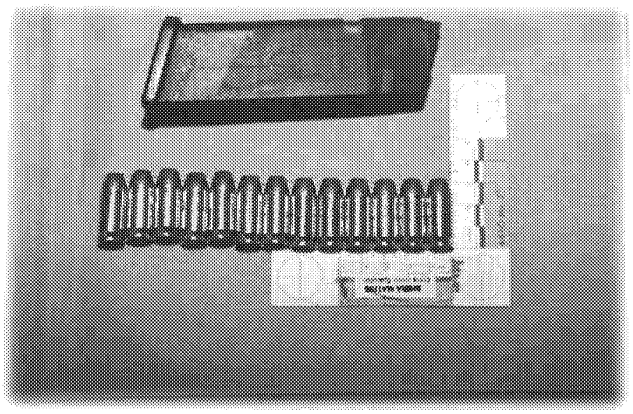
VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WEAPON INVENTORY: (Continued)

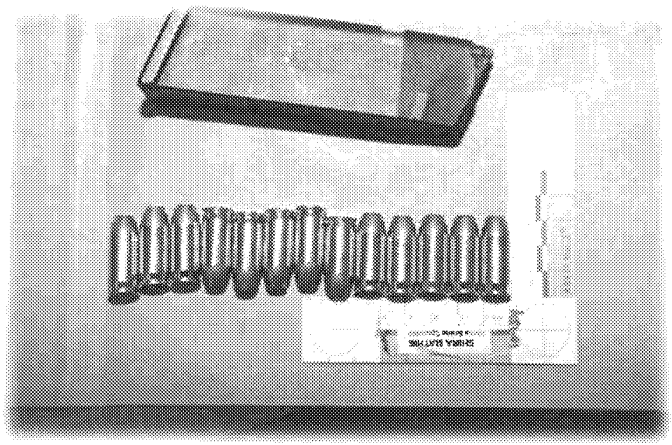
Additional Magazines

Caronna removed the two 13-round magazines from the magazine pouch on his Sam Browne duty belt.

The first magazine removed from Caronna's Sam-Browne contained 13 live cartridges. All 13 cartridges from the magazine were head stamped with "Winchester 45 Auto."



The second magazine removed from Caronna's Sam-Browne contained 13 live cartridges. All 13 cartridges from the magazine were head stamped with "Winchester 45 Auto."



SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

DEPUTY INFORMATION: Sergeant Nickolas Caronna

- Name: Nickolas Caronna
- Employee number: C3559
- Date of birth: [redacted]
- Height: 5'8"
- Weight: 175 lbs
- Agency: San Bernardino County Sheriff's Department
- Date of hire: [redacted]
- Assignment: Patrol
- Shift hours: 0500-1700 hours
- Rank: Sergeant
- Previous law enforcement experience: Yes
- Uniform: San Bernardino County Sheriff's Department's Class A
- Unit #: 6627
- Belt recorder: Yes
- Body camera: No
- Vehicle camera: No
- Photographs taken: No
- Injured: Yes
- Weapons used: None

Reviewed By: **Sgt. J. Giles** Date: **10/3/2023** Author: **Det. S. Thurman** Author Date: **10/3/23**

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

DEPUTY INTERVIEW:

Nickolas Caronna, Sergeant
San Bernardino County Sheriff's Department

On Monday, September 12, 2022, at approximately 1500 hours, Detective Robert Ripley and I interviewed San Bernardino County Sheriff's Department (SBCSD) Sergeant Nikolas Caronna in a conference room at SBCSD Colorado River Station located at 111 Bailey Avenue, Needles. Caronna's attorney, [redacted] was present during the interview. I audio-recorded the interview and later placed the recording into evidence.

Prior to the interview, I advised Caronna we were conducting a criminal investigation in regard to the shooting of Nikolas McPheter. I explained to Caronna he was not ordered to speak with us and could not be disciplined for refusing to provide me a statement. Caronna understood and agreed to provide a voluntary statement regarding the incident.

During the interview, Google aerial photographs and photographs of the crime scene were used as reference material. The original reference photographs were placed into evidence. The copies of the reference photographs were placed into the case file. Caronna was provided with belt recording audio from the incident prior to the interview.

On Tuesday, September 3, 2023, I reviewed the audio recording of the interview and compared it to its typed verbatim report. I found the verbatim report to be complete and accurate.

The following is a verbatim report of Caronna's interview.

DR# 602200107
H# 2022-113

Interview with Sergeant Nickolas Caronna

THURMAN: Are you guys there?

GILES: Yeah, we're ready when you are.

THURMAN: Alright. Cool. Good morning. Detective Shawn Thurman. Today we are at the Needles Station. It is Monday, September 12, 2022. We'll be interviewing Sergeant…

CARONNA: Nick Caronna.

THURMAN: In reference to a lethal force encounter that has been documented under DR #602200107, H #2022-117. This incident took place at the intersection or near the intersection of L Street and W Broadway and this would be in regards to a "Nikolas McPheter." So, I already introduced myself...

RIPLEY: Detective Robert Ripley.

CARONNA: Sergeant Nick Caronna.

[redacted] Attorney Rep. [redacted]

THURMAN: Sergeant, I wanted to let you know that this is a criminal report and it will be submitted to the district attorney. You do not have to speak with me. No discipline can come to you for not speaking

with me. Prior to this interview, has anyone ordered you to give a statement?

CARONNA: No.

THURMAN: Has anyone ordered you to speak with me?

CARONNA: No.

THURMAN: And do you wish to speak with me?

CARONNA: Yes.

THURMAN: Okay. Can you spell your first and last name, please?

CARONNA: Alright. First name is N-i-c-k-o-l-a-s. Last name is C-a-r-o-n-n-a.

THURMAN: Date of birth, please?

CARONNA: [redacted]

THURMAN: Employee number?

CARONNA: C3559.

THURMAN: And years of service?

CARONNA: [redacted]

THURMAN: And who do, who are you currently employed with?

CARONNA: San Bernardino County Sheriff's Department.

THURMAN: And which station are you assigned to?

CARONNA: Colorado River Station, Needles.

THURMAN: Any stations prior to that?

CARONNA: [redacted]

THURMAN: Do you recall the years you worked [redacted]

CARONNA: [redacted]

THURMAN: Okay.

CARONNA: [redacted]

THURMAN: Okay.

CARONNA: [redacted]

THURMAN: And then, you've been assigned to Needles for how long? I know [redacted].

CARONNA: [redacted]

THURMAN: Okay. Your height?

CARONNA: 5'9".

THURMAN: And weight?

CARONNA: 175.

THURMAN: Date of hire?

CARONNA: [redacted]

THURMAN: Yeah.

CARONNA: [redacted]

THURMAN: So, about a [redacted]

CARONNA: [redacted]

KUCHARSKI: [redacted]

CARONNA: [redacted]

THURMAN: [redacted]

CARONNA: [redacted]

THURMAN: So, the day you started patrol? So, it might be two different ones.

CARONNA: Okay. So --

THURMAN: Approximately.

CARONNA: [redacted]

THURMAN: The year is fine.

CARONNA: Yeah.

THURMAN: If you recall the month, that's cool, but --

CARONNA: I don't.

THURMAN: Okay. So, that's when you first started. Okay.

CARONNA: Yeah and then [redacted]

THURMAN: And your current rank?

CARONNA: Sergeant.

THURMAN: Any previous law enforcement experience?

CARONNA: [redacted]

THURMAN: So, the day of the incident, what shift did you work?

CARONNA: Day shift.

THURMAN: And what is your current schedule?

CARONNA: My current schedule is --

THURMAN: Or your schedule up to the LFE.

CARONNA: My, like my assigned shift schedule?

THURMAN: Yeah.

CARONNA: So, it's AM1s. So, Wednesday, Thursday, Friday and every other Tuesday from 0500 to 1700.

THURMAN: And your callsign?

CARONNA: 10S2. On that day, I was 25S2 because I was assigned to the holiday weekend boating detail.

THURMAN: Did you have a unit number?

CARONNA: On that day?

THURMAN: Yes.

CARONNA: Yeah. The unit number was 6627.

THURMAN: And did you have a partner?

CARONNA: No.

THURMAN: What uniform were you wearing that day?

CARONNA: I was wearing a patrol uniform. The new patrol uniform. So, Class A.

THURMAN: And what does your Class A uniform consist of?

CARONNA: Tan shirt, green pants, soft body armor, duty belt to include taser, handgun, two extra magazines, RCB, belt recorder, and handcuff case with one pair of handcuffs and a HT radio and holder.

THURMAN: We'll talk real quick about the, your holster, real quick. Which holster are you currently using or which holster was on the day of your incident? Which holster were you using the day of the incident?

CARONNA: It was a Safariland, department issued holster.

THURMAN: Do you recall the retention level on it?

CARONNA: One.

THURMAN: Did you have a belt recorder? Did you have your belt recorder activated?

CARONNA: Yes.

THURMAN: Before or following the incident?

CARONNA: Before.

THURMAN: And after?

CARONNA: And after.

THURMAN: Your patrol unit doesn't have a camera?

CARONNA: No.

THURMAN: And do you wear a body-worn camera?

CARONNA: No.

THURMAN: Did you have a chance to review the audio and the recording of the incident that night?

CARONNA: Yes.

THURMAN: And did you have a chance to go over the video and audio admonishment?

CARONNA: Yes.

THURMAN: Do you understand, did you have any issues with the video admonishment, video and audio admonishment?

CARONNA: No.

THURMAN: Okay. Did you take any photos the night of the incident or the LFE?

CARONNA: No.

THURMAN: How much sleep did you get in the last 24 hours prior to the LFE?

CARONNA: 7.

THURMAN: And then, within the last 48 hours of the LFE?

CARONNA: Prior to the LFE?

THURMAN: Mm-hmm. [affirmation]

CARONNA: 14.

THURMAN: Were you under a doctor's care or taking any prescribed medication that affected your, that affected your ability to perform at the time of the shooting?

CARONNA: No.

THURMAN: Do you have, what weapon do you currently hold on your holster?

CARONNA: Glock 21 45.

THURMAN: How do you typically load it?

CARONNA: With the magazine.

THURMAN: Well, the magazine. So, do you have one in the chamber?

CARONNA: Yes. Yes, it's typically loaded. Yes, with one in the chamber and the magazine in the magazine well.

THURMAN: So, I'm going to ask you straight up. Obviously, you did not shoot your weapon that night?

CARONNA: No, I did not.

THURMAN: And have you ever been in a lethal force encounter before?

CARONNA: No.

THURMAN: Okay. So, we're kind of, we're going to move right into your narrative. And if you could, describe to me the incidents leading up to the lethal force encounter and then, everything afterwards. Just break it down.

CARONNA: Sure.

THURMAN: And I'm just going to kind of open it up to you.

CARONNA: Okay. So, that day, I was working day shift as 25S2. I was assigned as the North River Incident Commander for the holiday weekend, which includes the river from Devil's Elbow north, which is essentially west, but we call it the North River, to the Nevada State line. In there, in that distance, I also have Pirate's Cove and Park Moabi, Jack Smith Park, and Needles Marina, all

under my command that day. So, I spent most of the morning at Park Moabi, Pirate's Cove area. Late morning, early afternoon, I came up, went to Jack Smith Park. No, first I went to Needles Marina, just made contact with security there, some of the employees, just drove through and then from there, I went to Jack Smith Park. Same thing, I checked in with the person that works the kiosk there where people pay to launch their boats. Drove around a little bit, spent a little time there. I was in the park and I heard Michelle Bush make a traffic stop right outside of the park.

So, I was there. So, I assisted her on that and it was just, there was an older guy riding in the boat as they were towing it back to the house. And that was a no-action taken on that. It was just a verbal. And then, she left. I went back inside the park, spent a little bit more time. It was starting to get into the early afternoon hours, which is when the Park Moabi and Pirate's Cove starts to get busy, either with arrest for BUI or at, or intoxicated people start to get, fights in the bar there. So, I started heading that way from Jack Smith Park. I was going eastbound on W Broadway, coming up over the train tracks and I heard Michelle put out another traffic stop on L and W Broadway. I thought I would stop and back her on that traffic stop since I was driving right by her.

I pulled my unit up behind hers, activated my rear caution lights. She was talking to the driver at the time I walked up. I stood at the sidewalk, probably about the four o'clock position from

behind the car that she'd stopped and she had paperwork in her hands. She was talking to the driver. She was trying to figure out the registration on the car. It had an expired, temporary California registration that was covered by a smoked, colored plexiglass, clear cover on the license plate. So, as she's conducting her investigation, I'm just standing by watching and she then goes back to her unit and runs the parties involved, assuming because she walks back up to the vehicle and says, "There's a restraining order. I want to talk to the passenger about it." Prior to him, to her going and back to her vehicle, she did ask the driver to step out and sat him on the downward concrete slope of the freeway, under the underpass.

So, he's to my left. She's still, the passenger is still in the passenger seat and while she's doing her investigation, I'm just watching, just cover officer. Then, she walks by me and says, "Hey, I'm going to talk to her about this restraining order." So, I can hear some of the conversation. I did hear the passenger say it was a no-negative contact order. And Michelle started walking back to her car, I said, "Make sure that you scroll through the whole hit on the MDC to make sure that it's not a DVRO." I said it's common for people just to say that it's a no-negative contact order. She said, "Okay," and she goes back to her car. I just continue to watch and then, she motions me over. She's sitting in the driver's seat of the car and she starts to scroll and she had some questions. So, I was explaining to her the difference in orders and I said, "If you scroll down some more, there should

still be with some more comments." And that's when we saw the domestic violence restraining order and all the… what's the word I'm looking for? All the restrictions in the order.

And she goes, she made a comment something to the effect of, "Okay, well, that answers that question," and she says that she's going to arrest him. So, I step out of her way. She walks around the front of her patrol unit. She reaches her hand down to help him up. She says, "Okay. Stand up, turn around, put your hands behind your back. You're under arrest." Initially, he put his hands behind his back and she was in the process of cuffing him and he starts to kind of lean forward a little bit. And at this time, I'm standing at the front end of her vehicle, just watching and he starts to pull away from her and he's going, heading in a south direction on L Street. Like, he started to pull away from her. She's got one arm. So, I ran over. I tackled him in the upper torso area. We fell against the slope, the concrete slope and he was hot, sweaty, and I'm sliding down. He was able to get up to his feet. For some reason, I could not get my feet underneath me. I could not get back up to my feet.

And so, I'm holding him around his waist, upper thigh area, because I was going to try to pick him up and dump him over, so we could get on top of him to handcuff him. Like, I couldn't get any leverage. I couldn't get my feet underneath me. I look up and he's actively fighting Michelle. So, I held on with my left hand around the back of his legs and around the front. And they're,

he's still actively fighting her. I can't get to my feet. So, for pain compliance purposes, I reached up. I grabbed his testicles and that had no effect on him. And then, I just held on. I told her to tase him because I thought, well, if we can, if the taser's effective, we can cuff under power. The taser had zero effect.

Somehow, he ended up on the sidewalk. I don't know how and I was just going to try to put him in a, like a wrestling cradle, kind of just bend him in. And I had left hand around his, it would be his right leg, kind of in between his, the bottom of his right leg and top of his left leg. And I had my arm around his head and I was going to try to put him into a wrestling cradle. And I kept pulling him in like this and just squeezing. I had my head buried into him, but for me to get more leverage to get them tighter together, I brought my head up. And when I did, I see his arms stretched out and he's got a gun. I didn't, at the time, know whose gun it was. I didn't know if it was one that was on him. I didn't know whose gun it was.

So, I released his head and his leg and I lunged over on top of him and I grabbed around his hands that are around the gun. And he takes the gun and starts moving it this way and Michelle is off to my right. So, I know he's trying to turn the gun to him or to her. I grabbed the bottom of the gun and I pulled it back down and I kept trying to get it out of his hands, but my hands are on top of his hands. So, then I hit the magazine release to drop the magazine because I thought now we'll only have to worry about

one round. And then, I try to get my hand in the trigger well because I was going to fire that round off and that way that gun would be out of play.

We're now laying on the sidewalk right where the slope comes down. I don't know if you want me to show you on the photos… And I'm laying on top of him and our arms are stretched out and I can't get the gun out of his hands. And so, that's when I told her to shoot him in the head. I did that because I'm basically on top of him. You know, my body covered his body and I wasn't sure if she, if she was to shoot center mass or that, I would probably get hit, as well. I knew his head was exposed because it was right here. So, that's when I told her to shoot him in the head to stop him. I heard two shots. The first shot went off. I didn't think it was effective because he's still got the gun. He still has a grip on the gun. And then, the second shot I felt him just go limp. So, I stood up and reached back and noticed my gun was not in the holster. I went and picked the gun up and re-holstered.

I checked on Michelle real quick. I told her, she had a pretty panicked look on her face. I told her, "Good job," because it's, shooting somebody is not anything anybody wants to do. She stayed in the fight the whole time. She didn't run away. She didn't cower. So, we called for medical. I did not do any life saving measures because it was just obvious signs of death. Medical arrived. It seemed like, pretty quickly. Paramedics pronounced him and then, we just started taping off the scene. I

got Michelle back to the station as quickly as I could. I don't recall who took her. And then, we just started, I started directing units in to close off the road, put up tape. I asked dispatch to send on-call Homicide and Civil Affairs to 10P60 screen because he was the actual patrol watch commander that day. And then, I went back to the station with Deputy McKay. We came in here, Homicide team showed up, attorney showed up, I think his name was Carl from the Counseling Team showed up. Talked to everybody, was, got processed by CSI. That's it.

THURMAN: Thank you for that. I'm just going to back a little bit --

CARONNA: Sure.

THURMAN: -- and kind of clarify a couple, we have a couple of clarifying questions.

CARONNA: Sure. Yeah.

THURMAN: Speaking of the day of the incident, do you recall the exact day this occurred?

CARONNA: Yes. Saturday, September 3.

THURMAN: Okay and then, jumping back just a little bit. When you initially took out your vehicle for the day, did you complete a vehicle inspection?

CARONNA: No, that vehicle is assigned to me. I'm a dive team sergeant out here. So, I was issued a vehicle. It contains all my dive gear and stuff like that. No, I did not.

THURMAN: Okay. Are you aware that the lights were operating that day, though?

CARONNA: Yes.

THURMAN: And by lights, I'm referring to…

CARONNA: Emergency lights.

THURMAN: Okay and what did you observe for your emergency lights?

CARONNA: They were all in working order.

THURMAN: Okay and do you recall the color of those lights?

CARONNA: Red and blue. And also, additional ambers in the back.

THURMAN: Could you describe to me your patrol vehicle?

CARONNA: Yeah. The patrol vehicle's a 2020 Jeep Wrangler, fully marked, lightbar. The doors are marked with the star in motion, San Bernardino County Sheriff across the windshield.

THURMAN: Now, you said you were at one of the nearby parks prior to the traffic stop?

CARONNA: Yes.

THURMAN: I'm sorry, which park was that?

CARONNA: Jack Smith Park.

THURMAN: And how close in relationship to Jack Smith Park is where, was the traffic stop that Deputy Bush was on? Or was going to conduct.

CARONNA: About a mile and a half.

THURMAN: Okay and what direction would that be from where you responded from? Or where you were driving from to when you actually got there.

CARONNA: That would be almost due north from or Jack Smith Park would be actually, northeast from the intersection of L and W Broadway.

THURMAN: Northeast from? I'm sorry.

CARONNA: Correct.

THURMAN: Okay. So, did you have to come back? That's where I'm kind of confused.

CARONNA: Well, there's only one way around to go from Jack Smith Park to the area of L and Broadway. So, you have to go down River Road to Needles Highway to W Broadway. So, it's kind of like, a like, a "U" shape.

THURMAN: Okay.

CARONNA: Alright. You used to be able to go down North K, but the railroad closed the underpass underneath that tracks.

THURMAN: Okay. I'm sorry. Could you describe to me the route you took?

CARONNA: Yes. So, leaving Jack Smith Park, I went west on River Road. River Road then bends around to the south and that is the intersection. That's where River Road, if you were to continue to go south, turns into Needles Highway. So, there's a four-way stoplight intersection there. So, I continued straight through the light. Now, you're on Needles Highway. That takes you to the intersection of W Broadway and Needles Highway. It's another four-way traffic light intersection and I made a left onto W Broadway. Continued W Broadway, went up over the railroad tracks. Then, to the intersection of W Broadway and L and I made a right onto L Street.

THURMAN: Okay. So, I kind of have an overhead map of that general area. Does that look about familiar of where this traffic stop took place?

CARONNA: Yeah. The traffic stop would be right here.

THURMAN: So, using the red marker and for audio purposes, where exactly are we putting this traffic stop?

CARONNA: Right here.

THURMAN: So, we have, just under the --

CARONNA: Yep. Right underneath the freeway.

THURMAN: Needles freeway or highway and then, at the intersection of W Broadway or near the intersection of W Broadway and L street, is that correct?

CARONNA: That's correct.

THURMAN: Okay. At approximately what time did you hear this traffic stop and how did you hear about it?

CARONNA: I, she aired the traffic stop on the unit radio and the time, it was after 2:00 p.m. Maybe a quarter after 2:00 p.m. So, about 2:14 p.m. – 2:15 p.m. It was a little bit later. About 3:15 p.m.

THURMAN: About 3:15 p.m.? Okay and so, you said you heard over the radio --

CARONNA: Yes.

THURMAN: -- that she did a traffic stop. Okay and what channel were you on that day?

CARONNA: 10 DCC 7.

THURMAN: Do you know if that channel is recorded?

CARONNA: Yes.

THURMAN: And what exactly did you hear over the air or OTA of the traffic stop?

CARONNA: She was 21P22 that day if I remember and I just, "21P22 traffic." Dispatch comes back, says I'm on L Street, cross of Broadway and I think she said something about the registration or it was she couldn't see it or it was obscured or something to that effect. About that time, I'm just coming up over the railroad tracks on W Broadway. I'm literally going to drive right by her, so I thought well, I'll back her on the traffic stop.

THURMAN: Okay. When she announced a traffic stop over the air, did anything unusual, was there anything unusual about how she…

CARONNA: No. It was --

THURMAN: -- put that information over the air?

CARONNA: No. It was her normal tone of voice. Very clear. It was just, it just appeared to be a… I hate using the word or the phrase "routine traffic stop," but that's how it appeared. And I thought well, I'm driving right by her. There's no reason not to stop and, you know, and back her.

THURMAN: And how long, have you worked with Deputy Bush before? Michelle Bush?

CARONNA: Yes.

THURMAN: Okay and how long have you worked with her prior to the day of the shooting?

CARONNA: I think she's been here about [redacted]

THURMAN: Okay and just confirming, nothing unusual about her radio traffic over the air pertaining to the traffic stop?

CARONNA: No, nothing unusual.

THURMAN: Okay. So, she put out the traffic stop. How long was it until you arrived on scene, approximately?

CARONNA: 20 to 30 seconds

THURMAN: Okay. I know you said that you went to go "back her." Can you explain to me what do you mean by that?

CARONNA: She was on a traffic stop. I was going to drive right by her. So, I just thought that I would stop, act as the cover officer during the stop. Traffic stops are inherently dangerous and anytime that we can have multiple units on a traffic stop is a good idea.

THURMAN: So, now that you're on scene --

CARONNA: Yes.

THURMAN: -- about how long was it until you exited your vehicle? Did you get out immediately or can you describe that for me?

CARONNA: Yes, I got out immediately. Pulled up behind her within maybe 10 feet or so, activated my rear caution lights and exited the vehicle.

THURMAN: Okay. Now, when you exited the vehicle, how did you make your approach?

CARONNA: I walked in between the back of her vehicle and the front of mine to the sidewalk and then, used the sidewalk to walk up to the back of the car that was stopped and I stayed back maybe five or six feet. Just far enough to where I can watch the passenger and

also, you know, provide any assistance or anything that she would need and just watch the car and the stop.

THURMAN: Okay. Could you describe the vehicle that you were watching?

CARONNA: I remember the vehicle being blue. I don't remember the make. I think it was a two-door kind of like, a smaller compact car.

THURMAN: What time of day was this?

CARONNA: About 3:15 p.m.

THURMAN: Okay and just going back a little bit. What was the temperature like that day?

CARONNA: It was hot.

THURMAN: Approximately?

CARONNA: Yeah. Approximately, it was probably about 110 – 111 degrees.

THURMAN: Then, move forward. So, when you step, when you parked your vehicle like, prior to the stop, what was your mindset at that point? What were you thinking about?

CARONNA: My mindset at that time, what I was thinking about, was security. Make sure everybody's safe and as a sergeant, it's good, I

believe, good practice to also, it gives you time to watch how your deputies work, how they carry themselves, how they speak to people, their investigative steps that they take. So, it was, I would say it was multipurpose. So, with priority being safety.

THURMAN: Were you able to see the occupants of the vehicle?

CARONNA: I was able to see the passenger. I could not see the driver. The windows were tinted real dark in the back. I remember seeing like, the corner maybe like, a trash bag or something in the backseat and that was kind of obscuring my vision of him, but she was standing at the door, at the time. So, I was just watching the passenger and trying to hear as best I can with traffic on the freeway going over the, how the traffic stop was going.

THURMAN: Okay. Could you describe either of the occupants?

CARONNA: The passenger was a female, a little bit larger build. I don't remember like, what color hair she had. I think she had on like a multi-colored top. And him, I couldn't see.

THURMAN: Okay. Initially?

CARONNA: Initially.

THURMAN: Okay. So, while you're also back there, was there any type of, any movements going on inside the vehicle? Anything of that nature?

CARONNA: No.

THURMAN: Okay. So, now walk me through the next step of her coming out of the vehicle.

CARONNA: Okay. So, she's still standing at the door. She's got a bunch of papers in her hand and she asks him, "Okay. Well, go ahead and step out." She brings him around, pats him down, and then, sits him on the slope, the cement slope of the freeway.

THURMAN: When she patted him down, was anything said to you then about what was going on?

CARONNA: Not that I recall.

THURMAN: Were you aware of what the traffic stop was about?

CARONNA: At that time, I knew that she had made the stop for that obscured license plate.

THURMAN: How long was the pat, when you say, "pat down," what do you mean by that?

CARONNA: Again, you know, terry pat down for weapons.

THURMAN: Was there any weapons found?

CARONNA: No.

THURMAN: And how long would you say that terry pat down was for, approximately?

CARONNA: How long it took her to pat him down?

THURMAN: Mm-hmm. [affirmation]

CARONNA: Eight to 10 seconds.

THURMAN: Did you see how she patted him down?

CARONNA: Yes.

THURMAN: Could you describe to me how she patted him down?

CARONNA: She had his feet separated and his arms out to the side, while she patted him down.

THURMAN: So, for audio purposes, like, in a "T?"

CARONNA: In a "T," correct.

THURMAN: Okay.

CARONNA: And I made a note to myself that I was going to bring that up to her after we were done with the stop, but the pat down was thorough. And then, she sat him down.

THURMAN: And you said, on the slope?

CARONNA: On the slope.

THURMAN: Do you know why she sat him down on the slope?

CARONNA: No.

THURMAN: Did you see any safety concerns with him sitting on the slope?

CARONNA: I didn't.

THURMAN: Are you aware and you may not know, why she pulled him out of the vehicle?

CARONNA: At that time, no. I didn't know why she pulled him out of the vehicle.

THURMAN: Okay and what was your mindset, at the time when she pulled him out of the vehicle?

CARONNA: Well, she had, previously had a bunch of papers in her hand. I assumed those were registration papers or title work or, you know, transfer of ownership type stuff. So, I figured she was going to go into some type of registration investigation.

THURMAN: So, after the pat down, what happens after that?

CARONNA: After the pat down, she goes to her, back to her unit. I can only assume that she's, you know, running his name or his information, and trying to figure out, you know, the vehicle registration paperwork that she has. She then exits, walks back in my or walks in my direction and that's when she says to me, "I'm going to talk to the female about the restraining order." I said, "Okay." I can hear a little bit of the conversation. I remember hearing the passenger say that it was a no-negative contact order. And there was some more conversation, a few more seconds and then, Michelle turned around, walked back over in my direction, again. She says something to the effect of, "She says it's a no-negative contact order," and I said, "Okay." I said, "Well, just make sure you read through that whole thing and it's not actually a domestic violence restraining order."

She goes back to the car. She's on her MDC and then through the window, front windshield, she motions me over. I walk over to the car and we start talking about the restraining order hit on her MDC. And I just kind of, you know, kind of showed her some points where, you know, he's not supposed to be around her,

he's not supposed to know the address, or her whereabouts. He can't own weapons, anything like that. And then, as we scrolled some more, I said, you know, it says DVRO. DVRO or domestic violence restraining order. Sometimes they say both, just depends on whoever the records clerk or whoever inputs it. She says something to the effect of, "Well, that answers that question and I'm going to arrest him." So, I stepped out of her way. She walked over to the male and reached down, like she's, you know, helping him up, grabs his arm and tells him, "Okay. Turn around, put your hands behind your back. You're under arrest." And she initially had control of both hands. I don't know if she was reaching for cuffs or I just saw him start to lean forward and…

THURMAN: Sorry, I'm going to bring you back a little bit. So, obviously, there was a timeline that she was going back and forth between vehicles, speaking, correct?

CARONNA: Correct.

THURMAN: So, when she initially came back to the vehicle to, you said that she was, to what you believed that she was starting to investigate the registration paperwork. Approximately, how long was she in the car for doing her investigative work before she exited the vehicle?

CARONNA: The first time before she went and then spoke with the female?

THURMAN: Yes.

CARONNA: Okay.

THURMAN: So, she comes back --

CARONNA: Yep.

THURMAN: How long was she in the vehicle, approximately for?

CARONNA: Maybe a minute.

THURMAN: Okay.

CARONNA: Yeah.

THURMAN: And during that minute, where are you at?

CARONNA: I'm still standing behind the stopped vehicle. So, I'm on the sidewalk between, in front of her unit, but behind the stopped vehicle. The male is maybe eight to 10 feet to my left, sitting down and I'm still watching the female sitting in the passenger seat.

THURMAN: Do you believe it'd be a little bit easier if you draw it out --

CARONNA: Sure.

THURMAN: -- where you were at. So, this is a picture of the underpass where the traffic stop took place. If you want to use that red marker that you previously used.

CARONNA: Sure.

THRUMAN: And we'll first go with your car and Bush's vehicle. And then, where you believe the suspect vehicle was at.

CARONNA: Okay. So, I just want to use arrows here.

THURMAN: Okay, that's fine. We'll use the red initially and then, if you need to use the black to basically…Go between the two if you need to. You can just make a vehicle.

CARONNA: Okay.

THURMAN: I'm not going to make fun of your drawing skills or anything like that.

CARONNA: Yeah. It's a good thing. Okay. So, this would be my vehicle.

THURMAN: Okay. So, we'll just put "C" for your last name on the very top.

CARONNA: Okay.

THURMAN: And then…

CARONNA: And then...

RIPLEY: You can just draw a rectangle, if you want.

CARONNA: Okay.

RIPLEY: That'll make it easier on you.

CARONNA: Alright. So, this would be Michelle's vehicle.

THURMAN: Okay and then, we'll put... "Bush" is her last name, correct?

CARONNA: Yes.

THURMAN: So, we'll put a "B" above that one.

CARONNA: Okay and then, this will be the vehicle that was stopped.

THURMAN: Okay. So, we'll put an "S" for suspect vehicle.

CARONNA: Okay. And I --

THURMAN: We'll go with black for players.

CARONNA: Okay. Just stick figures?

THURMAN: Yes, stick figures is just fine, sir.

CARONNA: Alright. This is me.

THURMAN: Okay. If you want to put, again a "C" for you.

CARONNA: And he was sitting right about… Maybe right about here. "S" for suspect?

THURMAN: We'll put… Yeah, we'll put "AS" for --

CARONNA: "AS?"

THURMAN: "AS" is fine.

CARONNA: Okay.

THURMAN: And then, where is Deputy Bush?

CARONNA: At this time, she's in her car.

THURMAN: Okay. She's in her vehicle? Okay. So, approximately what is the distance between the suspect vehicle and you? And if you could just write it right in between.

CARONNA: Okay.

THURMAN: Eight to ten feet? Okay and how many feet is, so make sure I got this correctly. So, McPheter, Nicholas, the suspect, he's behind you?

CARONNA: No. So, he is, he's sitting on the slope, but right where the slope and the sidewalk come together, right here. So, this would be the slope, sidewalk here and he's kind of sitting right in that joint, where it kind of comes down and meets.

THURMAN: Okay.

CARONNA: So, he's not behind me.

THURMAN: He's not behind you?

CARONNA: No.

THURMAN: So, he's more... So, is this kind of too far then?

[redacted] Well, by "behind him," do you mean standing behind his back or do you mean like, off to his left or right, as he's observing the passenger side?

THURMAN: Off to the left or right. Is he off to the left or right, like --

CARONNA: He's off to my left.

THURMAN: He's off to your left?

CARONNA: Yeah.

THURMAN: Okay. Which direction would it be north, then?

CARONNA: This direction is north.

THURMAN: Okay. Do you mind, mark "north?"

CARONNA: Yep.

THURMAN: Okay. So, he's not behind you, then?

CARONNA: No.

THURMAN: Okay. Okay. So, now that we have that drawn out and she goes back to her vehicle to do her registration --

[redacted] Can I?

THURMAN: Please.

[redacted] Just to clarify. So, as you're standing between Deputy Bush's vehicle and the suspect's vehicle, is your back to Deputy Bush's vehicle and you're facing directly at the suspect vehicle? Or are

you standing where you can turn your head to view both vehicles?

CARONNA: Yes. So, I'm standing towards the back of the sidewalk or the sidewalk portion closest to the downslope and my back is to the downslope. So, I'm facing… Car here, male here, Deputy Bush's car there.

RIPLEY: And just where you're just, I might kind of interject. Just because you're pointing with your hands.

CARONNA: Yes.

RIPLEY: So, you're standing back to the slope embankment. Deputy Bush's vehicle is to your right. That's the direction you're pointing?

CARONNA: No, Deputy Bush's vehicle is to my left.

RIPLEY: Okay. So, you're pointing to the left for Deputy Bush?

CARONNA: Yes.

RIPLEY: Suspect is to your right?

CARONNA: Suspect vehicle is to my right.

RIPLEY: Okay.

CARONNA: Suspect is immediately to my left, as well.

RIPLEY: Okay. I just wanted you to say it just because you're pointing at it.

CARONNA: Yes.

THURMAN: So, getting back to, I'm sorry, the contacts.

CARONNA: Sure.

THURMAN: So, she goes back to the vehicle and she's in there for approximately about a minute. Is that what you said?

CARONNA: Yes.

THURMAN: And then, she goes to where?

CARONNA: To the female in the passenger side.

THURMAN: Okay and how long is she talking to the female in the passenger side?

CARONNA: Maybe a minute and a half, two minutes.

THURMAN: Okay and were you able to hear what that conversation was about?

CARONNA: I could hear parts of the conversation because it was loud underneath there. We were right underneath the I-40. So, there was a lot of traffic and I can just hear parts. And the only thing I can remember clearly is hearing the female passenger say that it was a no-negative contact order.

THURMAN: And then what happens after that?

CARONNA: There's a few more moments of conversation with Bush and the female passenger. And then, she makes her way past me again, back to her vehicle. And she, as she's walking by, says to me that the female said it was a no-negative contact order. And I said, "Okay." I said, "Just maybe look at it again and make sure it's not a DVRO." Something to that effect and she goes back to her car.

THURMAN: Okay and then, did she, are you aware if she, did she look up the DVRO? Did she look up what the return was?

CARONNA: Yes, because when I got, when she motioned me over and I got to her car that the RO hit is on her screen, on her MDC.

THURMAN: And what do you recall seeing?

CARONNA: I recall seeing the names.

THURMAN: Which names?

CARONNA: I remember seeing the male's name, McPheter, and I had her scroll down a little bit and I said, "Yeah, see where it says he's not to know her location, her address?" And then, I had her scroll down some more. I said, "See where it says he can't have guns. He's a prohibited possessor." So, the more than likely was charged with some type of domestic violence and convicted. And then, she scrolled down some more or I guess, actually farther down into the order and it was, you know, and that order was, you know, stay 100 yards away. And then, was, like I said, I either said domestic violence restraining order or DVRO. So, I said to her, I said, "Yeah, he can't be around her."

THURMAN: And at that point, did, was there any formulation of any plans to effect an arrest?

CARONNA: No, she just said something to the effect of, "Well, that answers that question. I'm going to arrest him."

THURMAN: Okay. So, going back to the DVROs. Were you able to see, so you were able to see the DVRO, the domestic violence restraining order, notifications on CLETS?

CARONNA: Yes.

THURMAN: Okay. How many, are you aware of how many DVROs were on that hit?

CARONNA: No.

THURMAN: Okay. Did you happen, did you, were you able to see the issuing dates or any of the pertinent information pertaining to the DVROs?

CARONNA: No, I did not look at the dates.

THURMAN: Okay and by pertinent information, aside from McPheter, like the issuing date, if he was in court, the basic things on the DVRO. Were you able to see any of that?

CARONNA: I don't remember. I don't remember seeing if he was in court. I remember seeing that he was a prohibited possessor and had to stay so far away, you know, 100 yards. Yeah, that's what I remember.

THURMAN: Okay and approximately, how long after she, you guys both reviewed the DVRO did she believe she or did you believe that she was going to make that arrest?

CARONNA: Immediately.

THURMAN: Immediately after reviewing it?

CARONNA: Yes.

THURMAN: Okay and did she, are you aware of what, if you knew what he was going to be arrested for?

CARONNA: Yes. I knew that she was going to arrest him for violating the domestic violence restraining order.

THURMAN: Is that, are you aware of if that's a misdemeanor or a felony?

CARONNA: Misdemeanor.

THURMAN: Okay and then, after the decision was made to make an arrest, approximately how much, what was the timeframe between her exiting the vehicle to making contact with McPheter?

CARONNA: Five to 10 seconds.

THURMAN: After the decision was made?

CARONNA: Mm-hmm. [affirmation]

THURMAN: Okay and then, correct me if I'm wrong. She has him stand up --

CARONNA: Has him stand up.

THURMAN: And what does she specifically tell him?

CARONNA: She tells him, "Turn around, put your hands behind your back. You're under arrest."

THURMAN: Okay and what happens next?

CARONNA: Initially, he complies, puts his hands behind his back. It looked as if she had control of both his hands. I don't recall if she was reaching back for cuffs or I just remember watching him start to lean forward and then he pulls away from her. She was able to maintain control of one of his hands and then when I saw that, I ran over.

THURMAN: When she said that, you know, "Stand up. You're under arrest," did he, did McPheter say anything?

CARONNA: Not that I recall. Yeah, not that I can recall.

THURMAN: Okay and at approximately, you were how far from her when she went to go make this arrest, effect the rest, approximately?

CARONNA: Eight to 10 feet.

THURMAN: Okay. Now, when she goes to go handcuff, you said that he moved forward. Correct me if I'm wrong.

CARONNA: Yes, he started --

THURMAN: Can you describe that movement for me?

CARONNA: Yes. So, as he's got his hands behind his back, he starts to lean, lean forward. And through training and experience, I recognize that as somebody who's about ready to run and then [snap], and then, suddenly he just pulls away from her and I ran over her to go help her.

THURMAN: And when you say he, "suddenly pulled away from her," can you describe this "pulling away" as you're telling me?

CARONNA: Yeah. So, he's leaning forward. I figured he's about ready to run and he takes his right arm, because I think she still had a hold of his left. And, you know, violently whips it forward, breaking her control of her grip.

THURMAN: And at that point, that's when you moved in to assist?

CARONNA: Correct.

THURMAN: And what were you thinking at that time, as you're moving forward? Like were there any concerns?

CARONNA: No. I just ran over, tackled him down onto the slope. You know, people try to break away from us and run from us all the time when they're placed under arrest. I figured with her and I there,

you know, it might be a little bit of a struggle, but eventually we can get him detained and in handcuffs.

THURMAN: Okay. So, correct me if I'm wrong. So, you believe that he was going to flee?

CARONNA: Oh, yes.

THURMAN: Okay. Now, where he was at when he was, where you believe that he was going to flee, did he have access to anything?

CARONNA: Yeah. He had access to the car.

THURMAN: Okay and these patrol vehicles. Can describe what's inside these patrol vehicles?

CARONNA: Yeah. There's shotguns in there. Well, each car is equipped with a shotgun and a Ruger Mini-14 rifle. Because it is a traffic stop, the car is still running. So, he could easily take the car and flee. If he's aware of how the control switches work in a police car, he could release the guns.

THURMAN: And then, that area that you guys are in. What's in that or is there anything in that immediate area besides vehicles?

CARONNA: As far as, just our vehicles?

THURMAN: Yeah. Is it, is there any nearby --

CARONNA: Yeah. The first street south of where the traffic stop took place is Eagle Mountain Pass and that leads to some businesses. And then, the next street is Fifth and Fourth and that's all residential housing. Matter of fact, that whole area south of where we were at is all residential housing.

THURMAN: Okay and have you ever met, have you ever been in contact with McPheter before?

CARONNA: No.

THURMAN: Okay. You've never had any contact with him before, but all you're aware of at this point is that he has a DVRO, is that correct?

CARONNA: That's correct.

THURMAN: So, just clarifying. What were like, did you have any concerns with McPheter trying to escape?

CARONNA: Yes.

THURMAN: Okay. What were those concerns?

CARONNA: Well, the concerns were that he could get back in his vehicle with the protected person. He could get into one of our vehicles. They're running and that, with firearms that are in there, it presents a really, really big public safety issue. He could have barricaded himself into any of the many residential houses that are, you know, just a few 100 yards away. Maybe 100 yards away.

THURMAN: Okay and with that being said, that caused you to do what?

CARONNA: That caused me to run over there and tackle him down and try to get him into custody.

THURMAN: Copy. So, after you tackled him down, what happened next?

CARONNA: I tackled him down. He was, it was, he was sweaty and hot, and his shorts kept sliding down. I could not get to my feet for whatever reason. I could not get my feet back underneath me to get up. So, I wrapped both my arms around his lower waist, upper thigh area, and I was going to try and pick him up and bring him down to the ground. When I did that, I could see him actively fighting Michelle.

THURMAN: And I'm sorry, by "actively fighting," what do you mean by that? Can you describe that?

CARONNA: Yeah. It looked like he was throwing punches at her. I just remember seeing him, his arms moving in a manner and in a way that, to me, it looked like he was punching her.

THURMAN: Where about? Where was McPheter punching her? That you believed to be.

CARONNA: Yeah. In the face and head area.

THURMAN: And where are they positioning now? Like, where's this fight taking place?

CARONNA: So, the fight is taking place on the sidewalk. Michelle's back is against the concrete slope and he's facing the slope. So, his back at that time was towards the street.

THURMAN: Okay. So, if you don't mind, if you can kind of draw that out and we'll just label it. Actually, kind of just segue off of that and we can kind of draw the fight scenes and kind of have an idea of it, or excuse me --

RIPLEY: Here, I'll just give you guys a new oned. Real quick before we move on? Can you, the one you initially put vehicle position on, can you go ahead and draw "1" on the, say the bottom left of it?

CARONNA: Okay.

RIPLEY: Just put your initials next to it for me to, sir. Thank you. And then, on the other one, go ahead in the same one, just go ahead and write a number "2" on the bottom of it.

CARONNA: "2" and initials?

RIPLEY: Yes, sir.

CARONNA: Alright. So, you want just them?

THURMAN: We'll get into you, too. But now, you can, so, as you were describing to me, her back was to the --

CARONNA: To the slope, concrete slope.

THURMAN: Yeah. So, if you, I mean, best representation of it.

CARONNA: Okay.

THURMAN: And who is that?

CARONNA: That is Michelle.

THURMAN: Okay. Could we put a "B" above that? And then, can we put an arrow where she's facing?

RIPLEY: Or you can just describe it for us.

THURMAN: Or describe it.

CARONNA: Okay. So, she would, her back is to the slope and she's facing towards the street.

THURMAN: Towards the street?

CARONNA: Correct.

THURMAN: Okay and now where is suspect? Or McPheter. And where is his back facing?

CARONNA: His back is facing towards the street. He is facing, his forward facing is towards the cement slope.

THURMAN: Okay. So, are they essentially face to face?

CARONNA: They're face to face.

THURMAN: Okay. If you can, what is the distance between the two while he's throwing punches?

CARONNA: 18 inches.

THURMAN: About arm's length?

CARONNA: About arm's length.

THURMAN: Okay. Did you, were you able to see if any of the punches landed on Bush?

CARONNA: I was not able to see that.

THURMAN: Approximately, how long was this confrontation going on before you assisted?

CARONNA: Well, I was already there at this point.

THURMAN: Okay. Now as the fights going on, is anything being said by Bush?

CARONNA: Not that I recall.

THURMAN: Was there any commands given?

CARONNA: Not that I recall.

THURMAN: Okay. Was McPheter saying anything?

CARONNA: Not that I remember.

THURMAN: Okay. So, moving forward. There was the tackle and now, what happens next?

CARONNA: Okay. So, now I'm on the ground and on my knees. I've got both my arms wrapped around his, you know, upper thigh waist area and I'm trying to lift him up to bring him down to the ground. That's when I see them actually, him actively fighting Michelle.

THURMAN: So, you're already on this, you're already on the ground?

CARONNA: I'm already on the ground.

THURMAN: Okay and by "ground" like, can you describe to me how you, what you mean by "on the ground?"

CARONNA: I'm on the sidewalk, on my knees, trying to get back up to my feet, so…

THURMAN: And I believe you said that you weren't able to get to your feet?

CARONNA: For some reason, I could not get up to my feet. I couldn't get my feet up underneath me. I don't know if maybe why he would, if he was standing, if my legs were entangled in his or I just couldn't get to my feet.

THURMAN: Were you fatigued at all during the, as you're trying to get to your feet? Or can you describe your level of fatigue-ness if you had any?

CARONNA: Not at this point, I wasn't fatigued.

THURMAN: Okay. So, you go to go put him onto the ground.

CARONNA: Correct and I see them, him actively fighting her. I can't get to my feet. This waist position I'm in isn't working and to help protect her and end this as quick as we can, I, for pain compliance, I grabbed his testicles, which had no effect on him.

THURMAN: Okay, so by "pain compliance," you say that you grabbed his testicles. Why is that?

CARONNA: If we could get pain compliance and get him to stop fighting Deputy Bush, then we'd be able to take him into custody.

THURMAN: Was there any other option at that time available to you?

CARONNA: No.

THURMAN: And so, you grabbed his testicles. How long were you grabbing his testicles for?

CARONNA: It seemed like forever, but it was probably 20 seconds. 25 seconds.

THURMAN: Okay and which hand are you grabbing his testicles with?

CARONNA: Right hand.

THURMAN: And so, and we'll just walk this through. So, you're still on your knees at this point?

CARONNA: Correct.

THURMAN: So, your right hand is grabbing onto his testicles?

CARONNA: Yes.

THURMAN: Now are you going around?

CARONNA: No. My left hand is around his like, back of his thighs, lower waist area.

THURMAN: Lower waist or thighs?

CARONNA: Yeah.

THURMAN: Those are two different areas.

CARONNA: Well, probably. Yeah. Probably below his buttocks.

THURMAN: Like, oh, below his buttocks? With your left arm?

CARONNA: Yeah, and I reached up with my right arm.

THURMAN: So, not between his legs?

CARONNA: No.

THURMAN: Around?

CARONNA: No, he's standing facing this way and I just reached up with my right arm, kept my left arm around his, below his buttocks and reached up with my right arm and grabbed his testicles.

THURMAN: Okay, but it's not between his legs though?

CARONNA: No.

THURMAN: It's around?

RIPLEY: Real quick. This might clarify. Can you just describe your positioning in relation to him? So, are you near his, while you're kneeling down, what part of your body is like, touching his body? Or enough so it's like, outside of his right leg? Are you in front of him? Behind him?

CARONNA: Yeah. So, I'm on the ground to his right side. So, my left chest area is against his right leg.

RIPLEY: And where you're grabbing is the outside of his right leg?

CARONNA: The outside of his right leg.

RIPLEY: Okay. So, you're kind of on the side of him?

CARONNA: Correct.

RIPLEY: Okay.

CARONNA: With my left arm around the backside of him, below his buttocks and I reached up with my right arm.

RIPLEY: Okay. So, your right arm. You're not really reaching around as much as just kind of reaching out?

CARONNA: Correct.

RIPLEY: Like, straightforward? Okay.

THURMAN: Okay.

[redacted] I'd like to clarify. So, you grabbed his testicles from the front?

CARONNA: Correct.

THURMAN: Yes. Okay and you said that it didn't appear effective. Why is that?

CARONNA: Because he was still just actively fighting. He's trying to break my grip. I don't know if he used an elbow or a fist, but he hit me twice in the side of the temple area.

THURMAN: And by, which side of the temple area are you referring to?

CARONNA: Left temple.

THURMAN: Okay.

CARONNA: And then, I tucked my head and just was hoping that he would just stop fighting.

THURMAN: Now that you said you were, is this after you grabbed his testicles that he was striking you to the left side of your temple?

CARONNA: Yes.

THURMAN: Okay. Was he saying anything when he was striking you? Or anything for that matter?

CARONNA: The only thing I remember him saying, is something to the effective of, "Baby's got my balls," or something.

THURMAN: Okay, but at no time was he, were you or was anyone giving him verbal commands at that point? If you can recall.

CARONNA: I don't recall.

THURMAN: Okay. So, after you have his, you grab his testicles, and obviously, that's not working. What happens next?

CARONNA: Then, I tell Deputy Bush to tase him.

THURMAN: Okay and why do you, why did you have or why did you tell Deputy Bush to tase him?

CARONNA: Because of pain compliance isn't working and he's still actively fighting. So, then I, you know, we want to end these things in the best way possible. So, I told her to tase him. If the taser was effective, we could at least cuff him under power or she could continue to arc the taser as much as would be needed to get him into handcuffs.

THURMAN: Okay. Does she, did Deputy Bush deploy her taser?

CARONNA: Yes.

THURMAN: Okay and where did she deploy it to?

CARONNA: I don't know. I don't know where it struck him.

THURMAN: Okay. Now, you said, "struck him." Now, did you, was it a drive stun or did she actually deploy the darts on the taser if you recall?

CARONNA: Darts.

THURMAN: It was darts?

CARONNA: Yes.

THURMAN: Okay.

CARONNA: Because I remember hearing the "pop."

THURMAN: Okay and you said it wasn't effective?

CARONNA: It was not effective.

THURMAN: And why is that? To you, why did it appear it wasn't effective?

CARONNA: Yeah. Because he was still actively resisting and he's, I'm still on the ground. He's starting to drag me around a little bit and it had no effect on him. I could still, you know, feel him pulling and dragging me around and, you know, he never locked up. And never, he never stopped.

THURMAN: Okay and what was your mindset at that point? Like, what was going through your mind at that point?

CARONNA: At that point, the only thing that was going through my mind was I was going to try to put him like, in a wrestling cradle, and just try to wear him out. Just stay on top of him, wear him out eventually, between her and I, you know? If we could get this guy into handcuffs… It's just going to be a long, drawn-out process and that's when I tried to get him in that cradle and bending him inward.

THURMAN: Can you describe to me how you guys moved into that position where you thought you would be able to cradle him?

CARONNA: I don't know how he ended up on the ground, but when he did, I just kept my head tucked, I put my left hand over the top of his right leg and underneath his right leg and I put my right hand around the back of his head. And I was just going to, just try to squeeze them together and ride him out as long as I felt I can stay on top of him and keep, you know, control of his body. That, you know, eventually he, we'd wear him out, get him in custody.

THURMAN: Now, when he, when you guys, when he went to the ground, was that before after the taser, the, what appeared to be the taser deployment?

CARONNA: That would have been after.

THURMAN: Approximately, how long after was it that he went to the ground? If you can recall.

CARONNA: I don't recall.

THURMAN: So, now you guys are on the ground --

CARONNA: Yes.

THURMAN: -- you have him in a cradle position.

CARONNA: Yes.

THURMAN: Is anything being said at that point between --

CARONNA: Yeah. Michelle was saying, "Stop fighting, stop fighting." And then, he said something, "I'm not fighting," and I think I yelled at him, "Yes, you are." And I'm just trying to, you know, maintain, you know, dominant body position over him.

THURMAN: And by "dominant body position," what do you mean by that?

CARONNA: Yeah, getting him in a cradle, trying to bend him up and maintain positive control of one of his legs and his head.

THURMAN: Okay. Now, when you're, in a sense, controlling him, is his face, is his head now facing towards you? Or is it away from you?

CARONNA: Well, his head was off to the right, my right. And at this point in time, I have my head kind of buried in his stomach area. So, I'm not really sure where he was facing.

THURMAN: Okay. So, is his body, so, is the body position, is he facing towards the street or are you guys facing towards the slope?

CARONNA: His back would be towards the slope.

THURMAN: Okay and then, what happens next?

CARONNA: So, I wanted to get more leverage on him in the cradle. So, I bring my head up, so I can squeeze down tighter and that's when I saw him with his arms reached out, and he's got a gun in his hands.

THURMAN: Okay. So, you said that you saw him reach out with a gun in his hands. What do you mean by "reached out?"

CARONNA: His, because at that time, I still have, you know, one leg and kind of his head and his arms are reached out, out straight.

THURMAN: So, is he laying on his --

CARONNA: He's lying on his left side.

THURMAN: Okay and now as you were demonstrating, he had two hands on the weapon?

CARONNA: Yes.

THURMAN: Okay and where was that weapon pointed?

CARONNA: It was pointed north, down L Street.

THURMAN: Was it faced, was the weapon pointed at anyone at the time?

CARONNA: When I first saw it, no.

THURMAN: Okay, but he did have a weapon in his hands?

CARONNA: Yes.

THURMAN: Okay and how did that make you feel?

CARONNA: It makes your heart sink. It was, that was a scary ass moment. And it goes from, you know, just trying to wear this guy out to, "Oh, my God. I'm fighting for my life."

THURMAN: So, after you realize he has a firearm and it's stretched out pointing towards L Street --

CARONNA: Correct.

THURMAN: What happens next?

CARONNA: I let go of his leg and his head and I kind of lunged towards the gun. So, he's still laying on his left side. His back is against the concrete slope and I'm like, on top of him and I have both of my hands over the top of his hands. I tried peeling fingers back, just trying to figure out how to get this gun out of his hands, when he starts to rotate the gun to our right. And I knew Michelle was standing there.

THURMAN: And where was Michelle standing at? Like, you said to the right, but I want to make sure we're on the same page.

CARONNA: Yeah. So, if we're laying --

THURMAN: You can draw it out for me, sir.

CARONNA: Okay. So, if we're on the sidewalk, his back is against the cement slope. I'm laying across the top of his right side, on my left side, as well. And he's got the gun and Michelle is right about here in the street, in front of her car.

RIPLEY: Just real quick, just to clarify. I know it because you're drawing it out, but so, your guys' heads and your hands are pointed north?

CARONNA: Correct.

RIPLEY: Okay. I just wanted to make sure because I know the back is against the thing, but like, it flipped-flopped.

CARONNA: Yeah. So, we're both pointed in the same direction.

THURMAN: Okay and you said that you're trying to, just going back to the fight on the ground. You're trying to peel back his hands?

CARONNA: Yeah. I tried peeling back his fingers, pulling the gun out and then, he starts to rotate the gun up this way and I knew Michelle was standing off to our right. I grabbed the bottom of the slide and the barrel and pulled it back down. And then, this hand, I never took off.

THURMAN: Which hand is that?

CARONNA: This is my left hand.

THURMAN: Okay.

CARONNA: I did rotate my right hand to grab the bottom of the barrel and the slide and pulled it back down. And I tried pulling it out of his hands. I couldn't break his grip and decided to hit the magazine release because if I can, if we get the magazine loose, not even really out of the weapon, but loose, then there was only one round I had to worry about. Towards the north end of L Street as it goes towards W Broadway, there's a cement embankment or a

dirt embankment that comes down from the freeway. And I was trying to get my finger in the trigger well to fire off that one round into that embankment, but I couldn't get my finger in there. He's not letting go of the gun and he's already tried aiming it at Michelle.

THURMAN: How long, if you could describe, how long were you attempting to pry his hands off of that firearm before it started pointing towards Deputy Bush?

CARONNA: Just a few seconds. Yeah. Three to five seconds, maybe.

THURMAN: Okay and you said that it started pointing towards Deputy Bush. What were you thinking about at that time?

CARONNA: That he was trying to shoot her. He was going to shoot her.

THURMAN: Okay and ultimately, that caused you to do what?

CARONNA: Ultimately, that caused me to tell her to shoot him in the head.

THURMAN: Okay and was there anything being said during the struggle up to the point of Bush shooting the first round?

CARONNA: Not that I recall.

THURMAN: Okay. So, you tell Deputy Bush to shoot McPheter out of fear for her life.

CARONNA: Out of fear for our lives.

THURMAN: Okay and does she shoot him?

CARONNA: Yes.

THURMAN: Okay. Where does she shoot him at? If you can recall.

CARONNA: The first round, I don't know where it went because at this time, I have my head tucked down and now I'm just holding onto the gun with everything I've got. And I just kind of tried to make myself as small as I could because I know now there's going to be bullets coming in. The first round, I have no idea. I didn't know if he was struck or not. And then, the second round, I just felt him go limp.

THURMAN: So, just to clarify. So, the first round, you don't know where it went.

CARONNA: No.

THURMAN: Was there any reaction from McPheter after the first round?

CARONNA: Not that I remember. I just remember, I'm just trying to hold that gun straight out, so he can't shoot her. And then, I remember the second round going off.

THURMAN: And just to clarify, did you tell her to shoot a second time?

CARONNA: No.

THURMAN: Okay. So, after the second shot, you said that his body went limp?

CARONNA: Yes.

THURMAN: Okay. What was the, if you could describe, the shot cadence between the first and the second round?

CARONNA: The first round went off. There was maybe a half a second to a second between the second round going off. It was like, "Boom… Boom."

THURMAN: And after the second shot, you said that he went limp?

CARONNA: Yes.

THURMAN: Was that immediately, like --

CARONNA: Immediately.

THURMAN: Okay and then, after he went limp, what happened after that?

CARONNA: I don't remember getting up, but I remember standing there and reaching back and my gun is not there. And I walked over, picked it up and put it in my holster.

THURMAN: Okay. How did you know that was your gun?

CARONNA: Well, when I got back to my feet, and I put my hand on my holster and there was no gun in it. And then, I saw the light attached to the bottom of the rail that it was my gun.

THURMAN: Now, I see you reaching to your right --

CARONNA: Yes.

THURMAN: Your right side. Are you, which hand do you shoot with?

CARONNA: I'm right-handed.

THURMAN: You're right-handed?

CARONNA: Yes.

THURMAN: Okay. So, I guess we kind of go back a little bit to the fight. So, you guys are… We'll use this diagram. So, this is you, correct?

CARONNA: Correct.

THURMAN: And we'll just put, do you want to put an initial right there?

CARONNA: Yeah.

THURMAN: And then --

RIPLEY: That's image number two, correct?

THURMAN: Yes.

CARONNA: Yeah.

THURMAN: And then, we'll put an "S," "AS" for, we'll keep it consistent.

CARONNA: "AS?"

THURMAN: Yes.

CARONNA: Okay.

THURMAN: Now you are on, correct me if I'm wrong, you're on your left side or your right side?

CARONNA: Left side.

THURMAN: Facing?

CARONNA: Facing north on L Street towards W Broadway.

THURMAN: And where would your holster be if you're facing --

CARONNA: My holster would have been up. It would've been on the open side.

THURMAN: Open side? Okay and where was he facing? Were guys face to face going down north?

CARONNA: No. We're like, head-to-head both facing north on L Street. So, for lack of a better term, like, a spooning position almost.

THURMAN: Okay, but your right side's up?

CARONNA: But my right side is up. So, we're both laying on our left sides.

THURMAN: Okay. And at anytime during the struggle, did you feel him reach over, did you, were you able to maintain visual or reach or maintain visual of his hands at all?

CARONNA: No.

THURMAN: Okay and at any point during the fight, did you feel him reach towards your duty weapon?

CARONNA: No.

THURMAN: Okay and obviously, during the struggle, would you have been able to feel that?

CARONNA: I would assume I would, but I didn't feel anything.

THURMAN: So, after the shot was done, after the second shot, and you stood up, approximately how many seconds later did you realize your firearm was missing?

CARONNA: Maybe one. I mean it was pretty immediate.

THURMAN: Okay and then, that's when you picked up your weapon?

CARONNA: Yes.

THURMAN: Okay and which hand was the firearm in for him? If you recall.

CARONNA: For him?

THURMAN: For him. If it was ever.

CARONNA: After the second shot --

THURMAN: After the second shot.

CARONNA: It wasn't in his hand anymore.

THURMAN: Where was the firearm at?

CARONNA: Maybe just a foot, 18 inches away. I remember looking over at him and at that time, he was, after the second shot, he was almost kind of balled up.

THURMAN: So, and you said about 18 inches away from what?

CARONNA: Would be from maybe the top of his head.

THURMAN: The firearm?

CARONNA: The firearm.

THURMAN: Okay and how was he laid out after the shot? You said that he was balled up?

CARONNA: Yeah. I remember, it'd be his left hand was underneath him and he had the magazine in his hand from my gun. And I don't remember where his right hand was, but he was almost kind of like, on his knees. Like, in a downward dog position with his head down, and his left hand was underneath him with the magazine in it.

THURMAN: Okay and then, you recovered your firearm?

CARONNA: Yeah.

THURMAN: And then, what happened after that?

CARONNA: Re-holstered, I checked with Michelle real quick to make sure that she was okay and called for medical.

THURMAN: So, you guys called for, how did you guys call for medical?

CARONNA: Over, using the HT radio through dispatch.

THURMAN: Okay and were you there when medical arrived?

CARONNA: Yes.

THURMAN: How long was it from when you guys initially called medical did they actually arrive?

CARONNA: I'd said it seemed like they got there fairly quickly. It was probably maybe two and a half, three minutes, four minutes.

THURMAN: And when they got on scene, what happened next?

CARONNA: The passenger side of the ambulance, she gets out. She's got like, a clipboard in her hand and she's like, "Are you okay? Do you need anything?" And I said, "No, no. I'm fine." And then, driver came around and I suspect, I think he was paramedic

because I asked for his P #. And he goes over and looks at the body and he says, he pronounced him dead.

THURMAN: Do you remember the driver, you said you don't know who the driver was? You just have his P #?

CARONNA: No. It was [redacted] and then the gal riding is his mom, [redacted] They own the company.

THURMAN: Okay and what happens next after that?

CARONNA: Fire department got there shortly after they did. A few of them got out of the truck and they asked, "Hey, you guys need anything?" And, "No, we're good." And then, there was a conversation between [redacted], the paramedic and one of the firemen. I don't know what their conversation was, but then, I could just kind of see them nodding and they got in their truck and cleared. I through, over, using my HT over, through dispatch, I requested on-call Homicide and Civil Liabilities and I asked dispatch to send that to 10P60. It was Tim Preston that day, Corporal, because he was actually the patrol watch commander for the shift that day. I remember Deputy Alec Gonzales getting there. I think he yelled over, "Hey, do you want me to start putting up tape? "Yeah, start putting up tape." Michelle went to the passenger side of the car or I think that female was out by this time. I don't remember exactly, but I do

remember Michelle taking control of her, putting her in handcuffs and putting her in the back of one of the units.

THURMAN: Okay. Oh, and where was this female passenger that was with McPheter this entire time throughout the entirety of the incident?

[redacted] Do you know?

CARONNA: I don't know.

THURMAN: If you know. If you don't know, then that's fine.

CARONNA: I don't know.

THURMAN: Okay. Do you recall her ever saying anything during the incident?

CARONNA: I do remember her saying something to the effect of, "Babe, please stop. Babe, please stop," talking to McPheter, you know? And that's about all I remember. I don't know how long she said it for. I don't know what else she did say, but I do remember her yelling to him to, for him to stop.

THURMAN: And do you recall when she was saying that during the entirety of your contact with McPheter?

CARONNA: That was initially in the beginning of the --

THURMAN: Beginning of?

CARONNA: Of the fight with him.

THURMAN: And when she was saying, "Babe, stop," how did that sound? Was there, how did that sound?

CARONNA: It sounded like, she was screaming. She was obviously upset. The tone in her voice was like, had almost like, a begging tone to it for him to stop.

THURMAN: Do recall, and I'm going to jump around a couple different time then pass it off to Rip. Do you recall any other deputies coming on scene prior to the fight?

CARONNA: Yes. Alec Gonzales showed up, maybe within 20-30 seconds of me showing up. I'm already on the sidewalk, watching. You know, everybody was complying. There was no issue. I gave him, you know, the code 4 sign that we were good. And then, he went back to his car and he cleared.

THURMAN: So, just going over the code 4 sign for audio purposes, could you describe what the code 4 sign is?

CARONNA: Yes, it's four fingers with a thump tucked only showing four fingers.

THURMAN: Which is a sign, what is code 4?

CARONNA: Code 4 means "no more assistance needed."

THURMAN: And at that time, you had no reason to believe that he was needed at that time?

CARONNA: No.

THURMAN: What do you believe… When Deputy Bush fired her firearm, the first… What would have happened had she not fired her firearm?

CARONNA: He would have continued to struggle with the gun and would have continued to try and raise it to shoot her.

THURMAN: Was there any other options at that point where you saw her, saw him raise the firearm towards Bush. Any other options that were available at the time?

CARONNA: No.

THURMAN: And based on your background and training experience at that point, what level of force was needed, at that point?

CARONNA: Lethal force to stop him.

THURMAN: Stop him from?

CARONNA: From trying to shoot Michelle. Stop the threat.

THURMAN: Those were the questions I have for now. I'll probably have some others.

RIPLEY: Alright, thanks. Do you need a break or are you good?

CARONNA: I'm good.

RIPLEY: Okay. We're going to kind of go to the beginning, but we're just going to kind of fill in some stuff, okay? So, at the beginning, you kind of described your uniform. I'm just, real briefly. What is on your uniform?

CARONNA: San Bernardino County Sheriff's Department shoulder patches on both sides, a department badge on the front, American flag, name tape or a name tag and sergeant stripes.

RIPLEY: And was Deputy Bush in a similar uniform?

CARONNA: Yes.

RIPLEY: Okay and you briefly talked about your unit and what they looked like. During the incident, we'll start with your car first, do you know if your windows were up or down?

CARONNA: I don't recall.

RIPLEY: Do you know if the vehicle was running?

CARONNA: The vehicle was running.

RIPLEY: Do you know if the vehicle was locked?

CARONNA: It was not locked.

RIPLEY: Okay and with Deputy Bush, and this is, if you know. Do you know if her vehicle windows were up or down?

CARONNA: I don't know.

RIPLEY: Do you know if her vehicle was running?

CARONNA: Her vehicle was running.

RIPLEY: And do you know if that vehicle was locked?

CARONNA: It was not locked.

RIPLEY: Okay and how do you know that?

CARONNA: Because I think the driver's door was still open when we contacted him.

RIPLEY: Just clarifying, so… And with your firearm. I know you talked about what firearm you had. Is that the department firearm or is it your personal firearm?

CARONNA: Department firearm.

RIPLEY: And how many rounds does the magazine hold?

CARONNA: 13.

RIPLEY: Okay. Including the 13 rounds in the magazine, did you also have one round in the chamber?

CARONNA: No. There was a round in the chamber.

RIPLEY: So, you carry --

CARONNA: But it was one of the 13 in that magazine.

RIPLEY: Okay. So, do you carry 13 plus one or do you carry 12 in the mag and one in the chamber?

CARONNA: I carry it 12 in the mag, one in the chamber.

RIPLEY: Okay and during the incident, were you injured?

CARONNA: Yes.

RIPLEY: Can you describe those injuries for me?

CARONNA: I sustained about a one-inch laceration to my left temple, bruising and swelling to my left elbow, bruising and swelling to my right knee, multiple abrasions on both elbows, both knees.

RIPLEY: Did you receive any medical treatment for those injuries?

CARONNA: Yes, I went to the hospital yesterday for my knee.

RIPLEY: Okay and due to those injuries, are you currently working in a safety position or are you on modified duty?

CARONNA: I'm on modified duty.

RIPLEY: And is that as a result of the injuries?

CARONNA: Yes.

RIPLEY: We'll kind of jump ahead to like, the suspect. I know you, can you kind of describe as far as like, his race, weight, height, what he's wearing, everything about him?

CARONNA: He was a white male. I'd say he was probably 5'9", maybe 150 pounds. He was wearing like, black basketball-type shorts. I

don't remember what his shirt looked like. I don't know what he had on for shoes. I don't remember.

RIPLEY: Okay and I know you briefly spoke about the suspect vehicle. Initially, you believed it was blue. I have a photograph I'm going to show you. It's from the investigation. I'm just going to see if you recognize it and if you do recognize it, let me know. If you do not, you can also tell me that.

CARONNA: I recognize it.

RIPLEY: Okay and what do you recognize that vehicle as?

CARONNA: It's red and it's a Toyota Scion TC.

RIPLEY: What do you recognize that vehicle from?

CARONNA: The traffic stop, the scene.

RIPLEY: Was that the only, aside from your two marked patrol vehicles, was that the only other vehicle at the incident location?

CARONNA: Yes.

RIPLEY: Okay. So, the vehicle, the photo I'm showing you is the suspect vehicle that you saw that day?

CARONNA: Yes.

RIPLEY: Okay and is that the same vehicle that the passenger and suspect were removed from?

CARONNA: Yes.

RIPLEY: Okay and what I'll do is, if you can, just go ahead and just initial the bottom left of it. We'll just put that in the pile. Earlier, you described Bush calling out the traffic stop on the radio. How did you know it was her?

CARONNA: You just get to learn people's voices. You work with them every day and not even a callsign, you know who they are.

RIPLEY: Okay. So, you knew just from your experience with her being on a shift, it was her?

CARONNA: Yes.

RIPLEY: Okay and you also talked about earlier with traffic stops, they're inherently dangerous. Describe to me what you mean by that.

CARONNA: Well, when you conduct a traffic stop, besides maybe your probable cause for the stop, you know nothing else of who's in that vehicle, what's in that vehicle, if that persons wanted, if they're armed, what their intentions are that day. It's basically, you go into the situation blind.

RIPLEY: And prior to the lethal force encounter, had that vehicle been searched?

CARONNA: No.

RIPLEY: Okay. So, I want to kind of break down just times real quick, as far as actual struggle, okay? I know you, we kind of described the times up until the suspect tries to flee. So, the suspect tries to lean forward, pull away from Bush. How long does it take you to get to them to assist like, by tackling, approximately?

CARONNA: Yeah. One to two seconds.

RIPLEY: Okay and when you go to tackle him… Actually, I'm going to back up, so we just to kind of stay in order, okay? We'll go back to prior to you guys actually going hands on, okay? You guys are talking about the DVRO and, you know, kind of what to look for on the computer, correct?

CARONNA: Mm-hmm. [affirmation]

RIPLEY: Okay. Now at the time, were you aware that there was more than one DVRO?

CARONNA: No.

RIPLEY: Okay. Did Deputy Bush ever, do you know if she was aware that there was more than one DVRO?

CARONNA: I don't know if she was aware or not.

RIPLEY: Okay and the DVRO you observed, do you know what county issued that?

CARONNA: Riverside County.

RIPLEY: Okay and kind of describe to me what the difference would be between like a DVRO and a no-negative contact order.

CARONNA: Okay. So, no-negative contact orders, from my training experience, is that the people can still, in some cases, be around each other. They can have normal and regular interval contact. It's just that they can't, the negative or the time that they spend together, you know, they can't fight or argue or have any type of negative actions going on.

RIPLEY: Okay.

CARONNA: The DVRO, the domestic violence restraining order, is usually a little bit more precise and strict. Typically, it has, you know, a certain distance the restrained person has to be away. They're usually, it'll say in there, whether they're a prohibited possessor or not, or can't buy ammunition or guns. And if they do, they

have to turn, if they are in possession of those, they have to turn them over to law enforcement. You know, sometimes there's additional family members in the DVRO, kids, parents and it'll have instructions in there that they can't have any communication, again, stay away a certain distance, they can't attempt to contact, even through third party. They can't stalk them, can't come around their place of employment. You know, basically it's whatever the judge approved at the time that that RO was granted.

RIPLEY: And with your training and experience, is there generally a reason a judge or someone would make one a domestic violence restraining order versus a no-contact order?

CARONNA: Yeah. So, typically, if it's obviously domestic violence related, that person, the protected party is usually the victim of domestic violence and the restrained person is the suspect.

RIPLEY: Okay and with those with, in California, a domestic, a violation of a domestic violence restraining order, is that a citable offense or a must arrest offense?

CARONNA: A must arrest offense.

RIPLEY: And what is, if you, just your, this is strictly just for you. What, why is that do you believe? Why would you have to arrest them versus cite releasing that person?

CARONNA: Because then you take on the responsibility and the possibility that the abuse is going to continue. And a lot of times in these domestic violence issues, the victim usually ends up either seriously injured or dead.

RIPLEY: And the victim was there, correct?

CARONNA: And the victim was there.

RIPLEY: Okay. So, now we'll kind of get into the hands-on portion, again. When she went to contact him, how high up the embankment was he? When Bush went to contact the suspect.

CARONNA: Maybe 8-10 inches up the slope.

RIPLEY: Okay. So, it wasn't like, he was several feet up the embankment?

CARONNA: No, no.

RIPLEY: Were, was it just his buttocks that it was on the slope or where was, were his feet on slope or on the ground?

CARONNA: His feet were on the slope with his toes, just about at the joint where it meets the sidewalk.

RIPLEY: Okay and when she went to restrain him, I know you briefly spoke about it. How was she, when he got up, how did she go to like, put hands on him? If you remember.

CARONNA: I remember she walked over to him, she reached out, told him to stand up and turn around, put his hands behind his back and that he was under arrest. They were both facing south on L Street. There was no, nothing stood out in my mind about, you know, if she was being unsafe or anything like that. Everything she…

RIPLEY: So, he tries to pull away. You said, you describe it, I'm trying to swing like, a right arm forward to like, pull away. You go to tackle him. When you go to tackle him, how are you positioned in relation to him?

CARONNA: He is facing, still facing south on L Street. So, I came from his left side. So, it'd be almost like, a T-bone.

RIPLEY: Okay.

CARONNA: Yeah.

RIPLEY: And when you go to tackle him, how were, are you wrapping around his upper body? His lower body?

CARONNA: Yeah. Upper body, probably mid torso just like a regular football tackle.

RIPLEY: But what would that be described like? What are you doing with your arms?

CARONNA: Yeah, so, my arms are wrapping around his torso. I did have my head in front of him. So, like, along his stomach area, I had my head tucked and arms wrapped around him.

RIPLEY: And how long does that go on for?

CARONNA: That, I tackled him. He immediately went down. Then I --

[redacted] When you say he "went down," did he go down on the ground or against the slope?

CARONNA: Against the slope. He went down against the slope.

RIPLEY: And when he goes down against the slope, how do you guys land?

CARONNA: I kind of slid down onto his legs and that's how I ended up on the ground on my knees.

RIPLEY: Okay.

CARONNA: I don't know how he got to his feet.

RIPLEY: So, you guys go to the ground or to the slope. How long are you in that position until he's now on his feet?

CARONNA: I want to say that was like, it was almost instantaneous. I don't know if he caught himself and was able to push off real quick, but it was the initial tackle. And then, it's like, he's standing and I'm trying to get to my feet.

RIPLEY: So, you're trying to get to your feet. At this point, where is Bush at?

CARONNA: First place I remember her being is with her back against the slope, facing towards the street and his back towards the street and him facing towards the slope.

RIPLEY: How far is she from him?

CARONNA: An arm's distance. 18 inches or so.

RIPLEY: And when, at this point, is this when he's trying to hit or strike her?

CARONNA: Correct.

RIPLEY: Okay. How many times, if you observed it, did he attempt to strike her?

CARONNA: I couldn't, I can see arms, his arms flying and they were moving in rapid succession.

RIPLEY: Okay. How long did him swinging at her last for?

CARONNA: I don't know. I remember seeing it and made the decision to grab his testicles.

RIPLEY: And when he was swinging at her, can you tell if his hands were open? Closed?

CARONNA: I couldn't tell.

RIPLEY: Could you tell if he had anything in his hands at that point?

CARONNA: No.

RIPLEY: Okay and I know, so you went to grab his testicles. Do you know for sure you grabbed his testicles or are you just grabbing in a certain area?

CARONNA: No, I know for sure.

RIPLEY: Okay and how did you know?

CARONNA: Because I can feel his testicles in my hand.

RIPLEY: Okay. At this point, were his shorts still up?

CARONNA: I don't know.

RIPLEY: If you recall, like, are you, do you see, are you observing his testicles --

CARONNA: No.

RIPLEY: -- or are you just seeing --

CARONNA: No.

RIPLEY: -- whatever his clothing is?

CARONNA: Whatever his clothing is.

RIPLEY: Okay. Alright and this obviously was going to come up. At any point during your training with the Sheriff's Department, were you taught to get pain compliance by grabbing genitalia?

CARONNA: No.

RIPLEY: Okay. At that point, did you think you had any other option to gain pain compliance?

CARONNA: No.

RIPLEY: Okay and you said earlier that he didn't react to that.

CARONNA: No.

RIPLEY: What was going on in your head at that point?

CARONNA: I'm thinking that this is, this person has made up his mind that he is going to fight as hard as he can, and he's not going to give it up and that made me think we're in for a long fight. As most guys, if you were to grab your testicles, you would gain some type of compliance.

RIPLEY: Was anything else going on in your head, as far as if anything was maybe happening with this suspect?

CARONNA: Well, because he wasn't stopping when I had his testicles, that he, you know, was more than likely under the influence of some type of drug.

RIPLEY: And with your training and experience, does someone under the influence often have… Does someone under influence generally have regular pain compliance or inhibitions?

CARONNA: No, they do not. They don't have regular pain compliance.

RIPLEY: Okay and so, with what was going on at that point, did you think maybe he was under the influence?

CARONNA: Yes, I did.

RIPLEY: And with subjects under the influence, do they often react normally to commands or, you know, regular activities?

CARONNA: No, they do not.

RIPLEY: So that's going on. I know, you said he started yelling, you know, "He's got my…" Whatever.

CARONNA: Right.

RIPLEY: Is he looking at you or is he just, where's he looking at this point?

CARONNA: I don't know. I just have my head against his legs and my arm around the back of his legs and my right hand on his testicles.

RIPLEY: And how long did that go on for?

CARONNA: I'd say probably 20 seconds or more.

RIPLEY: And with how long that was going on for, did that make you feel any other way?

CARONNA: Increasingly nervous that… I was just, I was shocked that that didn't have any effect on him.

RIPLEY: At that point, during that 20 seconds, is that when he struck you?

CARONNA: Yes.

RIPLEY: And did you, do you know what he struck you with?

CARONNA: No.

RIPLEY: Okay. So, you just knew you were struck? Did you know if it was hands or any kind of weapon?

CARONNA: I don't know.

RIPLEY: Okay.

CARONNA: I would… I don't know.

RIPLEY: Okay. So, that's going on. How and at this point, is Bush still standing there? Are they, what is she doing while this is happening?

CARONNA: I just know that as I'm still on the ground and I have a hold of his testicles, that she moved somewhere around to my right. Other than that, I don't know.

RIPLEY: And how do you know that? Are you hearing something or --

CARONNA: I could see her feet.

RIPLEY: Okay. So, you see her feet, you see her moving. And at what point, does she just attempt to tase him? Do you tell her to tase him?

CARONNA: I told her to tase him.

RIPLEY: Okay. How long, so, how long after this 20 seconds is going on when you're holding his testicles, how long after that was, did you hear or know the taser was deployed?

CARONNA: It was right about, the taser was deployed right about at that end of that 20 seconds.

RIPLEY: Okay and did you observe her when she deployed the taser?

CARONNA: No, I had my head tucked.

RIPLEY: As far as you recall, do you believe it was the probes that like, an actual taser cartridge was fired, correct?

CARONNA: Correct.

RIPLEY: Okay. After, well and this is kind of just jumping forward. After the incident, did you ever see any like, taser wire or taser?

CARONNA: I saw a taser on the sidewalk.

RIPLEY: Okay. Did, could you tell at the time if it had been fired?

CARONNA: I don't remember.

RIPLEY: Okay, but when that occurred, it did not appear it had any kind of effect on him?

CARONNA: Correct.

RIPLEY: Okay and what was going on, how did that make you feel?

CARONNA: Just like when I was starting to get a little worried with the pain compliance and the testicles, now he doesn't have, the taser is totally ineffective. I didn't know if we were fighting somebody on PCP or, you know, large, maybe a pretty large quantity of methamphetamine. But you know, we just went through two of our most successful uses or levels of force, and neither one had any effect on him.

RIPLEY: Have you dealt with someone on PCP or methamphetamine before?

CARONNA: Yes.

RIPLEY: Okay and how do they normally act to that type of stuff?

CARONNA: It's like, energizing a dead battery.

RIPLEY: Okay. In your training and experience, does it give them any type of extra abilities?

CARONNA: Yes. They're, people on those types of drugs are known to, I think they've said and they used the expression like, "superhuman strength." You know, I've seen them toss police officers, you know, jump through, you know, second story windows and get up and run away and, you know, and that's with broken legs and, you know, they just basically, they just don't feel pain.

RIPLEY: So, she tries to tase him. It has no effect and at some point, you said you tried to put him in like, to like, a wrestling cradle.

CARONNA: Yes.

RIPLEY: Okay. How long after the taser did that occur?

CARONNA: I would say maybe another five to 10 seconds.

RIPLEY: And I know you're kind of describing like, the wrestling cradle. I just kind of want to get a little more clarity, so as far as like, how you guys were positioned when this happened. So, you guys are now laying with your backs against the slope, correct?

CARONNA: His back is against the slope. I am in like, his midsection with my head tucked down, with left arm around his leg and right arm around the back of his head.

RIPLEY: And when he's like this, is he still fairly stretched out or is he kind of like, tucked into like, a fetal position?

CARONNA: He's on his left side, still fairly stretched out and that's why I brought my head up, so I could get more leverage to tighten him down harder into that cradle.

RIPLEY: Did that appear to work or was the cradle successful?

CARONNA: Well, that's when I brought my, as soon as I brought my head up, I saw the gun. So, I never had a chance to try to tighten him down.

RIPLEY: And with this wrestling cradle, just because, is that something that's taught by the department?

CARONNA: Now, when we were big into combatives, it was taught.

RIPLEY: Okay, and that's what I'm getting at --

CARONNA: Yes.

RIPLEY: So, at some point on your time with the department, you were taught a wrestling cradle?

CARONNA: Correct.

RIPLEY: Okay and that was through our training academy, correct?

CARONNA: That's correct.

RIPLEY: Okay. So, how long do you believe you were holding on to that cradle when you then observed the gun?

CARONNA: 10 seconds or a little bit more, maybe.

RIPLEY: And when you observed this gun, describe the gun to me.

CARONNA: It was a black handgun.

RIPLEY: Initially, when you see it, does it look like a full-size handgun?

CARONNA: Yes, it looked like a full-size, full frame handgun.

RIPLEY: At that time, did you notice if it had any like, tact light or any accessories?

CARONNA: I didn't notice.

RIPLEY: Okay. What was your eyes locked onto?

CARONNA: His hands on the gun.

RIPLEY: And at that time, you still did not know that your service or your firearm was missing, correct?

CARONNA: Correct.

RIPLEY: Okay. So, when you saw that, is there, just so we're kind of clear. When you saw that, is there any reason at that time you didn't try to draw your firearm or did you even have the ability to?

CARONNA: I didn't draw then because my only reaction was to gain control of that gun.

RIPLEY: Okay. What did you believe he was going to do with the gun at that point?

CARONNA: I believed he was going to shoot Michelle or me.

RIPLEY: Okay and if one of you guys had been shot, what could have occurred?

CARONNA: He could have killed us.

RIPLEY: Okay. Did he say anything when he had, when you saw him holding the firearm?

CARONNA: No, that I remember.

RIPLEY: Okay. So, you guys are fighting over the firearm. At this point, where is, is Bush still standing? Bush is now in the road, correct?

CARONNA: Correct.

RIPLEY: That's where you drew on image number "2?"

CARONNA: Correct.

RIPLEY: Okay. How far is she from you guys?

CARONNA: I don't know.

RIPLEY: Do you, can you, did you observe her at that point?

CARONNA: No.

RIPLEY: Okay. So, you just knew she was --

CARONNA: I just knew she was off --

RIPLEY: Okay.

CARONNA: Off to my right.

RIPLEY: The last time you did see her feet, approximately how far away was she?

CARONAA: That's when we…

RIPLEY: If you don't know, that's fine.

CARONNA: I don't know.

RIPLEY: Okay.

CARONNA: I just remember seeing her boots.

RIPLEY: Okay. So, you see the firearm. At what point, do you observe Bush again? How long until the struggle with the firearm?

CARONNA: I never, until after the second shot, I never saw her again.

RIPLEY: Okay. So, when you're saying to shoot, you don't know where she's at?

CARONNA: I don't know where she's at.

RIPLEY: Okay. So, you didn't observe how she held the firearm?

CARONNA: No.

RIPLEY: Prior to, between you saying… Well, let's go back. So, he's got the gun.

CARONNA: Yes.

RIPLEY: You don't know where Bush is at. How long into that struggle did you believe you finally told her to shoot?

CARONNA: Maybe 5-10 seconds.

RIPLEY: Okay and at that time, did you hear any response from her or any response from the suspect?

CARONNA: No, not that I remember.

RIPLEY: When you told her to shoot, did the suspect change his grip or what he was doing?

CARONNA: No.

RIPLEY: Okay. When you said, when you told her to shoot him, did he attempt to stop fighting you?

CARONNA: No.

RIPLEY: Did he ever attempt to let go of the firearm?

CARONNA: No.

RIPLEY: Okay. So, at that point, are you taught to meet lethal force with any other type of force? Let me reword it. In your training, if someone's coming at you with lethal force, are you trained to meet it with less than lethal force?

CARONNA: No.

RIPLEY: Okay and at that point, with your body positioning, did you and, without having to let go of the firearm, did you have any other less lethal options that you could use?

CARONNA: No.

RIPLEY: And at that point, when you said, told her to shoot, did you believe up to that point, any other less lethal options that were going to stop him from fighting with the firearm?

CARONNA: Yeah, I believe we were out of less lethal options.

RIPLEY: What do you believe would have happened if… So, you have the first shot go off. You said as far as you can tell, there's no change in how he was, his actions.

CARONNA: Correct.

RIPLEY: And then, you hear the second shot. And then, he goes limp.

CARONNA: Yes.

RIPLEY: What do you believe at that point or up to that, him going limp, did you think he was still fighting over the firearm?

CARONNA: Yes.

RIPLEY: Okay and did you think he was still a threat to your life?

CARONNA: Oh, yes.

RIPLEY: Okay. What do you believe would have happened if she had not shot him?

CARONNA: Well, since his hands were, had positive control of the gun and he kept trying to turn the barrel towards her, he was going to shoot Michelle.

RIPLEY: Okay and do you think he had… Let me see how to word this best. Up to this point, had he had a chance to surrender or give up or let go of the firearm?

CARONNA: Yes.

RIPLEY: And did he?

CARONNA: No.

RIPLEY: So, the second shot goes off. You said he goes limp. When he goes limp, what's the first thing you observe? If you can recall.

CARONNA: Yeah. I think the first thing I did was look over at him.

RIPLEY: And you're looking to your left?

CARONNA: Yes. So, I'm looking to my left and I see that he's been shot in the head.

RIPLEY: Okay. At what point do you finally observe where Bush is at?

CARONNA: Not until I get up, check my gun. It's not or check my holster. My gun's not in there and I go and I get, pick the gun up and I re-holster. And then, I look to my right and saw her.

RIPLEY: So, you see her. How far away is she from you when you observed her at that point?

CARONNA: We're maybe three feet.

RIPLEY: Okay. Now, is she standing? Kneeling?

CARONNA: She's standing.

RIPLEY: Okay and at that point, is she holding the firearm?

CARONNA: I don't remember.

RIPLEY: Okay. So, the second shot goes off. He goes limp. You finally observe her. Does she say anything?

CARONNA: Not that I remember.

RIPLEY: Okay. Do you hear anyone saying anything?

CARONNA: I talked to her.

RIPLEY: Okay.

CARONNA: I think I asked her if she's okay.

RIPLEY: Did you see any injuries on her?

CARONNA: Not right away.

RIPLEY: Okay.

CARONNA: It wasn't until a few minutes later. A few moments later.

RIPLEY: Alright. So, the second shot goes off. How long does it take you to move or to like, you know, stand up or anything like that?

CARONNA: I turned to my left, I saw him and I stood up. So, within probably three, five, two, three seconds.

RIPLEY: Okay and that's when you said you noticed that the firearm was sitting on the ground. You said approximately 12-18 inches away from him. Was that still within like, arm's reach of where he was laying?

CARONNA: Yes.

RIPLEY: Okay and at that point, I know you said during the struggle, the magazine, you hit the magazine release button. Did you know if the magazine was still in the firearm?

CARONNA: I didn't know if it was in the firearm or not. I knew I hit the release.

RIPLEY: Okay. So, during the struggle, even after you hit the release, you didn't know if the magazine had came loose of the firearm?

CARONNA: Correct.

RIPLEY: Okay. At what point, after you stood up, did you notice that he was still holding the magazine in his hand?

CARONNA: As soon as I stood up, I backed up, I checked my holster and I can see it in his, I guess it would be his left hand.

RIPLEY: Okay.

CARONNA: And then, I went and picked up my gun.

RIPLEY: Okay. So, you didn't notice it was yours until you, when you went to back up… Right now, like, right now you're showing yourself backing up and like, reaching down at your firearm --

CARONNA: Yes.

RIPLEY: -- or your holster. What were you going to do? Were you just backing up and checking or were you planning on drawing?

CARONNA: I was just backing up and checking.

RIPLEY: Okay. Just out of habit?

CARONNA: Just out of habit.

RIPLEY: At that point, that's when you realize your firearm was missing?

CARONNA: Correct.

RIPLEY: Okay. How'd that make you feel?

CARONNA: It made me feel horrible.

RIPLEY: I know that's a tough question, but like, why did that make you feel horrible?

CARONNA: Because it could have been my gun that killed Michelle. I felt like I failed her.

RIPLEY: And at the time of this LFE, did you carry a backup firearm?

CARONNA: No.

RIPLEY: Okay. So, you didn't have any other lethal option on you, correct?

CARONNA: Correct.

RIPLEY: Okay. Alright. So, after the shooting, so the LFE occurs. I know you start calling everything out, checking on her and you said eventually, you noticed that she did have some kind of injuries.

CARONNA: Yes.

RIPLEY: What did you observe?

CARONNA: I noticed the abrasions she had on her.

RIPLEY: And where are you pointing?

CARONNA: On her elbows.

RIPLEY: Okay. When you finally saw her again, was she, I think we already said it, but was she already holstered or did she still have the firearm out?

CARONNA: I don't remember.

RIPLEY: Okay. I know you said there's obvious signs of death. Did, aside from the gunshot wound to his head, do you remember where on his head it was?

CARONNA: Actually, I don't.

RIPLEY: Did you observe a gunshot wound to his head or do you just believe that's where it was?

CARONNA: I just believed that's where it was at.

RIPLEY: Okay and what caused you to believe that? Was it something on the scene?

CARONNA: Well, yeah. It was the amount of blood coming from his head and along with me telling her to shoot him in the head.

RIPLEY: Okay. At any point or for any reason, did you guys attempt to move his body or check for a pulse or anything like that?

CARONNA: No.

RIPLEY: Okay. So, once the shot was fired and you were able to get away from him, that's where his body remained?

CARONNA: Yes.

RIPLEY: Okay. Now, as far as you know, Fire, no one touched him?

CARONNA: No one touched him.

RIPLEY: So, the next unit shows up. At any time, did someone obtain a public safety statement from you? If you recall.

CARONNA: I don't recall.

RIPLEY: Do you know if you ever provided one once you were taken to the station to anybody?

CARONNA: I don't remember.

RIPLEY: Okay. Did you ever obtain a public safety statement from your deputy?

CARONNA: No.

RIPLEY: Okay and why is that?

CARONNA: Because I was there. I heard the two shots and I know how many rounds she fired in what direction.

RIPLEY: Okay and what, with that, what was, so you said there's two shots. What was the point of aim or the, not the point of aim, but the direction her rounds would have gone?

CARONNA: Into the cement slope.

RIPLEY: Okay. So, there's, based on your distances and everything else, was there any reason to check like, neighborhoods or anything for like --

CARONNA: No.

RIPLEY: -- stray rounds? Okay. At the time, was there any other outstanding suspects?

CARONNA: No.

RIPLEY: Okay. During this fight with you guys, how'd you feel after? Like, your fatigue level?

CARONNA: Afterwards I was very, very fatigued. Chest was burning. I was coughing.

RIPLEY: Do you feel that with how long the or with the struggle going on, did you feel the fatigue during the struggle?

CARONNA: Not that I remember.

RIPLEY: Okay. At the time, was there ever aerial support on scene?

CARONNA: Afterwards. Within a few minutes, 40K1 was out for Labor Day operation and I think they just happened to be flying the river close by.

RIPLEY: Okay. Did they ever land or assist?

CARONNA: No.

RIPLEY: Okay. I think the only other question I had right now… Well, obviously the female was, you said taken, the passenger. Do you know whatever happened her afterwards?

CARONNA: Yeah. She was brought back to the station and sat in the interview room.

RIPLEY: Did she ever complain of any injuries?

CARONNA: I don't know.

RIPLEY: Okay. So, you never talked to her after that?

CARONNA: No.

RIPLEY: Okay and when Gonzales showed up at the very beginning of this whole thing, with the whole code 4, did he ever talk to anybody?

CARONNA: No.

RIPLEY: Okay. So, how long was he even on scene for, approximately?

CARONNA: Maybe 30 seconds.

RIPLEY: And from the time that Bush attempts to detain the suspect to the time shots fired, how long, if you had to estimate, did that whole struggle take place?

CARONNA: Just an estimation?

RIPLEY: Mm-hmm. [affirmation]

CARONNA: I try and be realistic. It always seems like forever.

RIPLEY: Yeah.

CARONNA: Maybe 45 seconds to a minute, maybe.

RIPLEY: Okay. Alright. Shawn, you got anything?

CARONNA: It's just estimation.

THURMAN: Just one question and it's kind of around the whole struggle. So, when you were doing the wrestler cradle, you guys were on the ground, right?

CARONNA: Yes.

THURMAN: And so, his back was towards the slope.

CARONNA: Correct.

THURMAN: Where were your feet?

CARONNA: My feet were up underneath me.

THURMAN: Up, underneath you?

CARONNA: So, I would be down on the ground. So, on my knees. So, my feet were, you know, essentially, underneath or behind.

THURMAN: Underneath you?

CARONNA: Correct.

THURMAN: So, you were kneeling on --

CARONNA: Yes.

THURMAN: You were on your knees as you were cradling him --

CARONNA: Correct.

THURMAN: -- towards you?

CARONNA: Correct.

THURMAN: Okay. So, when you were cradling him towards you, you said the right hand was over his head and then the left was --

CARONNA: Correct. Yeah.

THURMAN: I'm sorry. So, left over or your left under? And if you don't recall your left hand, that's fine.

CARONNA: My left arm was over and this way.

THURMAN: Over?

CARONNA: Over his right thigh.

THURMAN: Okay.

CARONNA: Yeah, and then, would be in between his left and right thigh, coming back towards myself.

THURMAN: Your right hand was over --

CARONNA: Yes.

THURMAN: -- the top of his head like, the neck area?

CARONNA: Correct. Around the back.

THURMAN: Around the back. Okay. So, utilizing your bicep and forearm --

CARONNA: Correct.

THURMAN: -- to cradle him?

CARONNA: Yes.

THURMAN: Is that correct? Okay and when you cradled him, did you see where his hands were? Was there anything in his hands at the time? Prior to cradling him.

CARONNA: Prior to, not that I remember seeing.

THURMAN: Okay and when you cradled him towards you, how were his arms and hands?

CARONNA: I don't know.

RIPLEY: Just a couple of real quick ones. Do you remember any communication issues during the incident?

CARONNA: As far as like, radios and… No, we didn't have any issue.

RIPLEY: Okay and obviously this is kind of a forethought, but did you feel you had adequate resources to manage the incident?

CARONNA: Yes.

RIPLEY: And how would you, well, characterize, like the level of teamwork during the incident?

CARONNA: I thought it was outstanding.

RIPLEY: Alright.

[redacted] I just, real quick. I want to just clarify. So, as you were struggling with, for the weapon and you called out to Bush and directed her where to fire, do you believe that there was any other exposed portion of his body?

CARONNA: No, because I'm literally like, laying on top of his right side with my left side and covering his body.

[redacted] So, if she would have fired anywhere else... So, was it, in order to get to any other part of his body, would it be safe to say she would have had to fire through you?

CARONNA: Yes.

[redacted] And is that why you gave directions on what to do?

CARONNA: Yes.

RIPLEY: And on that, just to piggyback on it. With that being said, with your training experience, are shots to the body generally, immediately [snap]? Yeah... Do shots to the body, stuff like that, do they generally, immediately... I can't think of the word right now. Stop --

CARONNA: Immediately effective?

RIPLEY: Yeah.

CARONNA: No.

RIPLEY: Okay. So, the only way to immediately stop the subject from trying to get the firearm would have been a shot to the head?

CARONNA: A shot to the head.

RIPLEY: Okay.

CARONNA: The range constantly preaches "head shots work."

RIPLEY: Alright, we'll go ahead and… Go ahead.

THURMAN: Actually, I'm ok. Thank you.

RIPLEY: Alright. We'll go ahead and break at 1238.

THURMAN: We're back on tape. It's 1315. Still here with Detective…

RIPLEY: No one new is in the room.

THURMAN: No one new is in the room. Perfect. So, a couple of follow-up questions.

CARONNA: Sure.

THURMAN: We're going to bring back to the beginning for just a little bit and then, we'll just try to punch these through real quick.

CARONNA: Sure.

THURMAN: When you initially arrived on the traffic stop and you made your approach and Bush, you know, during the contact, Bush eventually pulls him out. What was… Alright let's get to, when he, when Bush goes to remove the driver out of the vehicle, what was his demeanor like?

CARONNA: He was calm and cooperative. He wasn't agitated. There wasn't any… I'm trying to think of the phrase, but yeah. He wasn't, you know, there was no act of resistance. There was no… It's not the right word, but un-act of resistance. I can't think of that term, but --

[redacted] Passive.

CARONNA: Passive resistance. Thank you. Yeah, he was calm and cooperative.

THURMAN: What about like, the physical demeanor? Like, was there any like, a lack of better words, any type of indicators that would lead one to believe that it was going to go south?

[redacted] Are you talking about body language?

THURMAN: Body language. Was there any body language?

CARONNA: No.

THURMAN: Okay. What about during her investigative part through the contact, was, while you're observing both passenger and suspect. Anything then?

CARONNA: No, nothing then.

THURMAN: Okay. At what point did the demeanor change in the suspect? If you noticed any.

CARONNA: At the point of arrest, but even then, when she told him to stand up, and turn around, put his hands behind his back, he was compliant all the way up until the point where he kind of started leaning forward. Like, he was going to run and pulled his arm away from her and that's when everything changed.

THURMAN: Did, was there any indicators from Bush, whether verbal or physical, that appeared the contact wasn't going smoothly or anything about the contact was bad?

CARONNA: No.

THURMAN: During the investigative portion, was there, when she was speaking to either suspect male or the witness female, was there… Obviously, we know there were statements that the female made about the domestic violence restraining order.

CARONNA: Correct.

THURMAN: Did suspect ever make any comments about the domestic violence restraining order anytime during the contact?

CARONNA: Not that I remember.

THURMAN: Okay. So, when she goes back to… So, was there any type of communication between you and, between Bush and you about effecting the arrest? Like, any like, verbal cues like, she's going to go in and make the arrest with the handcuffs or anything like that?

CARONNA: No.

THURMAN: Do you understand my question?

CARONNA: Yes, I understand your question. No.

THURMAN: Okay and again, you said that Bush did tell suspect, McPheter, that he was under arrest.

CARONNA: Yes.

THURMAN: Any other verbal commands during that contact between Bush and McPheter?

CARONNA: Nothing other than she told him to, "Stand up, turn around, place your hands behind your back. You're under arrest."

THURMAN: Okay and at that point, it appeared compliant and then, how much longer was it that it appeared that he was not going to comply?

CARONNA: Within a second or two.

THURMAN: Okay and that obviously, again, caused you to react?

CARONNA: Yes.

THURMAN: When you, prior to you tackling him, was there any verbal commands given from you to him?

CARONNA: No.

THURMAN: Was there any verbal commands given from Bush to him?

CARONNA: I don't remember.

THURMAN: Okay. What about when you guys are actively struggling on the ground? Was there any type of verbal commands?

CARONNA: Not from me. I don't remember if Bush said anything or not.

THURMAN: Backing up real quick. What was Bush's reaction to being, what appeared to be struck or as he was swinging his hands at her?

CARONNA: She appeared to me like she was staying in the fight.

THURMAN: What does that mean?

CARONNA: She was standing her ground, protecting herself, trying to gain control of him, fighting… Yeah, protecting yourself. It looked like she was swinging back at him.

THURMAN: While they're both face to face?

CARONNA: Yes.

THURMAN: Okay. Do you recall how many times he struck her?

CARONNA: No.

THURMAN: Do you recall where he was trying to strike her at?

CARONNA: It would be in the face, head region area.

THURMAN: Okay. Do you recall how many times she tried to strike him?

CARONNA: No.

THURMAN: And do you recall where she was trying to strike him at? Because you said she was swinging. So, do you recall?

CARONNA: I don't recall.

THURMAN: Coming back, jump back up one more time. So, I know we spoke about, you had concerns about him jumping into the vehicle. Was there any other concerns that you spoke about? Like, what were your concerns about the nearby residences?

CARONNA: That he could, because he was facing, at the time that she was trying to arrest him, he was facing south on L Street towards those residences and the first one is probably 100 yards, you know, from where we were at. And my concern was that he would end up in someone's house, barricade himself in someone's house. He could have gotten a vehicle that's parked in a driveway or on the street, and it still has the keys in it. And I didn't want him to get anywhere near any of those residences because whether, you know, he ends up in a house or even in a backyard and now these people are having to worry about, you know, suspects and deputies running through their yards or a fight break out in the backyard or inside a house or… So, I didn't want him to get anywhere near the residences.

THURMAN: Was there anything else that potentially may have influenced your thought of why you didn't want to him towards those residences? Like, I know you didn't have any prior contact with him, but with the ongoing investigation, was there anything else that potentially could lead to that?

CARONNA: Yeah. Well, if he would have gotten near those homes, he could've, you know, taken someone hostage and barricaded inside there with the, you know, innocent civilian.

THURMAN: Obviously, you were aware that he was a subject of the DVRO?

CARONNA: Yes.

THURMAN: Would that have any influence?

CARONNA: Well obviously, if he's a restrained person, has prior convictions that he's violent.

THURMAN: During any time of the altercation, do you ever recall being in a headlock of any sort?

CARONNA: No, I don't remember that. I just don't know.

RIPLEY: That's just based off a witness statement.

CARONNA: Oh, okay.

RIPLEY: So, it appeared at some point, one of the witnesses said that it appeared the subject may potentially have had like, an arm or something around like, your head or neck.

THURMAN: Do you recall that at all?

CARONNA: I don't recall that. It's possible. I just don't remember.

THURMAN: Okay. What was your mindset, what was going through your mind when Bush was being punched?

CARONNA: That we needed to get him stopped and cuffed as quickly as possible and I thought, if he could, if he lands a good punch on her and possibly knocks her out, and he could go for her gun.

THURMAN: You had a chance to review the audio, right?

CARONNA: Yes.

THURMAN: Okay and during the audio, did you, do you recall him saying anything about him, that he wasn't going to shoot anybody with the gun?

CARONNA: Yes.

THURMAN: Can you just explain to me what was, what that was all about?

[redacted] Can we parse it down here for a moment?

RIPLEY: So, just to clarify. So, the clarify is prior to listening to your audio, do you remember him saying anything about, "I'm not going to shoot anybody?"

CARONNA: Prior to listening to the audio, no.

RIPLEY: So, after you listened to the audio, do you recall him saying anything about shooting or not shooting anybody?

CARONNA: Yes.

RIPLEY: What do you recall hearing on that audio?

CARONNA: In the audio, I recall hearing him say that, something to the effect of, "I'm not going to shoot anyone." But yet, he never relinquished his grip on that gun or stopped trying to turn the barrel.

RIPLEY: So, aside from him saying that, did any of his body language indicate that he was being truthful in his statement?

CARONNA: No.

RIPLEY: And aside from listening to your audio, do you recall anyone saying anything about the guns right there?

CARONNA: No.

RIPLEY: Do you recall hearing that during, in your audio or in any of the audio?

CARONNA: No.

RIPLEY: Okay and why do you think he was going to shoot someone or place someone in danger?

CARONNA: Well, he wasn't easing up his grip or, you know, giving up the gun and he was turning the barrel towards Bush.

RIPLEY: And with that being said, is there any reason you would not just allow him to keep the gun and you guys transition to anything else?

CARONNA: No.

RIPLEY: And during this struggle, at what point did you kind of make the decision that and realize that this LFE was going to or lethal force was going to have to be used? Was there anything as far as like, your grip or fatigue or anything like that?

CARONNA: Probably my grip on the gun. Like I said, I tried peeling his fingers off of it. I tried just pulling it out of his hands. Everything I tried, was not working and then when he starts to point the barrel towards Bush, I made a decision that we're going to have to use lethal force.

RIPLEY: And when you made that decision, when you told Bush to shoot him in the head, where was the last place that barrel was pointed?

CARONNA: It was coming up for the second time towards her.

RIPLEY: Okay. So, it was going, the barrel was going to be pointed in her direction.

CARONNA: Yes.

RIPLEY: And that's when you said that?

CARONNA: Yes.

RIPLEY: If the second time with where the barrel was, if he had not been incapacitated, what do you believe he could have done?

CARONNA: I believe he was going to shoot my partner.

RIPLEY: Okay. After the second shot, I know we kind of briefly talked about it. Do you recall, without listening to audio, do you recall saying something similar to, “There you go”?

CARONNA: After listening to the audio or prior to?

RIPLEY: Prior, without the audio --

CARONNA: Without the audio.

RIPLEY: -- do you recall saying anything like that?

CARONNA: No.

RIPLEY: After listening to the audio, did you hear anything similar to that?

CARONNA: Yes.

RIPLEY: And what was that in relation to?

CARONNA: Michelle getting a head shot on the suspect.

RIPLEY: Okay and I know earlier, you briefly talked about how you were trying to, she looked like, shocked.

CARONNA: Yes.

RIPLEY: And you were trying to… What kind of was like, the reasoning behind saying that to her?

CARONNA: [Inaudible].

[redacted] Hold on, hold on. I mean, based on that, I mean, when you said, "There you go," were you talking to her or were you talking to yourself? What, if you remember at that point. Is that because,

you didn't hear it until, you don't remember until the audio. But so, to the best of your recollection, from that, did you, were you saying that to yourself or were you saying that to Bush when it was said? Do you remember?

CARONNA: I was saying it to her.

[redacted] Okay.

RIPLEY: Okay and if you remember, was that… We'll go back to that question.

[redacted] No, I think --

RIPLEY: Okay.

[redacted] -- what did, what was the meaning behind that? What was the, you know, what, you know, as, you know, you've just been in a fight for your life where the suspect's got a gun and, you know, you've called for assistance with lethal force and you say, "There you go." You know, what was, you know, what was your mindset when you said that?

CARONNA: My mindset was that she did the right thing, she followed through, she, you know, having to shoot someone is not an easy thing, but she did it. She saved our lives and I just wanted to kind

of give her that reassurance that, "There you go. You're good. You did it. We're safe."

RIPLEY: Okay. After the incident, so the shooting occurs. You stand up and then you realize it's your firearm. You pick it up. Do you ever reload that firearm?

CARONNA: No.

RIPLEY: Did it remain with just the one round in the chamber?

CARONNA: Yes.

RIPLEY: With your holster, do you recall at all if you ever, if you had the hood up or down or open or closed?

CARONNA: It was closed.

RIPLEY: Okay. Do you know, because I know everyone does it. When you're sitting on scene, you start moving your hood up and down. Do you remember ever doing that?

CARONNA: No.

RIPLEY: Okay. Is your holster defective in any way that you know of?

CARONNA: Not that I know of.

RIPLEY: Okay and have you made any modifications to the holster?

CARONNA: No.

RIPLEY: Okay. After the LFE, I know you described your uniform prior to. After the LFE, had your uniform change in any way?

CARONNA: Yes.

RIPLEY: Okay. How so?

CARONNA: My Medal of Valor and lifesaving ribbons were off. They were gone. I had blood on my right shoulder, right bicep area and down the back. My pants were torn on both knees. I had blood and brain or bone fragment in my hair.

RIPLEY: The only other thing I have that we're just trying to clarify. So, I know when you guys were wrestling on the ground, you described your positioning and then post shooting, you describe him as almost being in like, a downward dog position with like, his knees on the ground. Do you remember at what point you guys went from kind of like, being side by side to his knees getting underneath him?

CARONNA: I don't recall.

RIPLEY: Okay.

THURMAN: Just, any particular reason why you wouldn't recall that?

CARONNA: Yeah, because prior, up until that, man, I was just fighting for my life and I just don't recall how he ended up in that position.

THURMAN: By him, are you, the situation?

CARONNA: Yes.

THURMAN: I think, I know we asked about the holster. You, did you have any modifications to your holster or anything like that?

CARONNA: No.

THURMAN: And as you're aware now, nothing is wrong with your holster?

CARONNA: Correct.

RIPLEY: What was the obvious sign of death? I know you said there was obvious signs of death, but what was it?

CARONNA: Major damage to his skull and just instantaneous heavy, heavy blood flow.

RIPLEY: And because of that, is that the reasoning for not checking for a pulse?

CARONNA: Yes.

RIPLEY: Or attempting life saving measures?

CARONNA: Yes.

RIPLEY: So, just based on your training experience and you seeing the subject, did you believe he was beyond any help?

CARONNA: Yes.

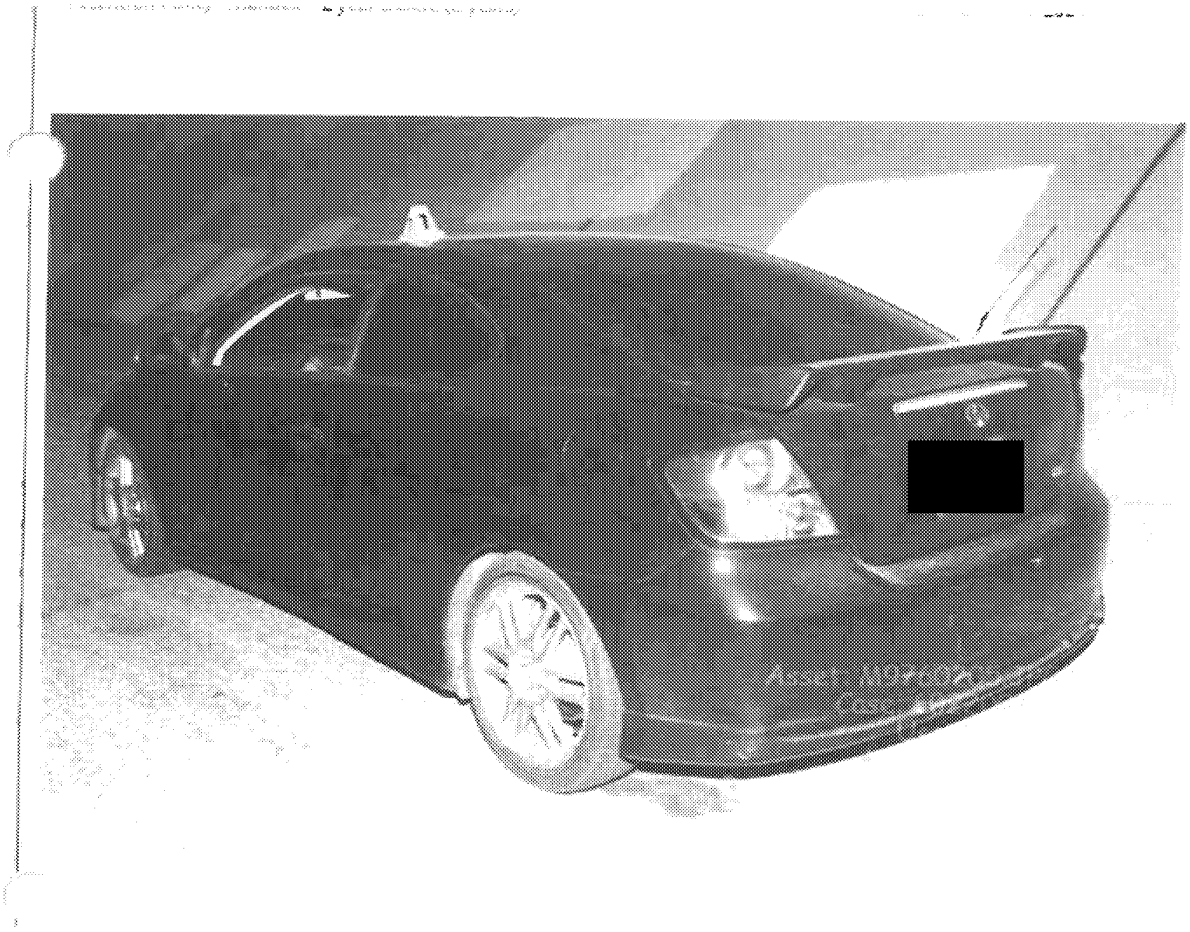
[redacted] I have nothing.

RIPLEY: Gentleman?

CARONNA: Nothing.

RIPLEY: Alright we'll go ahead --

THURMAN: And end at 1336.



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SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nikolas**		

WITNESS INTERVIEW: [redacted]

On Saturday, September 3, 2022, at approximately 2232 hours, Detective Robert Ripley and I interviewed [redacted] at the San Bernardino County Sheriff's Colorado River Station located at 1111 Bailey Avenue, Needles. The interview was recorded with my department-issued digital recorder. I later placed a copy of the recording into evidence. The following is a summary of the interview.

Prior to the interview, I advised [redacted] she was not under arrest and was free to leave. I explained to [redacted] I had questions pertaining to the Lethal Force Encounter (LFE) earlier in the day and asked if she was willing to answer my questions pertaining to the LFE. Walsh understood my question, and nodded her head up and down, which indicated to me she was willing to provide a statement.

[redacted] was in a dating relationship with Nikolas McPheter for approximately five years. Walsh and McPheter were relocating from Canyon Lake, Riverside, to Brandon, Florida.

On Friday, September 2, 2022, at an unknown time, [redacted] and McPheter arrived at [redacted] friend's residence, identified as [redacted]. [redacted] and Mcpheter stayed at the residence overnight. The residence was located on [redacted]

On Saturday, September 3, 2022, at an unknown time, McPheter and [redacted] woke up. After McPheter woke up, he left the residence in his Scion to give an unknown person a ride to an unknown location. At an unknown time, McPheter returned to the residence. After McPheter returned to the residence, [redacted] and McPheter left [redacted] residence to purchase food from Walmart in Bullhead City, Arizona.

[redacted] and McPheter left Walmart and drove to Spirit Mountain Casino, located at 8555 AZ-95, Mohave Valley, Arizona. At an unknown time, [redacted] and McPheter arrived at the Spirit Mountain Casino. [redacted] and McPheter were at the Spirit Mountain Casino for approximately 45 minutes.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nikolas**		

WITNESS INTERVIEW: [redacted] (Continued)

At approximately 1437 hours, [redacted] and McPheter left the Spirit Mountain Casino. [redacted] and McPheter continued south Highway 95 and continued west on Broadway Street in Needles. While on Broadway Street, McPheter told [redacted] someone was following too close to his bumper. [redacted] looked back and observed a marked SBCSD sheriff's patrol vehicle behind them. McPheter made a left turn and drove south on L Street. The SBCSD patrol vehicle overhead red and blue emergency lights were activated, and McPheter looked for a place to pull over.

McPheter was unsure where to yield initially because McPheter believed L Street was a single-lane road in both directions. Approximately two seconds later, McPheter yielded to the right and stopped underneath the Interstate 40(I-40) bridge near the curb. Approximately 30 seconds after McPheter yielded, SBCSD Deputy Michelle Bush approached the driver-side window of the Scion. [redacted] described Bush as a small, short-built woman with slicked-back hair. [redacted] knew she was a law enforcement officer due to the badge on her uniform.

Bush explained to [redacted] and McPheter the rear license plate cover on the Scion was illegal. Bush asked McPheter for his license. McPheter provided the documents and Bush returned to her vehicle. A short time later, Bush returned to the Scion and asked [redacted] for her identifying information and the Scion's registration. Bush wrote [redacted] information on her notepad and returned to her SBCSD patrol vehicle.

[redacted] knew the registration would be an issue because the Scion's title was issued in Nevada, but the vehicle was registered in California. McPheter purchased the Scion off the internet-based platform "Offer up." McPheter was concerned about the registration because of his previous experience of buying vehicles from "Offer Up" that were stolen, which led to his arrest. McPheter told [redacted] he did not want to go to jail because of his previous experiences in jail which led to McPheter being sick. [redacted] did not believe the Scion was stolen because they had supporting documents and had the seller's contact information.

Approximately two minutes later, Bush returned to the driver-side window. [redacted] looked into the passenger side mirror and observed two marked SBCSD patrol vehicles. One of the patrol vehicles was a Jeep. Bush explained to [redacted] the Scion was still registered to the original owner. [redacted] told Bush the first owner needed to complete the Scion's paperwork to complete the sale. Bush returned to her SBCSD patrol unit and spoke briefly with an older male with a mustache, later identified as SBCSD Sergeant Nickolas Caronna.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nikolas**		

WITNESS INTERVIEW: [redacted] (Continued)

A short time later, Bush returned to the driver's side of the Scion. Bush instructed McPheter to exit the vehicle, and McPheter complied. Bush asked McPheter if he had any drugs or weapons and conducted a pat down search on McPheter near the driver's side door. The pat down search took approximately 30 seconds.

Bush instructed McPheter to sit on the concrete incline approximately 15 feet from the passenger side of the Scion. McPheter sat on his buttocks with both legs extended out. [redacted] remained in the vehicle, with her window down and watched Bush and McPheter from their passenger side mirror. Bush returned to [redacted] and spoke about the "No contact" restraining order [redacted] had against McPheter. [redacted] acknowledged there was a restraining order in effect that was ordered by the court several years prior.

[redacted] explained there were two restraining orders in the system. The first restraining order was a "No contact" restraining order, and the second was a "No negative contact" restraining order. The restraining orders were issued when [redacted] and McPheter lived in Canyon Lake, Riverside County. [redacted] did not know why the court kept both restraining orders. [redacted] and McPheter had been to court three times to have the restraining orders amended. The restraining orders were issued due to several domestic violence encounters with McPheter when he used illegal narcotics. McPheter's preferred narcotic was methamphetamine. [redacted] described McPheter as a "Monster" when he used narcotics. [redacted] further explained McPheter was combative and unreasonable when he used methamphetamine. [redacted] believed McPheter used methamphetamine a month prior to the interview. [redacted] last used methamphetamine a couple of days prior to her law enforcement contact.

As McPheter sat on the incline, along south L. Street he asked to speak to Caronna. Caronna stood near the rear passenger side of the Scion. Caronna appeared surprised McPheter wanted to speak with him Caronna responded, "What do you want to talk to me about?" [redacted] was unsure why McPheter wanted to speak with him and did not know what McPheter said to Caronna.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nikolas**		

WITNESS INTERVIEW: [redacted] (Continued)

Shortly after [redacted] and Bush spoke, Bush walked to McPheter. [redacted] was preoccupied with looking up insurance information on her cellular telephone. Walsh heard Bush order McPheter to place his hands behind his back. McPheter initially put his hands behind his back, but then she heard feet rapidly shuffling. [redacted] observed McPheter was no longer on the concrete incline and stood on concrete sidewalk approximately two feet north of the Scion. [redacted] did not know why McPheter attempted to run from law enforcement. [redacted] put her head outside the window and told McPheter to stop fighting. McPheter and Bush were wrestling on the ground against the concrete incline for approximately one second. Caronna toward Bush to assist with McPheter.

[redacted] told McPheter to stop because he was not in trouble, and the registration to the Scion could be resolved because they had the seller's contact information to clarify the Scion was not stolen.

[redacted] heard Bush tell McPheter, "Stop resisting, stop resisting or I am going to tase you." McPheter told Bush, "Tase me then, tase me then, no, don't tase me" and did not appear afraid to be tased. McPheter continued to wrestle with Caronna and Bush even when [redacted] told McPheter to stop fighting.

Bush, McPheter, and Caronna fell forward against the concrete incline. Bush and Caronna told McPheter to "Stop resisting." McPheter's left arm was straight out in front of him as if McPheter was holding himself up; [redacted] could not observe McPheter's right arm due to her position in the Scion. McPheter's right foot was on the sidewalk, and his left foot was against the incline. Bush had her right leg on the cement incline and leaned onto the right side of McPheter. Bush retrieved her taser with her right hand and pushed the Taser into McPheter's back for approximately two seconds. The Taser appeared effective for approximately two seconds and caused McPheter's body to "convulse." McPheter pushed himself off the incline and took two steps away from the incline.

Bush and Caronna grabbed McPheter. [redacted] believed McPheter grabbed Caronna by his shirt with his right hand, but [redacted] could not tell because Caronna's upper body blocked her view. [redacted] yelled to McPheter to let Caronna go because McPheter used his right arm and placed it over Caronna's head to create a "headlock." McPheter had Caronna in a "headlock" for approximately one second and then let go.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nikolas**		

WITNESS INTERVIEW: [redacted] (Continued)

McPheter then placed both of his hands on the incline for approximately three seconds and told Bush and Caronna he was done fighting. Caronna was in a kneeling position on his right knee. McPheter was in a standing position on the left side of Caronna. Caronna had his left arm wrapped around McPheter's right leg and his right arm in the front lower portion of McPheter's body. McPheter placed both hands in the air and yelled," Babe, he got me by the balls, Babe tell them to let me go" several times for approximately five seconds. [redacted] thought, if McPheter wanted to shoot Bush and Coronna it would have been when Coronna reached for his handgun. [redacted] believed this due to how close McPheter was to Coronna's handgun. [redacted] explained it would have been difficult for McPheter to reach Caronna's handgun because McPheter was left-handed.

Approximately five seconds later, Caronna reached for his handgun with his right hand. Coronna did not take the firearm out of the holster due to the restraint strap that was over the back of the handgun. Walsh believed she saw the firearm handle but could not specifically remember what color it was.

A short time after Caronna reached for his handgun, Bush stood up and drew her handgun with her right hand. Bush faced west and took a one-handed shooting platform. Bush fired one round at McPheter. McPheter looked over his right shoulder at [redacted] with both hands in the air and crouched down. The fired bullet did not strike McPheter and continued up the concrete incline. Approximately one second later, Bush fired a second round. The fired bullet struck McPheter, and he fell forward onto his face. [redacted] did not see where McPheter was struck by the fired bullet.

Approximately ten seconds later, Bush took [redacted] out of the Scion and handcuffed her hands behind her back. Bush escorted [redacted] to a nearby SBCSD patrol vehicle. [redacted] was escorted past McPheter as he lay face down in a pool of blood. [redacted] did not observe anything in McPheter's hands, and no law enforcement equipment was near him. [redacted] had a clear view of McPheter once she was placed into the rear passenger seat of the patrol vehicle.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nikolas**		

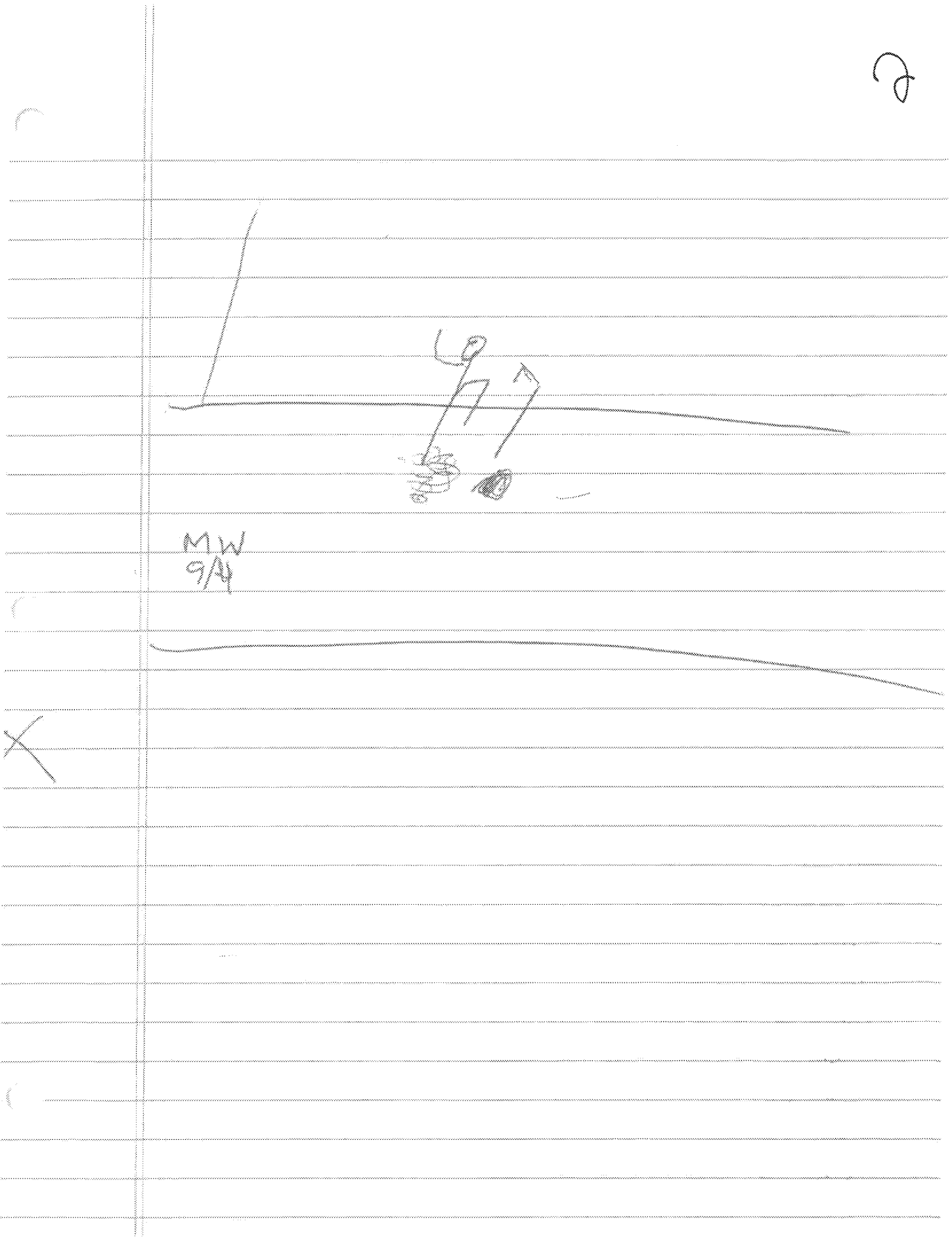
WITNESS INTERVIEW: [redacted] (Continued)

During the 20 minutes [redacted] was in the SBCSD patrol vehicle, San Bernadino County Fire Department and Baker Emergency Medical Services (BEMS) arrived on scene and assessed McPheter. Several personnel walked near McPheter's body. [redacted] did not observe anyone touch or move McPheter's body, and he remained in the same position the entire time. A short time later, [redacted] was transported to Needles station to be interviewed.

Near the conclusion of the interview, [redacted] believed Bush shot McPheter because she thought McPheter was disarming Caronna of his handgun, and Bush did not want to risk it. [redacted] never heard McPheter say anything about a firearm during the struggle.

During the interview, [redacted] was provided a sheet of paper to draw out the scene and distances amongst Bush, Caronna and McPheter. The original drawings were placed into evidence. The copies of drawings were placed into the case file.

[redacted] did not provide further information. Ripley and I concluded [redacted] interview at approximately 0144 hours.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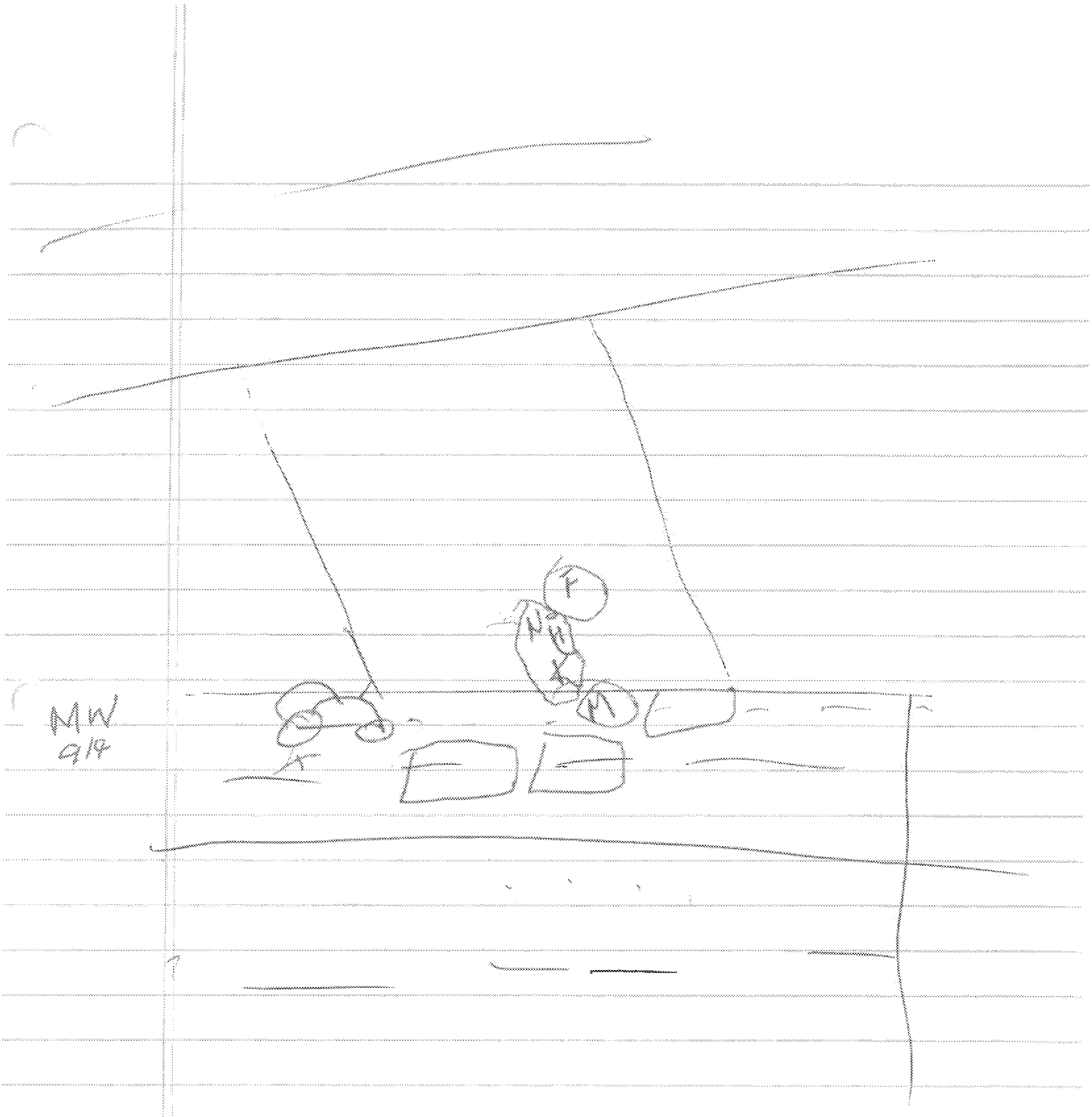
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SHERIFF'S DEPARTMENT

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H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Corona	**Nickolas**		

WITNESS INTERVIEW: [redacted]

On Saturday, September 3, 2022, at approximately 2015 hours, I interviewed [redacted] in front of 115 South L Street, Needles. I recorded the interview with my department issued digital recorder and later placed a copy of the recording into the case file. The following is a summary of my interview with [redacted]

On Saturday, September 3, 2022, at approximately 1515 hours, [redacted] arrived at his son's, [redacted] located at [redacted]. [redacted] worked at the [redacted] located at [redacted] and often came to [redacted] residence for his lunch break.

When [redacted] arrived, he parked his truck along the east curb line of L Street and faced north. [redacted] observed an unknown color sedan parked underneath the Interstate 40 (I-40) overpass, but could not recall if the observed a San Bernardino County Sheriff's Department (SBCSD) vehicle parked behind the sedan when he arrived at the residence. [redacted] did not recall seeing anyone near the unknown sedan.

At approximately 1530 hours, [redacted] lay on a bed located in an upstairs bedroom when he heard two gunshots. [redacted] described the gunshots as one gunshot, followed by a one second pause, then another gunshot. Prior to the gunshots, [redacted] did not hear any arguments or verbal commands. A couple minutes after the gunshots, [redacted] looked at the television in the room, which projected live view video feed from [redacted] home surveillance cameras. [redacted] looked at the camera feed from a camera that was affixed to the northeast corner of the residence and faced south. [redacted] observed multiple SBCSD vehicle's parked behind the sedan. [redacted] did not exit his residence to investigate the law enforcement activity.

After several minutes, [redacted] exited the [redacted] residence and observed additional law enforcement vehicles, a San Bernardino County Fire Department engine, and a Baker Ambulance on L Street under the I-40 overpass. [redacted] also observed San Bernardino County Sheriff's Department deputies place yellow crime scene tape near the intersection of West Broadway Street and L Street.

[redacted] entered his pickup truck and traveled north on L Street, away from the scene.

[redacted] and [redacted] provided a copy of the video surveillance from the residence to Deputy Dylan Gosswiller. Gosswiller later provided the video surveillance to me and it was later placed into evidence.

[redacted] had no additional information, and I concluded my interview with him.

Reviewed By: **Sergeant Justin Giles** Date:**12/12/22** Author: **Detective Jon Cavender** Author Date: **12/1222**

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CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

VIDEO ANALYSIS:

On Saturday, September 3, 2022, at approximately 2000 hours, San Bernardino County Sheriff's Department (SBCSD) Specialized Investigation Division, Homicide detectives canvassed the area for any witnesses to the Lethal Force Encounter (LFE), which occurred at approximately 1531 hours.

On Saturday, September 3, 2022, at approximately 2015 hours, Detective Jonathan Cavender located video surveillance cameras located at 115 South L Street, Needles, which was north of where the LFE took place.

The camera was labeled "camera08" and was affixed to the outside of the residence and pointed south toward where the LFE occurred. The camera captured the intersection of L Street and Broadway Street and under the Interstate 40 (I-40) overpass.

Deputy Dylan Gosswiller assisted Cavender and extracted eight video files. The video files were converted from a digital analog video to an MP4 file for playback. The times mentioned throughout the report are what was displayed on the camera. The video surveillance footage was approximately 5 minutes and 17 seconds behind actual time.

On Tuesday, September 26, 2023, I viewed the video files labeled as the following:

- **CH08-2022-09-03-15-13-36_15-14-18.aviCH08-2022-09-03-15-14-21_15-18-00.avi**
- **CH08-2022-09-03-15-18-03_15-18-18.avi**
- **CH08-2022-09-03-15-18-21_15-28-12.avi**
- **CH08-2022-09-03-14-55-03_15-11-42.avi**
- **CH08-2022-09-03-15-11-45_15-11-54.avi**
- **CH08-2022-09-03-15-11-57_15-12-45.avi**
- **CH08-2022-09-03-15-12-45_15-13-33.avi**

The video files captured Saturday, September 3, 2022, at 14:55:04 hours until Saturday, September 3, 2022, at 15:28:13 hours. The video footage was in color and contained no audio.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

VIDEO ANALYSIS: (Continued)

The following is a summary of the video footage labeled **CH08-2022-09-03-15-13-36_15-14-18.avi.** The video footage was approximately 16 minutes and 41 seconds in length.

15:09:19 to 15:11:44 hours

Nikolas McPheter's burgundy Scion TC turned right from Broadway Street and proceeded south on L Street. Behind McPheter's Scion was Bush's marked SBCSD patrol vehicle. The marked SBCSD patrol vehicle's overhead emergency lights were activated. At 15:09:33 hours, McPheter yielded along the west curbline of South L Street. At 15:09:40 hours, Bush exited the driver's side of the SBCSD patrol vehicle and approached the driver's door of the Scion.

At 15:10:25 hours, a marked SBCSD Jeep patrol vehicle driven by Sergeant Nickolas Caronna traveled east through the intersection of L Street and Broadway Street out of the view of the camera. At 15:11:11 hours, Caronna returned into the view of the camera and parked his SBCSD Jeep patrol vehicle behind Bush's patrol vehicle. Caronna's Jeep patrol vehicle's overhead emergency lights were activated. At 15:11:26 hours, Caronna exited his vehicle and stood on the concrete sidewalk west of the vehicles.

No other pertinent information was captured under the **CH08-2022-09-03-15-13-36_15-14-18.avi.file**. The video ended at 15:11:26 hours.

The following is a summary of the video footage labeled **CH08-2022-09-03-15-11-45_15-11-54.avi.** The video footage was approximately 11 seconds in length.

15:11:45 to 15:11:56 hours

The video footage showed Caronna as he stood on the sidewalk west of the vehicles.

No other pertinent information was captured under the video **file CH08-2022-09-03-15-11-45_15-11-54.avi**. The video ended at 15:11:56 hours.

The following is a summary of the video footage labeled **CH08-2022-09-03-15-18-03_15-18-18.avi.** The video footage was approximately 42 seconds in length.

15:13:36 to 15:14:18 hours

The video footage showed Caronna as he stood on the sidewalk west of the vehicles.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

VIDEO ANALYSIS: (Continued)

The following is a summary of the video footage labeled **CH08CH08-2022-09-03-15-11-57_15-12-45.avi**. The video footage was approximately 50 seconds in length.

15:11:56 to 15:12:47 hours

Caronna left the sidewalk and walked in front of his SBCSD patrol vehicle and out of the view of the camera. At 15:12:31 hours, Bush walked north her SBCSD patrol vehicle and entered sat in the driver's seat. Caronna returned into camera view and returned to the west curb line of L Street.

No other pertinent information was captured under the video file **CH08-2022-09-03-15-11-57_15-12-45.avi**. The video ended at 15:12:47 hours.

The following is a summary of the video footage labeled **CH08-2022-09-03-15-12-45_15-13-33.avi.** The video footage was approximately 50 seconds in length.

15:12:44 to 15:13:35 hours

Caronna remained on the west curb line of L Street.

No other pertinent information was captured under the video file **CH08-2022-09-03-15-12-45_15-13-33.avi**. The video ended at 15:13:35 hours.

The following is a summary of the video footage labeled **CH08-2022-09-03-15-13-36_15-14-18.avi.** The video footage was approximately 42 seconds in length.

15:13:36 to 15:14:18 hours

At 15:13:54 hours, Caronna walked east toward the front of his vehicle and out of the view of the camera. Caronna was out of camera view momentarily and returned to the sidewalk.

No other pertinent information was captured under the video file **CH08-2022-09-03-15-13-36_15-14-18.avi.** The video ended at 15:14:18 hours.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

VIDEO ANALYSIS: (Continued)

The following is a summary of the video footage labeled **CH08-2022-09-03-15-14-21_15-18-00.avi**. The video footage was approximately 3 minutes and 40 seconds in length.

15:14:21 to 15:18:00

At 15:15:04 hours, SBCSD Deputy Alecsander Gonzales arrived on scene and parked behind Caronna's patrol vehicle. Gonzales exited his patrol vehicle and walked toward Caronna as he stood on the sidewalk. At 15:15:33 hours, Bush exited her patrol vehicle, and walked south toward the Scion, and stood at the driver's side window of the vehicle. At 15:17:35 hours, McPheter exited the Scion. At 15:17:47 hours, Gonzales returned to his patrol vehicle, and the rear taillights illuminated.

No other pertinent information was captured under the video file **CH08-2022-09-03-15-14-21_15-18-00.avi.** The video ended at 15:18:00 hours.

The following is a summary of the video footage labeled **CH08-2022-09-03-15-18-03_15-18-18.avi**.The video footage was approximately 15 seconds in length.

At 15:18:17 hours, Gonzales conducted a U-turn and drove north on L Street.

No other pertinent information was captured under the video file **CH08-2022-09-03-15-18-03_15-18-18.avi.** The video ended at 15:18:18 hours.

The following is a summary of the video footage labeled **CH08-2022-09-03-15-18-21_15-28-12.avi.** The video footage was approximately 9 minutes and 52 seconds in length.

15:18:21 to 15:28:13

At 15:18:21 hours, McPheter was out of the Scion and stood near Caronna on the sidewalk. Moments later, McPheter sat on the concrete incline. At 15:18:43 hours, Bush returned to the driver's seat of her patrol vehicle. At 15:19:18 hours, Bush exited her patrol vehicle and walked south toward the Scion and walked toward the passenger side of the Scion, and out of the view of the camera. At 15:19:37 hours, Caronna walked west toward the passenger side of the Scion and out of the camera view.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

VIDEO ANALYSIS: (Continued)

At 15:20:50 hours, Bush and Caronna returned into view of the camera. Caronna stood slightly north of McPheter as Bush was slightly south of McPheter. A short time later, Bush returned to her patrol vehicle. At 15:22:44 hours, Caronna walked away from McPheter as he sat against the concrete incline and approached Bush as she sat in her patrol vehicle.

At 15:24:17 hours, Bush exited her patrol vehicle and walked toward McPheter. Caronna followed Bush but was several feet behind her. At 15:24:25 hours, McPheter stood up from the concrete incline as Bush was slightly south of him. McPheter's upper body quickly moved north, and Caronna tackled him.

At approximately 15:24:43 hours, Bush, Caronna, and Mcpheter fell to the ground at the base of the incline, west of the patrol vehicles, and a struggle ensued on the concrete sidewalk.

Due to the camera's distance from the incident and the clarity of the video, I was unable to observe distinct movements from Bush, Caronna, and McPheter while they fought on the ground. At 15:25:39 hours, Caronna and Bush stood up as McPheter lay on the concrete sidewalk.

At 15:26:33 hours, SBCSD Detective Timothy Preston arrived on scene in a marked SBCSD patrol vehicle. Preston parked his SBCSD patrol vehicle behind Caronna's SBCSD Jeep patrol vehicle and exited the patrol vehicle. Preston ran south toward where Caronna and Bush were last observed.

At 15:27:55 hours, due to the distance of the camera and the clarity of the video, I am unable to determine which SBCSD employee walked toward McPheter as he lay on the floor. The SBCSD employee looked downward and then walked east and away from McPheter toward the SBCSD patrol vehicles.

No other pertinent information was captured under the video file **CH08-2022-09-03-15-18-21_15-28-12.avi.** The video ended at 15:28:13 hours.

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CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUDIO ANALYSIS:

On Saturday, September 3, 2023, at approximately 1514 hours, San Bernardino County Sheriff's Department Deputy (SBCSD) Michelle Bush conducted a traffic enforcement stop on a burgundy Scion TC. The occupants of the Scion were identified as Nikolas McPheter, and his [redacted]. A short time later, SBCSD Sergeant Nickolas Caronna assisted with the traffic enforcement stop.

At approximately 1531 hours, a lethal force encounter (LFE) occurred with Bush and McPheter.

On Wednesday, September 27, 2023, I reviewed Bush's partial digital belt recording labeled "**PUMA1169.**" The recording captured Bush's contact with McPheter and did not capture the LFE, but the events leading into the LFE, and after the LFE due to Bush pausing her recorder as she spoke with Caronna.

The duration of Bush's digital audio recording was 8 minutes and 7 seconds. The times reflected indicated the minutes and seconds of the audio file play back time and not the actual time of occurrence. I utilized the progressive bar at the bottom of the audio file to document occurrences in the summary. The following is a summary of pertinent events the recorder captured during the incident.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUDIO ANALYSIS: (Continued)

TIME	SUBJECT	BELT RECORDING AUDIO
00:00		Recording started.
00:02	Bush	Hey Dude, What's this protection order about?
00:05	McPheter	I'd ask, with her, it's um, a misunderstanding, I mean you can talk to her about it, I mean, it's with her, were were out, pretty much, (inaudible), they wound up taking me to jail, and uh, inaudible. Because we were out there arguing and her neighbors thought we were out there fighting and stuff so they called the cops, oh they are out there fighting, so what they did was, they wound up taking me in, I lost the car and pretty much everything I owned in it.
00:32	Bush	So it's still active though, correct?
00:34	McPheter	It's uhhh, you are going to have to talk to her about it. Its uhh, no negative contact.
00:39	Bush	Go ahead and have a seat on the side for me.
00:41	McPheter	Okay.
01:31	Bush	Im just going to talk to her real quick.
01:32	Caronna	Yeah.
01:36	Bush	Hey, what this restraining order?
01:37	[redacted]	Umm,It's a no negative contact.
01:38	Bush	It's a no negative?
01:38	[redacted]	Yeah.
01:39	Bush	Okay.
01:40	Bush	How long ago was it filed?
01:42	[redacted]	Maybe like a year and half , two years ago? Probably more than that now, maybe two years.
01:47	Bush	Okay.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUDIO ANALYSIS: (Continued)

TIME	SUBJECT	BELT RECORDING AUDIO
01:52	[redacted]	Yeah, there should be like two of them, they didn't take the first one off. Then there is still two, they were supposed to taken it off, we've been back to court, so.
02:07	Bush	Okay, give one sec.
02:10	[redacted]	Okay.
02:16	Bush	Is this the original?
02:17	Caronna	Yeah, its expired, they never went back and got the correction.
02:20	Bush	They what? They yeah.
02:21	Caronna	They never went (inaudible).
02:23	Bush	That's all I'm going to write them for is for a citation.
02:31	Caronna	For. (inaudible) Did umm, is it a DVRO?
02:30	Bush	No, no negative contact.
02:35	Caronna	Are you sure? You read all (inaudible).
02:36	Bush	I'll double check, ill double check before I sign off on it. But it shows a no negative contact, but I'll double check. I'm just going to give these to her real quick, okay.
02:51	Bush	Alright go ahead and hold on to that for me.
02:52	[redacted]	Okay.
02:57	Bush	I'm actually going to take this one out.
05:00	Bush	It's out of Riverside County, so it looks different.
05:01	Caronna	Mmhm.
05:04	Bush	It looks DVHE, but that's the only thing, so when you read it, it shows not threating.
05:37	Caronna	(Inaudible).
05:38	Bush	Yeah.
05:50	Caronna	Negative.
05:54	Caronna	24 Paul.
05:53	Bush	21 Paul.
05:53	Caronna	21 Paul 21.
05:39	Bush	Did you see her, or she, did you uhh, secure them.
06:09	Gonzales	Yeah.
06:10	Bush	Can you get tape?
06:19	Caronna	Aye!
06:23	Bush	He is going to tape it off.
06:24	Caronna	Yeah, why don't you start at the intersection tape it off.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUDIO ANALYSIS: (Continued)

TIME	SUBJECT	BELT RECORDING AUDIO
08:07		Audio ended.

No other pertinent information was captured under audio file "**PUMA1169.**"

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SHERIFF'S DEPARTMENT

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H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUDIO ANALYSIS:

On Saturday, September 3, 2023, at approximately 1514 hours, San Bernardino County Sheriff's Department Deputy (SBCSD) Michelle Bush conducted a traffic enforcement stop on a burgundy Scion TC. The occupants of the Scion were identified as Nikolas McPheter, and his girlfriend [redacted]. A short time later, SBCSD Sergeant Nickolas Coronna assisted with the traffic enforcement stop.

At approximately 1531 hours, a lethal force encounter (LFE) occurred with Bush and McPheter.

On Thursday, October 4, 2023, I reviewed Caronna's digital belt recording. Coronna's recording was labeled, "**C3552419.**" The recording captured Coronna's contact with McPheter, the LFE, and after the LFE.

The duration of Caronna's digital audio recording was 10 minutes and 24 seconds. The times reflected indicated the minutes and seconds of the audio file palyback and not the actual time of occurrence. I utilized the progressive bar at the bottom of the audio file to document occurrences in the summary. The following is a summary of pertinent events the recorder captured during the incident.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUDIO ANALYSIS: (Continued)

TIME	SUBJECT	BELT RECORDING AUDIO
00:00		Recording started.
00:16	Bush	(Inaudible).
00:29	Caronna	Did umm, is it a DVRO?
00:33	Bush	No, no negative contact.
00:36	Caronna	Ok, are you sure, did you run all the way.
00:46	Bush	I'll double, ill double, check before I sign off on it. But it shows a no negative contact, but I'll double check. I'm just going to give these to her real quick.
03:03	Bush	It's out of Riverside County it looks different.
03:02	Caronna	Mhmm.
03:09	Bush	It looks like DVHE, but that's the only thing, so when you read it, it shows not threatening.
03:18	Caronna	Making any communication.
03:20	Bush	Yea, alright, so, cool.
03:21	Caronna	Person included, not limited to, subject prohibited from purchasing or processing a firearm, (inaudible). The restrained is restrained from assaulting, threatening, abusing, harassment, following, inferring, or stalking the child of the protected person.
03:54	Bush	That's where it tells you it's a DVRO. Mhmm
03:57	Caronna	Yeah, (inaudible) Communication, yea, see he is not supposed to be around her at all.
04:23	Bush	Alright, well that answers that question.
04:35	Bush	Two thumbs dude.
04:36		Duty belt shuffling consistent with a fight.
04:42	Bush	Hey!
04:43	Caronna	Watch for the head.
04:44	Bush	415 with one.
04:46	McPheter	If you don't let go of my motherfucking nut, I'll fuck you up bitch
04:49	McPheter	No,no,no.
04:51	McPheter	Fuck.
04:52	Bush	Let fucking go.
04:53	[redacted]	Nick.
04:53	McPheter	Babe, get them fucking off of me.
04:55	[redacted]	Nick.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUDIO ANALYSIS: (Continued)

TIME	SUBJECT	BELT RECORDING AUDIO
04:58	McPheter	Let go of (inaudible).
04:59	[redacted]	Babe sit down.
05:00	[redacted]	Babe.
05:01	McPheter	Babe get them off me, (inaudible) babe he gots my nuts.
05:03	Caronna	Get up.
05:04	[redacted]	Babe, stop! Stop!
05:06	Caronna	Get up, get up, get up, get up and tase him.
05:08	McPheter	Tase me, please, don't tase me please.
05:10	Caronna	Get down.
05:11	McPheter	Don't tase me.
05:11	Caronna	Get down.
05:12	McPheter	You got me by the balls first, please.
05:12	Caronna	No. Tase him.
05:14	Caronna	Im done fighting.
05:15	Bush	I will tase you, fucking sit down.
05:16	McPheter	Im not fighting no more dude.
05:17	Caronna	Yeah, you are.
05:18	Bush	Yeah, you are.
05:19	Caronna	Fucking tase him.
05:19		(Drive stun taser deployment).
05:20	McPheter	The gun is back there. (Grunts from taser drive stun deployment).
05:21	[redacted]	No!
05:22		Drive stun taser deployment ended.
05:28	Bush	No!
05:29	McPheter	I'll fucking shoot you dude.
05:31	[redacted]	Nick stop.
05:34	McPheter	(Inaudible). Im not going to shoot nobody, ill let it go.
05:38	McPheter	I'm not going to shoot nobody.
05:38	[redacted]	Let the fuck go Nick
05:39	Caronna	Shoot him. Shoot him in the head.
05:39		(Gunshot).
05:43		(Gunshot).
05:44	[redacted]	No!
05:45	Caronna	There you go. Good job.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUDIO ANALYSIS: (Continued)

TIME	SUBJECT	BELT RECORDING AUDIO
05:46	[redacted]	No! oh my god.
05:56	Bush	Shots fired.
06:06	Bush	Shots fired.
06:10	Caronna	25 Sam-2 Roll medical
06:26	Caronna	Are they getting our traffic.
06:28	[redacted]	Don't shoot me, don't shoot me.
06:28		(Sounds of handcuffs).
06:50	Caronna	No,don't need 40-King at the time, suspect down, gunshot to the head. Deputies are code four. Need Medical.
07:00	[redacted]	(Hysterically crying) oh no.
07:03	Caronna	Grab her.
07:05	[redacted]	Please don't shoot me.
07:07	Caronna	You okay?
07:07	Bush	Yeah.
07:15	Caronna	Meds are cleared in.
07:20	Caronna	Its going to be 11-44
07:45	Caronna	Those mine.
07:46	Bush	Yeah.
07:58	Caronna	Negative, it's going to be for 21 Paul 21 and 25 Sam 2
10:24		Audio ended.

No other pertinent information was captured under audio file "**C3552419.**"

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CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

TASER ANALYSIS:

On Saturday, September 3, 2022, at approximately 2050 hours, SBCSD Crime Scene Specialist (CSS) [redacted] and Deputy Vanayes Quezada collected a SBCSD-issued, yellow, X2 Taser device with serial number [redacted] during the scene processing. The Taser device was labeled and identified as Placard 3. The Taser was issued to Deputy Michellle Bush. The Taser cartridges were intact and were not discharged.

On Friday, October 13, 2022, Bush's Taser device report was generated and downloaded for Saturday, September 3, 2022. The report captured activity from August 22, 2016, to October 13, 2022.

On Thursday, October 12, 2023, I reviewed the device report for Bush's Taser.

On Saturday, September 3, 2022, at 15:36:12 hours, Bush armed her Taser device. At 15:36:14 hours, Bush activated the arc feature on her Taser device for a three second cycle. At 15:56:23 hours, the Taser entered the power saving mode.

No further information was obtained from the Taser device report. The Taser device report was later placed into evidence and the case file.

Reviewed By: **Sgt.J.Giles** Date:**10/12/2022** Author: **Det.S.Thurman** Author Date: **10/12/22**

TASER PROTECT LIFE

EVIDENCE SYNC

TASER Information		Report Generated by	
Dept.	SAN BERNARDINO COUNTY SHERIFF'S DEPT.		Caronna, Nick
Serial	[redacted]	**Badge ID**	C3559
Model	TASER X2	**Local Timezone**	Pacific Standard Time (UTC -0700)
Firmware Version	Rev. 04.038	**Generated On**	13 Oct 2022 09:03:42
Device Name	H8228 Bush		
Health	Good		

Device (X2)

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Cartridge Info [Bay: length in feet/status]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
1	22 Aug 2016 09:39:04	Power Magazine Change	Manufacturing S/N: [redacted] Battery capacity: 100%			
2	22 Aug 2016 09:39:04	Firmware Update	FW Bundle, Rev. 04.020, 8/4/2015			
3	22 Aug 2016 09:39:04	Firmware Update	MC, Rev. 04.019, 8/3/2015			
4	22 Aug 2016 09:39:04	Firmware Update	LDR, Rev. 04.013, 12/16/2014			
5	22 Aug 2016 09:39:04	Firmware Update	HVM, Rev. 01.005, 8/4/2015			
6	22 Aug 2016 09:39:04	Armed	C1: Empty C2: Empty		33	100
7	22 Aug 2016 09:39:31	Safe	C1: Empty C2: Empty	27	33	99
8	22 Aug 2016 09:39:59	Power Magazine Change	Standard S/N: [redacted] Battery capacity: 74%			
9	22 Aug 2016 09:39:59	Armed	C1: 25' Standard C2: Empty		33	74
10	22 Aug 2016 09:40:01	Safe	C1: 25' Standard C2: Empty	2	34	74
11	22 Aug 2016 09:47:22	Power Magazine Change	Manufacturing S/N: [redacted] Battery capacity: 100%			
12	22 Aug 2016 09:47:22	Armed	C1: 25' Standard C2: 25' Standard		31	100
13	22 Aug 2016 09:47:24	Trigger	C1: Deployed	5		100
14	22 Aug 2016 09:47:30	Trigger	C2: Deployed	5		99
15	22 Aug 2016 09:47:35	Trigger	C2: Deployed	5		99
16	22 Aug 2016 09:47:41	Trigger	C2: Deployed	5		99
17	22 Aug 2016 09:47:47	Trigger	C2: Deployed	5		99
18	22 Aug 2016 09:47:52	Trigger	C2: Deployed	5		99
19	22 Aug 2016 09:47:58	Trigger	C2: Deployed	5		99

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Cartridge Info [Bay: length in feet/status]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
860	03 Sep 2022 15:36:12	Armed	C1: 25' Standard C2: 25' Standard		37	80
861	03 Sep 2022 15:36:14	Arc	C1: 25' Standard C2: 25' Standard	3		80
862	03 Sep 2022 15:56:23	PowerSave	20 Min Weapon Timer			
863	04 Sep 2022 02:03:23	PowerSave Exit				
864	04 Sep 2022 02:09:11	Armed	C1: 25' Standard C2: 25' Standard		41	69
865	04 Sep 2022 02:09:13	Safe	C1: 25' Standard C2: 25' Standard	2	41	69
866	13 Oct 2022 09:08:34	USB Connected				
867	13 Oct 2022 09:03:06	Time Sync	13 Oct 2022 09:09:08 to 13 Oct 2022 09:03:06			

SAN BERNARDINO COUNTY
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H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WITNESS INTERVIEW: Firefighter Paramedic [redacted]

On Sunday, September 4, 2022, at approximately 0023 hours, I interviewed San Bernardino County Fire Department (SBCFD) Firefighter Paramedic [redacted] in an office at the SBCFD Station 32, located at 100 Safari Drive in Needles. I recorded the interview with my department issued digital recorder and later placed a copy into evidence. The following is a summary of my interview with [redacted]

Since 2020, [redacted] was employed by SBCFD as a firefighter paramedic. On Saturday, September 3, 2022, [redacted] was assigned to Station 32 in Needles on "A" shift, from Saturday September 3, 2022, at 0800 hours, to Monday, September 5, 2022, at 0800 hours. [redacted] was assigned to Medic Engine 32 as a firefighter paramedic.

On Saturday, September 3, 2022, at approximately 1533 hours, [redacted] was dispatched by radio to a gunshot wound patient near the intersection of South L Street and West Broadway Street in Needles. As [redacted] received the dispatch call, he had just cleared an unrelated call for service on Interstate 40 (I-40) and was enroute to Station 32. Per dispatch, law enforcement requested SBCFD to respond and wait in the area; however, as they were enroute, they were cleared into the scene by law enforcement dispatch.

At approximately 1535 hours, [redacted] arrived at South L Street and West Broadway Street. [redacted] observed Baker Ambulance already on scene. [redacted] observed two San Bernardino County Sheriff's Department (SBCSD) patrol vehicles parked behind a maroon Toyota Scion sedan. [redacted] did not recall if the emergency lights on the patrol vehicles were activated. [redacted] observed SBCSD Deputy Michelle Bush speaking with Baker Ambulance personnel.

[redacted] exited the medic engine and was approached by a Baker Ambulance paramedic, later identified as [redacted] informed [redacted] he pronounced the patient, later identified as Nickolas McPheter, deceased and SBCFD was no longer needed. As [redacted] spoke to [redacted], he observed McPheter lay prone on the west sidewalk of South L Street. [redacted] never approached McPheter and stayed approximately 30 feet south of McPheter. Based on [redacted] vantage point, he observed McPheter's left arm was tucked under his body and he held a firearm magazine in his hand. [redacted] observed an unknown injury to McPheter's head and blood coming from his right ear. [redacted] observed a pool of blood on the ground around McPheter's head. Additionally, [redacted] observed a yellow Taser on the ground near McPheter's head. [redacted] was not needed and left the scene.

Reviewed By: **Sergeant Justin Giles** Date:**12/12/23** Author: **Detective Jon Cavender** Author Date: **12/12/23**

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WITNESS INTERVIEW: Firefighter Paramedic Robert Guerra (Continued)

[redacted] had no additional information, and I concluded my interview at 0035 hours.

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CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WITNESS INTERVIEW: [redacted]

On Sunday, September 4, 2022, at approximately 0039 hours, I conducted an interview with San Bernardino County Fire Department (SBCFD), [redacted] in an office of SBCFD, Station 32, located at 100 Safari Drive, Needles. I recorded the interview on my department-issued digital audio recorder. I later placed a copy of the recording into evidence. The following is a summary of my interview with [redacted].

On Saturday, September 3, 2022, [redacted] was assigned to Medic Engine 32 (ME32), with Engineer [redacted] and Firefighter [redacted].

At approximately 1533 hours, ME32 was eastbound on Highway 40 near mile marker 134 and received an alert broadcast over the radio. Dispatch notified ME32 to respond to a gunshot wound victim at the intersection of L Street and Broadway Street, Needles. Law enforcement asked medical services to stage for the incident. As ME32 drove to the scene, they received an update from their dispatch, which told them they were clear to respond to the scene.

At approximately 1537 hours, ME32 arrived at the scene. Medic Ambulance 31 (MA31) from Baker Ambulance was already on scene. As [redacted] dismounted from the fire engine, Paramedic [redacted] approached [redacted] and told him the subject was deceased. [redacted] looked around the scene and saw patrol vehicles and deputies.

[redacted] dismounted the fire engine and approached Emergency Medical Technician (EMT) [redacted]. [redacted] directed [redacted] attention to the sidewalk. Nikolas McPheter, lay prone on the ground with his head facing north. There was a yellow Taser on the ground near the McPheter's head. [redacted] remained approximately 30 feet away from McPheter and did not approach him.

[redacted] saw a male San Bernardino Sheriff's Department (SBCSD) sergeant, identified as Nickolas Coronna, and a Deputy, identified as Michelle Bush at the scene. Bush had an abrasion on her left elbow. The personnel from ME32 did not provide medical care to anyone on scene.

At approximately 1554 hours, SBCFD personnel cleared the scene.

[redacted] did not have any additional information, and I concluded the interview with him.

Reviewed By: **Sergeant Justin Giles** Date:**11/28/22** Author: **Deputy Dylan Gosswiller** Author Date: **11/28/22**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

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CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Coronna	**Nickolas**		

WITNESS INTERVIEW: Firefighter Engineer [redacted]

On Sunday, September 4, 2022, at approximately 0020 hours, I conducted an interview with San Bernardino County Fire Department (SBCFD), Firefighter Engineer [redacted] in an office of SBCFD, Station 32, located at 100 Safari Drive, Needles. I recorded the interview on my department-issued digital audio recorder, and a copy of the recording was later placed in evidence. The following is a summary of my interview with [redacted]

On Saturday, September 3, 2022, [redacted] was assigned to Medic Engine 32 (ME32), with [redacted], and Firefighter [redacted] At approximately 1533 hours, ME32 was on Interstate 40 near River Road, Needles. ME32 was dispatched over a cell phone and through the radio, requesting ME32 stage for a law enforcement incident near the intersection of L Street and Broadway Street, Needles. At approximately 1538 hours, ME32 was cleared in by their dispatcher.

Once ME32 arrived, [redacted] saw ambulance MA31 From Baker Ambulance was already on scene. MA31 was staffed by emergency medical technician [redacted] and Paramedic [redacted]. [redacted] and [redacted] were speaking with unknown deputies. [redacted] observed a male laying on the sidewalk with a pool of blood on the ground. The male later identified by investigators as Nikolas McPheter. McPheter lay prone with his head pointed north and his feet pointed south. [redacted] and [redacted] informed [redacted] the subject was deceased and ME32 was no longer needed. No members from ME32 walked within 15 feet of McPheter's body.

[redacted] did not have any additional information, and I concluded the interview with him.

Reviewed By: **Sergeant Justin Giles** Date:**11/28/22** Author: **Deputy Dylan Gosswiller** Author Date: **11/28/22**

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CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WITNESS INTERVIEW: Emergency Medical Technician [redacted]

On Saturday, September 3, 2022, at approximately 2346 hours, I conducted an interview with Baker Ambulance, Emergency Medical Technician (EMT) [redacted] in an office located at 633 Front Street, in Needles. I recorded the interview on my department-issued digital audio recorder. I later placed a copy of the recording into evidence. The following is a summary of my interview with [redacted]

On Saturday, September 3, 2022, [redacted] was assigned to Medic Ambulance 31 (MA31) with Paramedic [redacted] Due to the same last name, [redacted] will be identified as [redacted] throughout the remainder of the report.

At approximately 1530 hours, [redacted] was near the intersection of Highway 95 and San Clemente Street, Needles. MA31 was dispatched to a report of a gunshot wound victim at the intersection of J Street and L Street, Needles.

At approximately 1535 hours, MA31 arrived at the incident location. [redacted] observed a male adult laying prone on the sidewalk next to a burgundy Toyota Scion. The male was later identified as Nikolas McPheter. McPheter lay on his stomach with his head faced north and his feet faced south. McPheter wore black shorts and a dark colored shirt. McPheter's left hand was partially under his body and held a firearm magazine. McPheter had obvious signs of death with brain matter on the sidewalk near the body. [redacted] declared McPheter deceased at approximately 1537 hours. Next to McPheter on the ground was a yellow Taser on the ground.

[redacted] remained approximately 20 feet away from McPheter. [redacted] did not see any fired cartridge casings (FCC) or other weapons near McPheter.

[redacted] approached McPheter and evaluated him. [redacted] approached Deputy Michelle Bush to treat her. Bush appeared to be in a state of shock, and had abrasions on both hands on her knuckles and left elbow. Bush declined any further medical attention. [redacted] spoke to Sergeant Nick Caronna. Caronna told [redacted] he was not injured and declined medical attention. Caronna had an abrasion above his right eye and blood spatter on his clothing. [redacted] did not know if the blood belonged to Caronna or McPheter.

At approximately 1539 hours, San Bernardino County Fire (SBCFD) personnel arrived. [redacted] told the SBCFD personnel, they had pronounced McPheter deceased. Since McPheter was pronounced deceased, SBCFD elected not to evaluate McPheter. At approximately 1545 hours, MA31 cleared the scene.

[redacted] did not have any additional information, and I concluded the interview with her.

Reviewed By: **Sergeant Justin Giles** Date:**11/28/22** Author: **Deputy Dylan Gosswiller** Author Date: **11/28/22**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WITNESS INTERVIEW: Paramedic [redacted]

On Saturday, September 3, 2022, at approximately 2349 hours, I interviewed Baker Ambulance Paramedic [redacted] at the Baker Ambulance station, located at 633 Front Street in Needles. I recorded the interview with my department-issued digital recorder and later placed a copy into evidence. The following is a summary of my interview with [redacted]

Since 2012, [redacted] was employed by Baker Emergency Medical Services (EMS). [redacted] was a Primary Care Paramedic for Baker EMS for approximately six years. On Saturday, September 3, 2022, [redacted] was assigned as the primary care paramedic for Medic Ambulance (MA) 31 with Emergency Medical Technician (EMT) [redacted].

On Saturday, September 3, 2022, at approximately 1530 hours, [redacted] concluded an unrelated medical call for service on Interstate 40 (I-40). As [redacted] exited I-40 West at East Broadway Street, he was dispatched for a gunshot wound (GSW) victim near the intersection of South L Street and West Broadway Street in Needles. According to [redacted], law enforcement requested him to respond and wait in the immediate area. After approximately three seconds, dispatch advised [redacted] he was clear to enter the scene. Once he was cleared to enter, [redacted] traveled on West Broadway Avenue with his emergency lights and sirens activated.

At approximately 1533 hours, [redacted] arrived on scene. [redacted] observed several San Bernardino County Sheriff's Department (SBCSD) patrol vehicles near South L Street and West Broadway Street and South L Street and Fifth Street. [redacted] observed two marked SBCSD patrol vehicles faced south on South L Street, positioned behind a maroon Scion sedan. [redacted] observed SBCSD Deputy Michelle Bush, and a male SBCSD Sergeant Nickolas Corona, on the sidewalk near a marked SBCSD patrol vehicle.

As [redacted] arrived on scene, he was escorted by an unknown SBCSD deputy sheriff to the suspect, later identified as Nikolas McPheter, while [redacted] retrieved equipment from the ambulance. [redacted] observed McPheter face down with his left arm underneath his body. In McPheter's left hand, was a handgun magazine. [redacted] observed a yellow SBCSD Taser approximately one foot north of McPheter's head. McPheter had a suspected GSW to his head with suspected brain matter coming from the top of his head, side of his head, and ears. McPheter wore black basketball shorts, which were pulled down and exposed his buttocks and black hoodie sweatshirt.

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

WITNESS INTERVIEW: Paramedic [redacted] (Continued)

[redacted] checked McPheter's pulse on his right carotid with a gloved right hand and did not detect a pulse. [redacted] asked McPheter if he could hear him and did not receive a response. [redacted] observed McPheter motionless and not breathing. Based on McPheter's injuries, lack of breathing and unresponsiveness, [redacted] pronounced McPheter deceased at 1537 hours.

As [redacted] pronounced McPheter deceased, personnel from San Bernardino County Fire Department (SBCFD) arrived on scene. Prior to fire personnel exiting their engine, he advised SBCFD personnel McPheter was deceased. [redacted] informed [redacted] McPheter was deceased. According to [redacted], [redacted] never exited the rear of the ambulance.

After McPheter was pronounced deceased, [redacted] observed abrasions on Corona and Bush's body. [redacted] asked if Corona and Bush needed medical attention and they declined. [redacted] observed suspected blood on the front and back of Corona's uniform. [redacted] observed Corona's radio earpiece removed from his ear and his uniform was dirty. Based on Corona's uniform appearance and injuries, he believed Corona was involved in a fight with McPheter.

Prior to leaving the scene, [redacted] observed the McPheter's driver's license on the front dash of a marked SBCSD patrol vehicle. [redacted] asked an unknown deputy if he could look at the driver's license to ascertain McPheter's information. Once [redacted] retrieved McPheter's information for his Baker EMS forms, he placed the driver's license back onto the front dash of the patrol vehicle. [redacted] provided a copy of his documentation and it was included in the case file.

[redacted] had no additional information, and I concluded my interview with him.

BAKER EMS

Complete ePCR w/attachments

Patient Information

Name: MCPHETER, NIKOLAS WILLIAM
Address: [redacted]
Age: [redacted]
Gender: Male
D.O.B.: [redacted]
Race: White
Weight: 74.8 kgEstimate

Call Type/Location/Disposition

Call Type: Stab/Gunshot Wound/Penetrating Trauma
Resp. Mode: Emergent (Immediate Response)
Response: 911 Response (Scene)
Location: Street and Highway
Incident Address: S L St
NEEDLES, CA 92363
Response Delay: None/No Delay
Disposition: Patient Dead at Scene-No Resuscitation Attempted (Without Transport)
Primary Role of the Unit: ALS Ground Transport
Destination: Coroner - San Bernardino County
175 S. Lena Road
San Bernardino, CA 92415
Dest. Determ.: Protocol

Response Times and Mileage

PSAP: 09/03/2022 15:32:02
Disp. Notified: 09/03/2022 15:32:02
Unit Disp.: 09/03/2022 15:33:11
Enroute: 09/03/2022 15:33:26
At Scene: 09/03/2022 15:36:56
At Patient: 09/03/2022 15:37:00
In Service: 09/03/2022 15:43:03
Incident Number: 22-220509
Call Sign: MA31
Veh. #: MA31

Unit Personnel

Crew Member	Level of Certification	Role
[redacted]	EMT-Basic	Other Patient Caregiver-Transport
	EMT-Paramedic	Primary Patient Caregiver-At Scene

Provider Impression

Primary Impression: Obvious Death
Secondary Impression: Obvious Death

Patient Condition

Date/Time of Symptom Onset: 09/03/2022 15:37:00
Primary Symptom: Obvious Death
Other Symptoms: Obvious Death
Barriers to Patient Care: Not Applicable
Initial Patient Acuity: Dead without Resuscitation Efforts (Black)
Final Patient Acuity: Dead without Resuscitation Efforts (Black)

Narrative

Narrative: MA31 WAS DISPATCHED FOR A GSW, MA31 ARRIVED ON SCENE TO FIND A MALE LYING SUPINE ON THE SIDEWALK WITH A GUNSHOT TO HIS HEAD WITH BRAIN MATTER PRESENT PULSELESS AND APENIC, PER SBCOSO ON SCENE DEPUTIES AND SUBJECT WERE INVOLVED IN A ALTERCATION AND SUBJECT WAS SHOT, NO LIFE SAVING MEASURES ATTEMPTED DEEMED FUTILE DUE TO BRAIN MATTER PRESENT NO PULSE AND APENIC. DUE TO SCENE BEING AN INVESTIGATION NO FUTHER CONTACT WITH BODY WAS MADE OTHER THEN PULSE CHECK TOD WAS DECLARED 1537 BY [redacted] SCENE WAS TURNED OVER TO SBCOSO MA31 CLEARED AND RETURNED INTO SERVICE ALL TIMES ARE APPROX.....MWL.

Past Medical History

Patient Medications

Medication
Unable to Complete

Medication Allergies

Medication Allergies
Unable to Complete

Medical History: Unable to Complete
Is this patient a suspected PUI?: No
Is this patient a confirmed COVID-19?: No

Assessment Exam

Date/Time of Assessment
17:00

Assessment Summary

09/03/2022 15:37:00

Detailed Findings

Location	Description	Details
Head	Gunshot Wound	

Normal Findings

Not Done

Vitals

Vitals

Time	PTA	Response (AVPU)	BP	B/Pressure	Patient Position	Airway	Pulse Rate	Method Heart Rate	Pulse Quality	Pulse Rhythm	Resp Rate	Resp Reg	Effort	SpO2	Qual	CO2
15:37:00	No	Unresponsive	/													

GCS

Time	Total Glasgow Coma Score	Eye	Motor	Verbal	Score Qualifier
15:37:00	3	1 - No eye movement when assessed (All Age Groups)	1 -No Motor Response (All Age Groups)	1 - No verbal/vocal response (All Age Groups)	Initial GCS has legitimate values without interventions such as intubation and sedation

Trauma Detail

Work-Related Illness/Injury: No

Billing Information

Work Related?: No

Signatures

Type of Person Signing: EMS Primary Care Provider (for this event)

Signature Reason: EMS Provider

Paragraph Text:

Status: Signed

Signature Graphic:

Printed Name: [redacted]

Date/Time Signature Locked:

Signature Date:

MCI

Number of Patients at Scene: Single

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

DR# 602200107
H# 2022-113

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Coronna	**Nickolas**		

NEXT OF KIN NOTIFICATION:

On Sunday, September 4, 2022, at approximately 1115 hours, Deputy Vanayes Quezada and I responded to [redacted], located at 25500 Medical Center Dr, in Murrieta, to notify Nikolas McPheter's [redacted] of his death. The contact was recorded on a department-issued digital recorder. A copy of the recording was placed into evidence. The following is a summary of my interview.

[redacted] was admitted into [redacted] from an unknown medical emergency. Prior to contacting [redacted], Quezada and I spoke to the medical personnel assigned to care for [redacted]. Medical personnel advised [redacted] was medically cleared to speak with law enforcement. In the room was [redacted], who would only identify himself as [redacted]

On Tuesday, August 30, 2022, [redacted] was admitted into [redacted] last saw McPheter and his [redacted], at an unknown residence several days prior to her admission into [redacted].

[redacted] and [redacted] knew McPheter and [redacted] were in a dating relationship for several years.

[redacted] shared, since [redacted] and McPheter started dating it appeared McPheter had frequent contacts with law enforcement. [redacted] believed McPheter started to use controlled substances because he became more paranoid and stayed up during the night. [redacted] and [redacted] had not seen McPheter use controlled substances.

[redacted] described McPheter's temperament as the "sweetest person"; however, [redacted] clarified that if McPheter used a controlled substance, it could alter his thought process and cause erratic behavior. [redacted] could not recall the last time he observed McPheter display behaviors of being under the influence of a controlled substance.

I explained to [redacted] and [redacted] that a Lethal Force Encounter (LFE) occurred with McPheter, and he was pronounced deceased. [redacted] and [redacted] became upset and no longer wanted to speak to us. I gave [redacted] and [redacted] my business card, contact information, coroner case, and report number.

At approximately 1127 hours, we concluded our contact with [redacted] and [redacted].

Reviewed By: **Sgt.J.Giles** Date:**10/12/2022** Author: **Det.S.Thurman** Author Date: **10/12/22**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

AUTOPSY REPORT

ASSIGNMENT:

Date/Time	Tuesday, September 6, 2022 / 0900
Location	San Bernardino County Coroner's Office
Autopsy#	A1961-22SL
Toe Tag#	02483
Body Bag Lock#	7611625
Corner Case#	702207109

PERSONS PRESENT:

Doctor:	[redacted] San Bernardino County Forensic Pathologist
Autopsy Assistant:	[redacted], San Bernardino County Coroner's Division
Crime Specialist:	[redacted] San Bernardino County Sheriff's Department, Crime Lab
Detective:	Shawn Thurman, San Bernardino County Sheriff's Department, Homicide Detail

DECEDENT:

Name:	Nikolas McPheter
Race:	White
Sex:	Male
Age:	[redacted]
Date of Birth	[redacted]
Date of Death:	September 3, 2022
Height:	67"
Weight:	119 lbs
Hair:	Brown
Eyes:	Hazel
Complexion:	Fair

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

EXTERNAL EXAMINATION:

McPheter's body lay on a gurney inside a yellow vinyl body bag. The vinyl bag had the name "Nikolas McPheter" with Coroner case number "702207109" written on the outside in bold black lettering. The bag was closed and secured with the body bag lock "7611625."

At approximately 0913 hours, Crime Scene Specialist [redacted] broke the body bag lock and opened the bag to reveal McPheter's body. McPheter lay supine with his left and right arms at their perspective sides and his legs straight. McPheter wore a blue shirt that was raised above his chest, black shorts, and a black sock on his left foot. McPheter's right sock and a pair of black shoes were in between his legs, near his feet. On McPheters' right great toe was the San Bernardino County Corner's toe tag "02483."

MEDICAL APPARATUSES:

- No medical apparatuses were attached to McPheter's body.

TATTOOS:

- McPheter did not have tattoos.

EXTERNAL BODY EXAMINATION:

[redacted] examined the body of McPheter. The following injuries were located by [redacted]

- A gunshot entry wound on the left side of McPheter's forehead.
- A tangential gunshot wound located on the top of McPheter's head (scalp).
- A gunshot wound to the palm of McPheter's right hand.
- A gunshot wound to the dorsum of McPheter's right hand.
- An abrasion to the right-side of McPheter's head near the hairline.
- An abrasion to the right side of McPheter's forehead.
- A cluster of abrasions on the tip of McPheter's nose.
- A contusion to McPheter's right orbital.
- A laceration to McPheter's right lower eyelid.
- A contusion to McPheter's left orbital.
- An abrasion to McPheter's left orbital.
- A fractured maxilla on the left side of McPheter's jaw.
- An abrasion to McPheter's left cheek.

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

EXTERNAL BODY EXAMINATION: (Continued)

- Two dry yellow abrasions on McPheter's left shoulder.
- An abrasion on McPheter's left elbow.
- An abrasion on McPheter's right lateral torso.
- Abrasions on McPheter's inner and outer right forearm.
- A cluster of abrasions on McPheter's anterior and posterior left knee.
- A cluster of abrasions on McPheter's proximal lateral left leg.

INTERNAL BODY EXAMINATION:

[redacted] made a "Y" incision into McPheter's chest and examined the internal portions of his body. [redacted] described the internal injuries as follows:

- A gunshot entry wound to the left side of McPheter's forehead. [redacted] described the trajectory as front to back, right to left, and downward. The bullet penetrated the frontal skull and traveled through the brain (left frontal lobe through the brainstem to the right cerebellar lobe.) [redacted] deemed this gunshot wound fatal. A bullet jacket was recovered from the cerebellum and a bullet core was recovered from the right posterior cranial fossa.

- A tangential gunshot wound located on the top of McPheter's head (scalp). The gunshot wound was approximately 6 centimeters (cm). [redacted] described the trajectory front to back and right to left. The bullet penetrated the skin and subcutaneous tissue of the head. [redacted] deemed this gunshot wound non-fatal. [redacted] did not locate a fired bullet.

- A gunshot wound to the palm of McPheter's right hand. [redacted] was not able to determine the trajectory. Associated with the gunshot wound was a 3 cm laceration on the middle right index finger, and a fractured proximal phalanx of the right index finger. [redacted] deemed this gunshot wound non-fatal. [redacted] did not locate a fired bullet.

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

EVIDENCE COLLECTED / PHOTOGRAPHED:

[redacted] photographed significant aspects of the autopsy. [redacted] collected samples of Mcpheter's head hair, fingernail clippings and the scissors to obtain fingernail clippings, blood, and fingerprints as evidence. The following items were photographed and recovered to place into evidence:

- One bullet jacket recovered from the cerebellum.
- One bullet core recovered from the right posterior cranial fossa.
- Clothing.
  - One," Bass Pro", blue t-shirt, size medium.
  - One "AND1," black shorts, size large.
  - One black wallet.
  - One pair of "Braham" black steel toes shoes, size 8.5.
  - One pair of Aeropostale, black socks, unknown size.

CAUSE OF DEATH:

[redacted] determined the cause of death was a gunshot to the head. Death occurred immediately.

MANNER OF DEATH:

[redacted] determined the manner of death was homicide.

San Bernardino County Sheriff - Coroner Division

Coroner Investigation

1	*MODE*	**Homicide**	*CASE #*	**702207109**
	STATUS	**Post**	*DECEDENT*	**Nikolas McPheter**

ASSIGNMENT:

I received a call from Watch Commander Gabriel Morales at 0100 hours, on 09/04/2022, requesting I respond to L Street and West Broadway in Needles for a lethal force encounter(LFE). The original call was received at 1610 hours.

SCENE RESPONSE:

I responded from my residence at 0233 hours and arrived at 0313 hours.

STATEMENT FROM DETECTIVE JONATHAN CAVENDER, SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT (SBCSD):

I spoke with Detective Cavender at the scene at 0315 hours, on 09/04/2022. The following is a summary of the interview.

On 09/03/2022, a deputy sheriff conducted a traffic stop on a burgundy Scion. During her investigation, the deputy ran the driver, Nikolas McPheter's criminal history and found that he had a domestic violence restraining order (DVRO) and the protected person, [redacted], was in the vehicle. At some point, a sergeant arrived on scene. The deputy requested McPheter step out of the vehicle which he did. While the deputy and sergeant were discussing what to do, McPheter attacked the sergeant and attempted to take his pistol. While fighting to retain his gun, the sergeant called for the deputy to shoot McPheter. The deputy fired two rounds from her pistol and McPheter fell to the ground. The deputy requested medical aid at 1531 hours and Baker Ambulance with Paramedic [redacted] responded and confirmed McPheter dead at 1537 hours, on 09/03/2022.

PARAMEDIC REPORT:

A call was received at 1532 hours reporting a gunshot wound. Baker Ambulance Medic Ambulance 31 with Paramedic [redacted] responded and arrived at 1536 hours. Nikolas McPheter was found supine on the sidewalk with a gunshot wound to his head with brain matter present. He was pulseless and apneic, and Paramedic [redacted] pronounced McPheter dead at 1537 hours without any attempt at medical intervention.

SCENE DESCRIPTION:

The scene was the sidewalk on the west side of L Street under Interstate 40. The body was directly under the gap between the eastbound and westbound traffic lanes. The body was found prone on the sidewalk with the left arm and leg at the edge of the sidewalk touching the concrete wall on the west side of the road. The head was to the northwest, the legs were to the southeast. A trail of dried blood was noted on the sidewalk extending approximately seven feet north of the body. A small amount of brain mater was noted under the head. The left shoe had come off the left foot and was approximately two feet south of the body. A Glock .45 caliber magazine from the sergeant's gun was noted in the left hand.

When the incident occurred, the sky was partly cloudy, there were variable winds from the north. The temperature according to the National Weather Service was 108 degrees Fahrenheit.

BODY EXAMINATION:

I began the examination at 0329 hours, on 09/04/2022.

Physical Description:

The body was that of a 5' 4" tall White male adult with brown hair and hazel eyes who weighed approximately 140 pounds.

Clothing:

The body was clothed in a black T-shirt, black shorts, black socks, and a black shoe on the right foot. The left shoe was on the sidewalk approximately 2' south of the body.

Body Position:

The body was found prone on the ground. The head was to the northwest, the legs were to the southeast. The right arm was at the right side bent at the elbow with the forearm under the upper arm. The left arm was under the body. The legs were mostly straight.

Therapeutic Devices:

There were no therapeutic devices noted on the body.

Observations:

There was no petechial hemorrhage noted in the mucosa of the eyes or mouth.

Trauma:

There was a full thickness laceration (possible gunshot wound) on top of the head with an underlying skull fracture. There was a circular gunshot wound on the left forehead. Contusions were noted in both eyes. There was a stellate gunshot wound on the right index finger. There was an abrasion on the left hip. There was an abrasion on the right elbow. There was a hematoma on the right thumb. There were abrasions on both knees. No skeletal deformities were noted to the neck, left arm, legs, or torso.

Postmortem Changes:

The body was warm to the touch, consistent with ambient temperature. Rigor mortis was present throughout the body. The rigor broke with moderate difficulty. Lividity was noted on the anterior surfaces consistent with the body's position. The lividity blanched under heavy pressure and capillary refill was slow. The eyes were clear and uncongested. Tache noir was starting to form in both eyes.

Conclusion:

The examination was concluded at 0402 hours. I took 32 photographs of the body and scene. All in One .ogistics was contacted prior to my response and I ordered the body transported to the Coroner's Central Station Morgue.

Transport Driver [redacted] from [redacted] attached toe tag 02483 to the right great toe. The body was placed in a yellow body pouch. The bag was sealed with lock number 7611625 by [redacted]

IDENTIFICATION:

I obtained a scan of the thumbprints using the Integrated Biometric Identification System (IBIS) (TCN# SBM12345202209240350l8). The scan produced a match to PID [redacted] for Nikolas William McPheter, date of birth [redacted]

PROPERTY:

No property was collected.

NOTIFICATION OF DEATH TO NEXT OF KIN:

Detective Cavender requested that he be allowed to notify the next of kin. He will provide the next of kin information and details of the contact at a later date.

DISPOSITION:

The case was submitted to pathology for autopsy.

San Bernardino County Sheriff - Coroner Division

Coroner Supplement Report

MODE	Homicide	CASE #	702207109
STATUS	Post	DECEDENT	Nikolas McPheter

Supervising Investigator: A. Butler

NOTIFICATION OF NEXT OF KIN:

On 09/04/2022, at 1135 hours, I spoke on the telephone with SBCSD Homicide Detail Detective S. Thurman. He confirmed that Nikolas McPheter's next of kin was [redacted] she was notified of the death. [redacted] elected [redacted] be a spokesperson for the family.

I updated the case file with [redacted] telephone number.

DISPOSITION:

Copy to the original report.

☐ REVIEWED BY _____ RETURNED ☐ CORRECTIONS REQ ☐ FOLLOW UP REQ

175 South Lena Road
San Bernardino, CA 92415-0037
(909) 387-2978
Fax (909) 387-2989

[redacted]
Chief Forensic Pathologist

[redacted], M.D.
Forensic Pathologist

San Bernardino County Sheriff's Department
Coroner Division

Autopsy Protocol

Coroner's Case Number: 702207109 **Autopsy Number:** A-1961-22

Name: Nikolas William McPheter **Age:** 27 **Sex:** Male
Time of Death: 1531 hours, September 3, 2022 **Race:** White
Time of Autopsy: 0913 hours, September 6, 2022
Place of Autopsy: San Bernardino County Coroner's Facility **Deputy:** Johnson

HISTORY OF DEATH: The following information is obtained from the deputy coroner investigative report. This 27-year old man, Nikolas William McPheter engaged in a physical confrontation with a sheriff deputy. While attempting to grab the sergeant's pistol another deputy shot him.

Also refer to Coroner's Investigative Report 702207109.

GENERAL EXAMINATION: The decedent is identified by tag on the right foot. The body is that of a meso-morphic, light-color skin, young adult male. The body weighs 54.1 kilograms (119 pounds) and measures 170.2 centimeters (67 inches) in length.

Clothing: The following clothing items or personal effects are present with the body at the time of autopsy: a black shirt, black shorts, a pair of black socks, and a pair of black sneakers.

Evidence of Medical Intervention: No medical intervention is present on the body at the time of autopsy.

Evidence of Postmortem Change: Lividity is fixed on the anterior and posterior surfaces of the body. Rigor is passing. The body temperature is cold to touch. Decomposition changes consist of putrefaction over the neck, chest, and abdomen.

Evidence Collected at Autopsy: A bullet jacket and a bullet core are recovered from the brain and skull, respectively.

Tattoos: None

Radiographs: A complete set of postmortem radiographs is obtained.

External Examination:

HEAD AND NECK
The head is symmetric, but crepitant, and the face is injured. The scalp is covered with short, straight, brown hair with an unremarkable distribution. Facial hair consists of a goatee. The irides are brown, the corneae are clear, the conjunctivae are pale, and the sclerae are white. The external auditory canals are clear on the left, but bloody on the right. The ears are unremarkable.

The nares contain blood. The nose and facial skeleton are palpably stable. The lips are unremarkable. The oral cavity contains blood, and the oral mucosa is unremarkable. The teeth are natural and in good condition. The neck is symmetric with no lesions.

TORSO
The chest is symmetric. The abdomen is flat and soft. The genitalia are those of an apparently uncircumcised adult male. The testes are descended. The back is symmetric. The buttocks and anus are unremarkable.

EXTREMITIES
The upper and lower extremities are symmetric except for injury of the right hand.

IDENTIFYING MARKS
There is a hyper-pigmented patch on the left side of the back.

Description of Injuries:

I. Gunshot wound of the head

A gunshot entrance wound is on the forehead, 4.5 cm below the top of the head and 2.5 cm left of the anterior midline. The ovoid wound measures 0.9 x 0.5 cm with an eccentric marginal abrasion measuring up to 0.2 cm on the 12 to 6 o'clock border. Soot and stippling are not present around the entrance wound. The wound path involves skin, subcutaneous tissue, the frontal skull, the brain (left frontal lobe through the brainstem to the right cerebellar lobe), and skull. A bullet jacket is recovered from the cerebellum and a bullet core is recovered from the right posterior cranial fossa; both items are secured by the attending technician. There is no associated exit wound. The wound path is directed front to back and left to right. Associated with the wound path are hemorrhage within the wound track, a 15 x 6 cm subgaleal hemorrhage over the frontal scalp, comminuted fracture of the frontal skull with linear extensions to the temporal bones bilaterally and diastatic extension of the sagitall suture, comminuted fractures of both anterior cranial fossae, linear fracture of the right middle cranial fossa, comminuted fracture of the right posterior cranial fossa, and diffuse subarachnoid hemorrhage.

II. Other injuries

A. Tangential gunshot wound of the head

A tangential gunshot wound is on the vertex scalp, located at the top of the head and at the midline of the skull. The wound measures 6 cm long with a 0.5 cm abrasion on the 7 o'clock margin and skin splits directed anterior to posterior and right to left. No soot or stippling is present around the wound. The wound path involves skin and subcutaneous tissue. No bullet or fragments are recovered from the wound path. The wound path is directed front to back and right to left. Associated with the wound path are hemorrhage within the wound track and exposure of underlying skull fractures.

B. Gunshot wound of the right hand

A gunshot wound is on the palm of the right hand, 36.5 cm below the top of the elbow and 2 cm lateral of the anterior midline; the irregular wound measures 5 x 2.5 cm. Another gunshot wound is on the dorsum of the right hand, 36 cm below the top of the elbow and 4.5 cm lateral of the posterior midline; the stellate wound measures 4 x 2.5 cm. Soot and stippling are not present around either wound. The intervening wound path involves skin, subcutaneous tissue, muscle, bone, muscle, and skin. No bullet or fragments are recovered from the wound path. The direction of the wound path cannot be determined. Associated with the wound path are hemorrhage within the wound track, a 3 cm laceration on the medial aspect of the right index

finger, and fracture of the proximal phalanx of the right index finger.

C. Blunt force injuries

A 0.9 x 0.3 cm abrasion is on the right side of the head at the hairline. A 0.6 x 0.2 cm abrasion is on the right side of the forehead. A 5 x 3 cm contusion surrounds the right orbit. On the medial aspect of the right lower eyelid is a 0.6 cm laceration. A 2.5 x 2 cm contusion is on the medial left orbit. A 0.6 x 0.3 cm abrasion is lateral the left orbit. A cluster of abrasions, 0.2 to 0.9 cm, covers an area of 2 x 1.5 cm over the tip of the nose. A 2.5 x 1 cm abrasion is on the left cheek. The left side of the maxilla is fractured.

A 3.6 x 0.6 cm abrasion is on the lateral right torso. A 7 x 3.5 cm abrasion is on the lateral left buttock. There is a 6 x 0.3 cm abrasion on the mid left buttock.

A 9.9 cm abrasion is on the distal medial right arm. A 0.5 x 0.2 cm abrasion is on the anterior right forearm. A 0.3 cm abrasion is on the posterior right arm. Two dry-yellow abrasions, 0.9 and 0.3 cm, are on the left shoulder. A 2.5 x 1 cm abrasion is on the left elbow. There are two abrasions on the medial right knee, 0.9 x 0.3 cm and 0.9 x 0.6 cm. A cluster of abrasions, 0.2 to 0.6 cm, covers an area of 4 x 3 cm over the left knee. A cluster of parallel linear abrasions ranging from 0.3 to 3 cm long covers an area of 4 x 4 cm over the proximal lateral left leg.

INTERNAL EXAMINATION:

HEAD: The brain weighs 1331 gm. Examination of the external and cross sectional surfaces of the cerebral hemispheres, cerebellum, and brainstem reveals no non-traumatic lesions.

NECK: The anterior strap muscles of the neck are homogenous and red-brown, without hemorrhage. The thyroid cartilage and hyoid are intact. The larynx is lined by intact white mucosa. The major vessels of the neck are intact. The tongue is free of bite marks, hemorrhage, or other injuries.

CHEST/ABDOMINAL CAVITIES: No excess fluid is in the pleural, pericardial, or peritoneal cavities. There are no adhesions. The organs occupy their usual anatomic positions. The ribs, sternum, and vertebral bodies are visibly and palpably intact. No non-traumatic abnormalities of the muscles or bones of the appendicular and axial skeletons are identified.

CARDIOVASCULAR SYSTEM: The heart weighs 273 gm. The epicardial surface is smooth with unremarkable adipose deposition. The coronary arteries are unremarkable in distribution, with a right-dominant pattern. Cross sections of the vessels show no luminal narrowing. The myocardium is homogenous, red-brown, and firm. The atrial and ventricular septae are intact. The walls of the left ventricle, interventricular septum, and right ventricle are 1.6, 1.6, and 0.5 cm thick, respectively. The columnae carnae and papillary muscles are thin and round. The chordae tendinae are unremarkable. The valve leaflets are thin, mobile and without vegetation or calcification. The circumferences of the valve rings are: tricuspid valve 11 cm, pulmonary valve 5 cm, mitral valve 10 cm, and aortic valve 6 cm. The endocardium is smooth and glistening. The aorta gives rise to three intact and patent arch vessels. The lumen of the aorta is lined with tan-yellow streaks. The renal, mesenteric, and iliac vessels as well as the venae cavae are unremarkable.

RESPIRATORY TRACT: There is no blood, edema fluid, foam, exudate, or gastric contents found in the upper respiratory or lower bronchial passages. The mucosal surfaces are smooth, yellow-tan, and unremarkable. The right lung weighs 429 gm, and the left lung weighs 406 gm. The visceral pleurae are smooth and red-purple. The pulmonary parenchyma is congested and

edematous. No mass lesions or areas of consolidation are present. The pulmonary arteries are well developed and patent. The diaphragm is intact.

GASTROINTESTINAL TRACT: The esophagus is intact and of uniform caliber; the lumen is lined by a smooth, gray-white mucosa. The gastro-esophageal junction is unremarkable. The stomach contains approximately 200 ml of mixed solids and fluids. The gastric wall is intact and lined by a tan-yellow mucosa with an unremarkable rugal pattern. The pylorus is unremarkable. The duodenum, jejunum, ileum, and colon are unremarkable. The pancreas has yellow-tan, moderately firm parenchyma with the usual lobular pattern; no mass lesions or other abnormalities are seen. The appendix is present.

HEPATOBILIARY SYSTEM: The liver weighs 912 gm. The capsule is smooth and intact. The cut surfaces are slightly firm, red-brown, and smooth with minimal congestion. No mass lesions or other non-traumatic abnormalities are noted. The gallbladder is a smooth, gray-green, thin-walled sac, which contains over 10 ml of dark green fluid and no stones. The mucosa is dark green and velvety. The biliary system is patent into the ampulla of Vater.

URINARY SYSTEM: The right kidney weighs 109 gm, and the left kidney weighs 100 gm. The kidneys have thin, loosely adherent capsules and smooth renal surfaces. Sectioning reveals cortices that are well demarcated from the structures of the medullae; the renal parenchyma is unremarkable. The ureters are not dilated or obstructed. The urinary bladder is lined by a tan-white mucosa and contains 100 ml of clear urine.

GENITAL SYSTEM: The prostate is not enlarged, and sectioning reveals smooth, yellow-tan parenchyma with no distinct masses. The right and left testes are in the scrotum and are unremarkable.

HEMOLYMPHATIC SYSTEM: The spleen weighs 62 gm. The capsule is smooth. The parenchyma is dark red and soft with unremarkable follicular architecture. Lymph nodes throughout the cervical, mediastinal and hilar, peri-portal, peri-aortic, mesenteric, and iliac regions are small and inconspicuous. The thymus is not present in the anterior mediastinum.

ENDOCRINE SYSTEM: The pituitary gland is unremarkable. The thyroid gland is symmetric and smooth; sectioning reveals red-brown parenchyma, without cystic or nodular change. The parathyroid glands are not identified. The right and left adrenal glands are symmetric; sectioning reveals bright yellow cortices and red-brown medullae with no masses or areas of hemorrhage.

TOXICOLOGY: An expanded panel has been requested.

Refer to Toxicology Report

HISTOLOGIC SECTIONS: Representative sections of various organs are preserved in formalin.

Autopsy Assistant: [redacted]

DIAGNOSIS:

I. Gunshot wound of the head
   - A. Entrance: forehead
   - B. No soot or stippling present
   - C. Wound path: skull, brain, skull
   - D. Recovered: bullet jacket, brain and bullet core, skull
   - E. Exit: none
   - F. Direction: front to back, left to right

II. Other injuries
   - A. Tangential gunshot wound of the head
   - B. Gunshot wound of the right hand
   - C. Blunt force injuries
     1. Abrasions, forehead and face
     2. Right peri-orbital contusion
     3. Laceration, lower right eyelid
     4. Contusion, medial left orbit
     5. Fracture, maxilla
     6. Abrasion, lateral right torso
     7. Abrasions, left buttock
     8. Abrasions, upper and lower extremities
     9. Cluster of linear abrasions, left leg

III. Natural disease and pre-existing conditions
   - A. Pulmonary congestion and edema
   - B. Mild peripheral atherosclerosis

IV. Toxicology results (femoral blood)
   - A. Ethanol: 20 mg/dL
   - B. Blood alcohol concentration (BAC): 0.02 g/100 mL
   - C. Cotinine: presumptive positive
   - D. Amphetamine: 210 ng/mL
   - E. Methamphetamine: 1900 ng/mL

CAUSE OF DEATH: Gunshot wound of the head, immediate

Manner of Death: Homicide

Autopsy Completed: 1053 hours, September 6, 2022

[redacted] M.D.
Forensic Pathologist
Date: 08November2022

SL

Marks

Ø

hyperpig ⓒ back

Pins

R Pny

L Ap H

D - put Abd/ chest/ neck

San Bernardino County Sheriff/Coroner

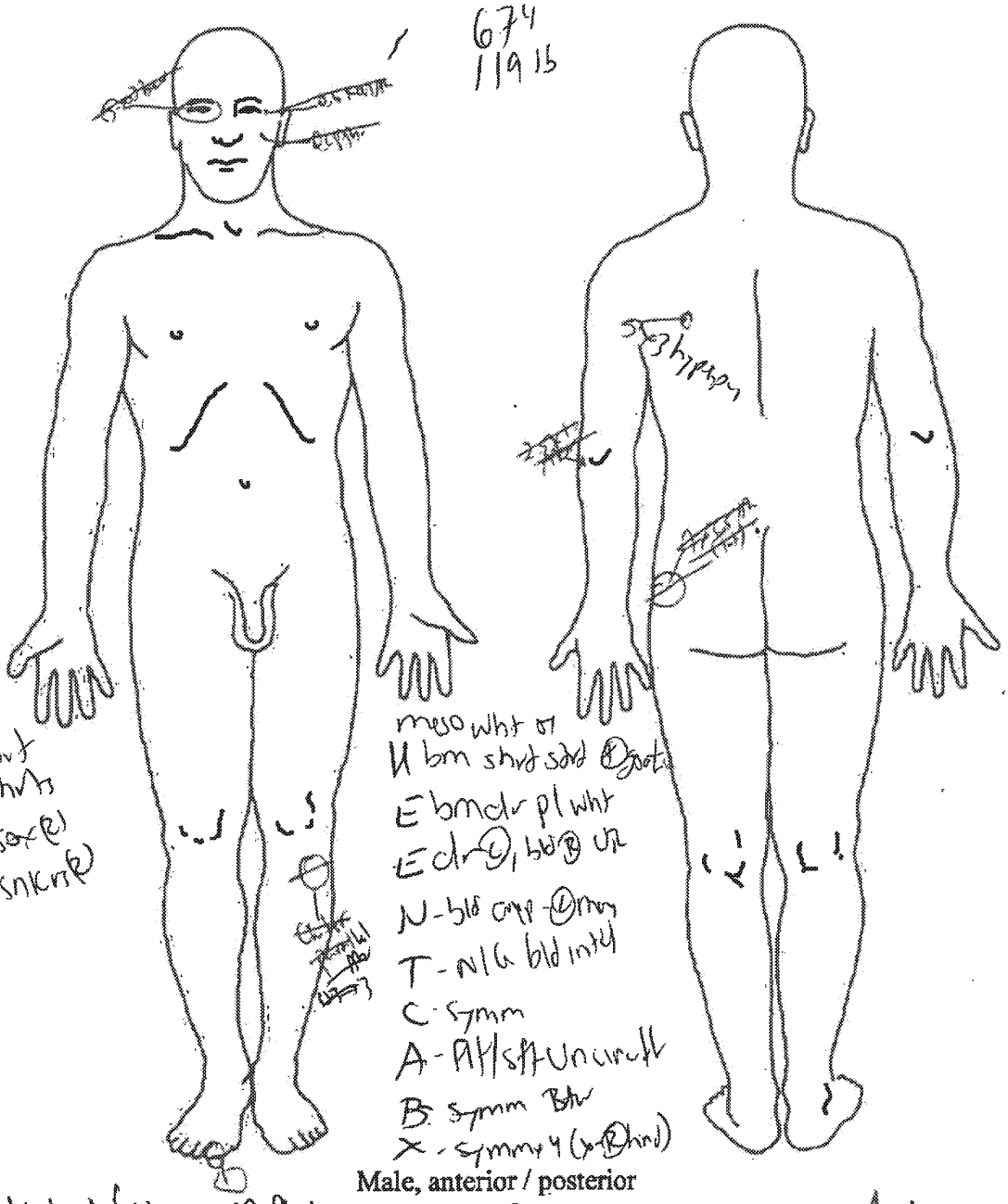
Seal # 7611625

shot 0913

sup 1053

674

11915



PE

blk shirt

blk shrts

blk sox(R)

blk sneak(R)

meso wht or

M bm shrt sdd ⓔ groin

E bmdr pl wht

Edr ⓒ, bl ⓑ ul

N - bld cap ⓒ mm

T - N/G bld into

C - symm

A - Pl/sft - Uncirc H

B - symm Bth

X - symm 4 (+ R hand)

Tx

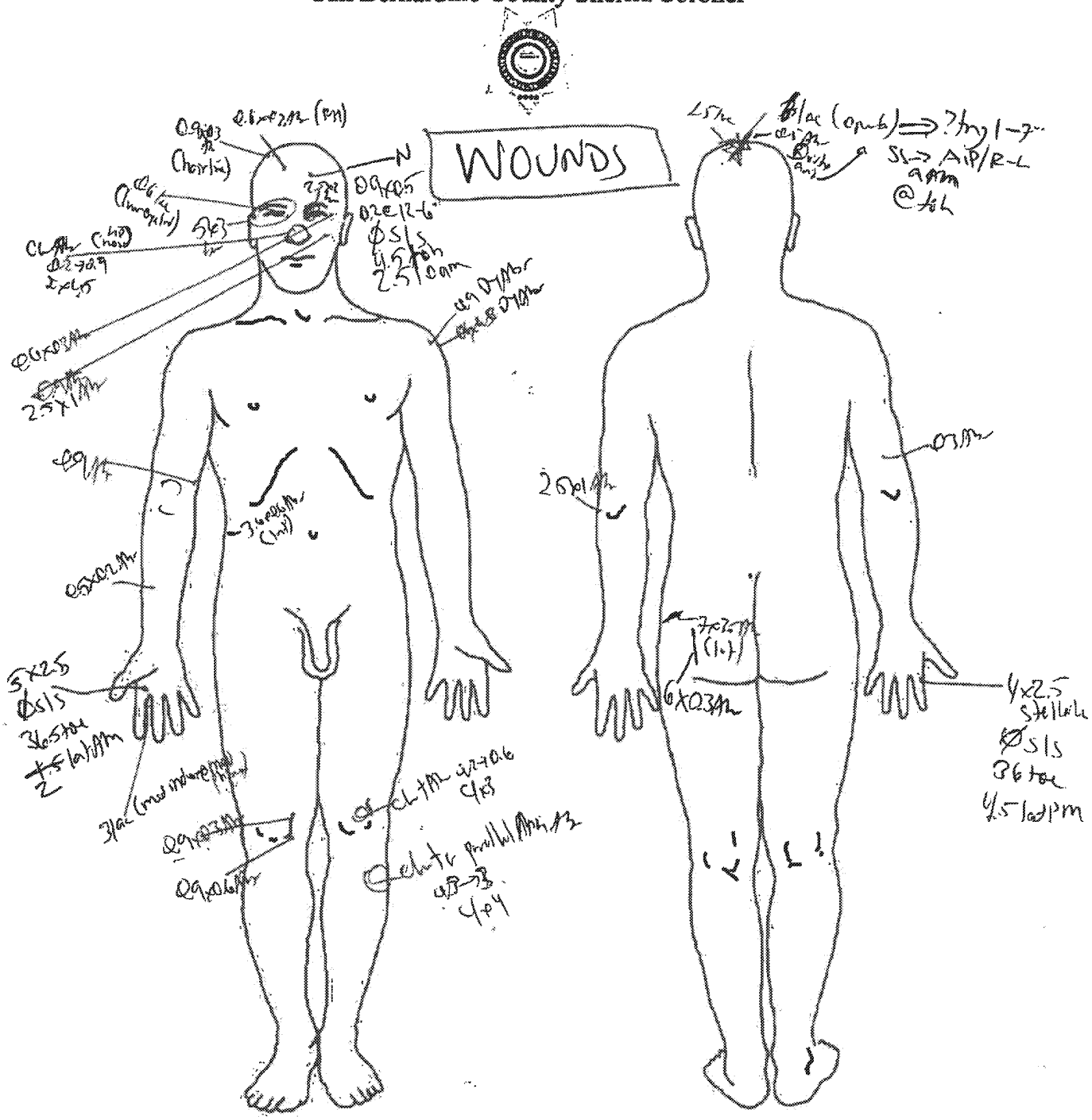
Ø

Male, anterior / posterior

Name Nikolas William McPheter Coroner's Case # 7022071109 Autopsy No. A-1961-22

Age [redacted] Race Wht Sex Mal Date 06SEP2022

San Bernardino County Sheriff/Coroner



Male, anterior / posterior

Name Nikolas William McPhetor Coroner's Case # 7022071109 Autopsy No. A-1961-22

Age [redacted] Race White Sex Male Date 06SEP2022

NMS LABS

NMS Labs
200 Welsh Road, Horsham, PA 19044-2208
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com
Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

CONFIDENTIAL

Toxicology Report

Report Issued 10/04/2022 17:35

To: 10664
San Bernardino County Sheriff's Office - Coroner
175 South Lena Road

San Bernardino, CA 92415

Patient Name	MCPHETER, NIKOLAS WILLIAM
Patient ID	A1961-22SL
Chain	702207109
DOB	Not Given
Sex	Male
Workorder	22327666

Positive Findings:

Analyte	Result	Units	Matrix Source
Ethanol	20	mg/dL	001 - Femoral Blood
Blood Alcohol Concentration (BAC)	0.020	g/100 mL	001 - Femoral Blood
Cotinine	Presump Pos	ng/mL	001 - Femoral Blood
Amphetamine	210	ng/mL	001 - Femoral Blood
Methamphetamine	1900	ng/mL	001 - Femoral Blood

See Detailed Findings section for additional information

Testing Requested:

Test	Test Name
8052B	Postmortem, Expanded, Blood (Forensic)

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Labeled As
001	Gray Stopper Glass Tube	9.7 mL	09/06/2022 10:10	Femoral Blood	A1961-22SL
002	Gray Stopper Glass Tube	9.5 mL	09/06/2022 10:10	Femoral Blood	A1961-22SL
003	Red Stopper Glass Tube	0.2 mL	09/06/2022 09:50	Vitreous Fluid	A1961-22SL

001 DR. SCOTT LUZI

All sample volumes/weights are approximations.

Specimens received on 09/08/2022.

[redacted] v.24.0

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Ethanol	20	mg/dL	10	001 - Femoral Blood	Headspace GC
Blood Alcohol Concentration (BAC)	0.020	g/100 mL	0.010	001 - Femoral Blood	Headspace GC
Cotinine	Presump Pos	ng/mL	200	001 - Femoral Blood	LC/TOF-MS
This test is an unconfirmed screen. Confirmation by a more definitive technique such as GC/MS is recommended.					
Ethanol	Confirmed	mg/dL	10	001 - Femoral Blood	Headspace GC
Amphetamine	210	ng/mL	5.0	001 - Femoral Blood	LC-MS/MS
Methamphetamine	1900	ng/mL	5.0	001 - Femoral Blood	LC-MS/MS

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded two (2) years from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 22327666 was electronically signed on 10/04/2022 16:09 by:

[redacted]

Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Test 52250B - Alcohols and Acetone Confirmation, Blood - Femoral Blood

-Analysis by Headspace Gas Chromatography (GC) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	10 mg/dL

Test 52483B - Amphetamines Confirmation, Blood - Femoral Blood

-Analysis by High Performance Liquid Chromatography/ Tandem Mass Spectrometry (LC-MS/MS) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Amphetamine	5.0 ng/mL	Methamphetamine	5.0 ng/mL
Ephedrine	5.0 ng/mL	Norpseudoephedrine	5.0 ng/mL
MDA	5.0 ng/mL	Phentermine	10 ng/mL
MDEA	5.0 ng/mL	Phenylpropanolamine	20 ng/mL
MDMA	5.0 ng/mL	Pseudoephedrine	5.0 ng/mL

Analysis Summary and Reporting Limits:

Test 8052B - Postmortem, Expanded, Blood (Forensic) - Femoral Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Barbiturates	0.040 mcg/mL	Gabapentin	5.0 mcg/mL
Cannabinoids	10 ng/mL	Salicylates	120 mcg/mL

-Analysis by Headspace Gas Chromatography (GC) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	10 mg/dL

-Analysis by High Performance Liquid Chromatography/Time of Flight-Mass Spectrometry (LC/TOF-MS) for: The following is a general list of analyte classes included in this screen. The detection of any specific analyte is concentration-dependent. Note, not all known analytes in each specified analyte class are included. Some specific analytes outside of these classes are also included. For a detailed list of all analytes and reporting limits, please contact NMS Labs. Amphetamines, Anticonvulsants, Antidepressants, Antihistamines, Antipsychotics, Benzodiazepines, CNS Stimulants, Cocaine and Metabolites, Hallucinogens, Hypnosedatives, Muscle Relaxants, Non-Steroidal Anti-Inflammatory Agents, Opiates and Opioids.

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

MEDICAL RECORDS: Sergeant Nickolas Caronna

On Saturday, September 10, 2022, Caronna was treated at [redacted] located at [redacted] for his injuries he sustained.

On Thursday, October 12, 2023, I authored a search warrant for Caronna's medical records for the treatment he received on Saturday, September 20, 2023, at [redacted].

On Thursday, October 12, 2023, at approximately 1455 hours, the Honorable Shahla Sabet approved the warrant. I faxed the warrant to [redacted]. At approximately 1504 hours, [redacted] responded to the legal request and faxed Caronna's medical records.

A copy of Caronna's [redacted] medical records were converted into a portable document format (PDF) file for ease of viewing and placed on to a compact disk. A second copy of Caronna's [redacted] medical records were placed into the case file. The compact disk was later placed into evidence.

Reviewed By: **Sgt. J. Giles** Date: **10/12/23** Author: **Det. S. Thurman** Author Date: **10/12/23**

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CRIME REPORT

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

MEDICAL RECORDS: Deputy Michelle Bush

On Wednesday, October 25, 2023, at approximately 0820 hours, San Bernardino County Sheriff's Department (SBCSD) Deputy Michelle Bush emailed me a copy of her medical records. The medical records documented her treatment at [redacted] for injuries sustained during the lethal force encounter (LFE). The medical records were dated from November 2022 to February 2023.

A copy of Bush's [redacted] medical records were converted into a portable document format (PDF) file for ease of viewing and placed onto a compact disk. A second copy of Bush's Concentra medical records were placed into the case file. The compact disk was later placed into evidence.

Reviewed By: **Sgt. J. Giles** Date: **10/12/23** Author: **Det. S. Thurman** Author Date: **10/12/23**

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415 (909) 387-9980
sidfirearms-team@sbcsd.org

TO: H DETECTIVE (60H03); SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL
DATE: 9/12/2022
SUBJECT: PRIORITY ASSIGNMENTS FOR CRIMINALISTICS EVIDENCE EXAMINATION
Submitted Sheriff/Agency Case Number **60-2200107** (Lethal Force Encounter)

Because we receive more cases than we can work, it is necessary to prioritize criminalistics casework such as DNA, firearms, tool marks, impression comparisons, trace evidence, clandestine laboratory examinations, etc. The goal is to focus our efforts, so we may provide the most effective use of the laboratory's resources for all the law enforcement and justice agencies throughout San Bernardino County. The priority assigned to each case is based upon several factors including the probative potential of the evidence, the availability of laboratory resources, court dates, and other factors specific to your investigation.

PRIORITY DESIGNATION HIGHLIGHTED BELOW

PRIORITY 1: Cases assigned this highest priority have been assigned to an analyst and have a due date.
PRIORITY 2: This priority does not have a due date assigned but will be worked as time becomes available.

If you have any questions regarding this memorandum or priority assignment, please contact [redacted]

LABORATORY NUMBER: 22-08232-F-01

EXAMINATION ASSIGNED	ASSIGNED TO	DATE ASSIGNED	DATE DUE
Function Test	[redacted]	9/12/2022	9/19/2022

BARCODE	ITEM	PETS CATEGORY	AGENCY DESCRIPTION
2242001885	C	SEMI-AUTOMATIC PISTOL	SGT CARRONA'S PISTOL
2242001886	D	AMMO/CARTRIDGES	CARTRIDGE FROM CHAMBER
2242001889	E	SEMI-AUTOMATIC PISTOL	DEP BUSH'S PISTOL
2242001890	F	AMMO/CARTRIDGES	CARTRIDGES FROM DEP BUSH'S PISTOL
2242001896	A	GUN MAGAZINE	GLOCK 45 AMMO MAG, PLC 5
2242001897	B	AMMO/CARTRIDGES	13 CARTS FROM GLOCK AMMO MAG AT PLC 5

Function test duty weapons.

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415 (909) 387-9980
sidfirearms-team@sbcsd.org

TO: ; SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL
DATE: 9/12/2022
SUBJECT: PRIORITY ASSIGNMENTS FOR CRIMINALISTICS EVIDENCE EXAMINATION
Submitted Sheriff/Agency Case Number **60-2200107** (Lethal Force Encounter)

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PRIORITY DESIGNATION HIGHLIGHTED BELOW

PRIORITY 3 - PENDING:	The case may be assigned a higher priority if the necessary items as described below are submitted to the crime laboratory.
PRIORITY 3 - CLOSED:	This is our lowest priority. Cases with this priority will not be analyzed unless circumstances change.

If your case was assigned a Priority 3 – Pending or closed, the priority of the case may be changed if you submit additional information and/or additional evidence.

If you have any questions regarding this memorandum or priority assignments you receive, please contact the Criminalist who made this assignment.

LABORATORY NUMBER: 22-08232-I-01 **EXAMINATION REQUESTED:**

BARCODE	ITEM	PETS CATEGORY	AGENCY DESCRIPTION
2242001899	H	FIRED CARTRIDGE CASES	FCCS FROM SCENE

Per SCSS Oliver, FCCs under BC# 2242001899 are likely from a duty weapon and do not need NIBIN.

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415

LABORATORY REPORT
LIMS 22-08232-C-01

AGENCY CASE NO. 60-2200107

AGENCY SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL

CASE AGENT THURMAN (F5124/60H03)

The information above is provided by the agency and is not verified by the laboratory.

REPORT TYPE(S) Crime Scene (231)
Latent Print Processing (221)
Evidence Processing (233)

ANALYSIS START DATE September 3, 2022

REPORT DATE September 14, 2022

ANALYST [redacted]

TITLE Sheriff's Crime Scene Specialist I

REPORT SIGNED ON September 14, 2022

Placard 6 A pair of Ray-Ban sunglasses and a black Croakies strap connector, size XL, located south of Placard 5

Placard 7 A red four-door Scion tC, California temporary license [redacted] with the left front and right front windows fully rolled down, unlocked and with keys in ignition but not running, parked facing south on the roadway of L Street near the west curb, located southeast of Placard 6

Placard 8 A white marked SBSD Needles Police unit, labeled #16300 21 5, four-door Ford Police Interceptor SUV, California Exempt license [redacted], with the right front window slightly rolled down, vehicle on and running with code lights on, containing a California driver's license and Nevada vehicle title on the left front area of the dashboard, parked facing south, located north of Placard 7

Placard 9 A white marked SBSD four-door Jeep Wrangler, labeled #06627 10, California Exempt license [redacted], with the left front window slightly rolled down, vehicle turned on and running with code lights on, parked facing south, located north of Placard 8

Vehicle definitions

Rear or behind	Toward the trunk of the vehicle
Front or forward	Toward the engine of the vehicle
Right side	Passenger's side of the vehicle
Left side	Driver's side of the vehicle

PHOTOGRAPHY

The following numbered overall, midrange, and close-up digital photographs were taken of the crime scene and related items of evidence.

M9760001	-	**M9760100**	Scene prior to placards
M9760101	-	**M9760143**	Scene with placards
M9760144	-	**M9760146**	Placard 9
M9760147	-	**M9760152**	Placard 1
M9760153	-	**M9760156**	Placard 2
M9760157	-	**M9760169**	Placard 3
M9760170	-	**M9760175**	Placard 4
M9760176			Camera misfire
M9760177	-	**M9760189**	Placard 5
M9760190	-	**M9760193**	Placard 6
M9760194	-	**M9760225**	Placard 7
M9760226	-	**M9760257**	Placard 8
M9760258	-	**M9760280**	Placard 9
M9760281	-	**M9760324**	Placard 5 and IBIS hit
M9760325	-	**M9760327**	Body bag and bag lock

ADDITIONAL PHOTOGRAPHY

On September 7, 2022, photographs were taken of items of evidence during the evidence processing at the Scientific Investigations Division.

M9760328 - M9760338 Items A-1, A-2, and A-2a

EVIDENCE

I delivered the following evidence to the San Bernardino County Sheriff's Central Property and Evidence Unit.

Item(s) A-1 through A-11: Evidence collected from the scene at L Street and West Broadway, Needles, on September 3, 2022.

BC 2242001896

Item A-1: Glock 45 caliber ammunition magazine, Placard 5

BC 2242001897

Item A-2: Twelve "WINCHESTER 45 AUTO" cartridges from ammunition magazine, Item A-1, Placard 5

Item A-2a: One "WINCHESTER 45 AUTO" cartridge from top slot of ammunition magazine, Item A-1, Placard 5

BC 2242001898

Item A-3: SEM GSR kit from "Nikolas McPheter," Placard 5

BC 2242001899

Item A-4: One "WIN 9mm LUGER+P" fired cartridge case, Placard 1

Item A-5: One "WIN 9mm LUGER+P" fired cartridge case, Placard 2

BC 2242001900

Item A-6: Yellow and black Taser, unknown model, serial number [redacted] bloodstained, Placard 3

BC2242001901

Item A-7: Unused right taser cartridge, serial number C62042YD9, from taser, Item A-6, Placard 3

Item A-8: Unused left taser cartridge, serial number C6202V56H, from taser, Item A-6, Placard 3

BC 2242001902

Item A-9: Green, white, and red Symbol Arts pin, bloodstained, Placard 4

BC 2242001903

Item A-10: Black Ray-Ban sunglasses and black Croakies strap, size XL, Placard 6

BC2242001904

Item A-11: Nevada vehicle title of a 2005 Toyota Scion tC, VIN: [redacted] and California driver's license [redacted] of "MCPHETER, NIKOLAS WILLIAM," Placard 8

Item(s) A-1a through A-1e, and D: Evidence collected during technical processing at the Scientific Investigations Division on September 6, 2022.

BC 2242001905

Item A-1a: Swabs of water used
Item A-1b: Bloodstain swabs from side of ammunition magazine, Item A-1
Item A-1c: Swabs of clean powder and water used
Item A-1d: Swabs of Ardrox and rinse water used
Item A-1e: Swabs from ammunition magazine and top cartridge, Items A-1 and A-2a

BC 2242001906

Item D: One latent card, one latent photograph, and one DVD

DISPOSITION OF EVIDENCE:
Storage and disposition of evidence is the responsibility of the San Bernardino County Sheriff's Central Property and Evidence Unit. Unless otherwise stated, evidence is released to the control of the San Bernardino County Sheriff's Central Property and Evidence Unit for storage or disposition.

EXAMINATIONS AND RESULTS

LATENT FINGERPRINT PROCESSING

PROCESSING ABBREVIATION KEY

V	- Room Light Examination	C	- Cyanoacrylate Fuming
ARD	- Ardrox	SD	- Swab for DNA
CFD	- Clean Fluorescent Dusting	SB	- Swab Bloodstain
P	- Photograph		

ITEM:	A-1, A-2a
PROCESSED:	V, C, SB (side of Item A-1), CFD, ARD, P (Item A-1), SD
RESULTS:	Positive. One latent card from Item A-2a and one latent photograph from Item A-1 were submitted to the San Bernardino County Sheriff's Central Property and Evidence Unit for CAL-ID review as Item D, under BC 2242001906. Swabs were submitted to the San Bernardino County Sheriff's Central Property and Evidence Unit under BC 2242001905.

Note: The use of the word "blood" to describe stains/fluids is based upon visual examination and/or the results of preliminary screening tests. The actual presence of blood has not been confirmed by laboratory testing.

Any opinions, interpretations, or conclusions in this report are based upon the data in the associated laboratory case record.

Note: To comply with San Bernardino County Sheriff's Central Property and Evidence Unit policies any food/drinking/beverage containers referred to in this report were emptied at or near the time of collection. Unless otherwise specified a sample of the contents was not collected.

[redacted]

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415

LABORATORY REPORT
LIMS 22-08232-C-02

AGENCY CASE NO. 60-2200107

AGENCY SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL

CASE AGENT THURMAN (F5124/60H03)

The information above is provided by the agency and is not verified by the laboratory.

REPORT TYPE(S) Crime Scene (231)
Evidence Processing (233)

ANALYSIS START DATE September 3, 2022

REPORT DATE September 15, 2022

ANALYST [redacted]

TITLE Sheriff's Crime Scene Specialist III

REPORT SIGNED ON September 15, 2022

OVERVIEW

On September 3, 2022, at 1601 hours, I was assigned to assist San Bernardino Sheriff's Homicide detectives with a lethal force encounter investigation. I responded to the scene for briefing, which was located at L Street and West Broadway Street, Needles. I arrived at the scene at 1931 hours. Sheriff's Crime Scene Specialist (SCSS) [redacted] was present and primary on scene, see her report for further information.

After briefing, Sergeant Giles requested that I respond to the Needles/Colorado River Sheriff station for involved officer processing. I arrived at the Needles/Colorado River station at 2111 hours. Detective Cavender was present while I processed the involved officers.

I then responded back to the scene to assist SCSS Oliver with the sketch, scene processing and collection.

PHOTOGRAPHY

The following numbered overall, midrange, and close-up digital photographs were taken of the involved officers and related items of evidence.

M9670619	-	**M9670629**	Sergeant Caronna
M9670630	-	**M9670699**	Sergeant Caronna: hands, injuries, bloodstains and boots
M9670700	-	**M9670707**	Sergeant Caronna: duty weapon and cartridge from chamber
M9670708	-	**M9670719**	Sergeant Caronna: backup ammunition magazines and cartridges
M9670720	-	**M9670721**	Sergeant Caronna: uniform shirt
M9670722	-	**M9670733**	Deputy Bush
M9670734	-	**M9670785**	Deputy Bush: hands, injuries, bloodstains and boots
M9670786	-	**M9670800**	Deputy Bush: duty weapon, cartridge from chamber, ammunition magazine and cartridges
M9670801	-	**M9670813**	Deputy Bush: backup ammunition magazines and cartridges
M9670814			Camera misfire

EVIDENCE

I delivered the following evidence to the San Bernardino County Sheriff's Central Property and Evidence Unit.

Item(s) B-1 through B-10: Evidence collected from Sergeant Caronna at the Needles/Colorado River Sheriff's station on September 3, 2022.

BC 2242001883

Item B-1: Buccal swabs

BC 2242001884

Item B-2: Swabs from head hair
Item B-3: Swabs from station floor
Item B-4: Swabs from holster retention
Item B-5: Swabs from exterior holster
Item B-6: Swabs from pistol (Item B-7)

BC 2242001885

Item B-7: GLOCK .45 pistol
Model: 21Gen4
Serial number: [redacted]

BC 2242001886

Item B-8: "WINCHESTER 45 AUTO" cartridge from chamber of pistol (Item B-7)

BC 2242001887

Item B-9: Black Blenders sunglasses "BLACK TUNDRA" polarized – bloodstained

BC 2242001888

Item B-10: Tan SBCSD Sergeants uniform shirt: Blauer, size: 16/33, long sleeve-bloodstained

Item(s) C-1 through C-4: Evidence collected from Deputy Bush at the Needles/Colorado River Sheriff's station on September 3, 2022.

BC 2242001889

Item C-1: GLOCK 9mm pistol
Model: 17Gen4
Serial number: [redacted]
With TLR-1 HL streamlight, serial number: [redacted]
and attached ammunition magazine

BC 2242001890

Item C-2: "WIN 9mm LUGER+P" cartridge from chamber of pistol (Item C-1)
Item C-3: Fifteen "WIN 9mm LUGER+P" cartridges from ammunition magazine (Item C-1)

BC 2242001891

Item C-4: Tan SBCSD Deputy uniform shirt: Blauer, size: 32 REG, short sleeve – bloodstained
Green uniform pants: Blauer, size: 4 REG – bloodstained

DISPOSITION OF EVIDENCE:
Storage and disposition of evidence is the responsibility of the San Bernardino County Sheriff's Central Property and Evidence Unit. Unless otherwise stated, evidence is released to the control of the San Bernardino County Sheriff's Central Property and Evidence Unit for storage or disposition.

Note: The use of the word "blood" to describe stains/fluids is based upon visual examination and/or the results of preliminary screening tests. The actual presence of blood has not been confirmed by laboratory testing.

Any opinions, interpretations, or conclusions in this report are based upon the data in the associated laboratory case record.

Note: To comply with San Bernardino County Sheriff's Central Property and Evidence Unit policies any food/drinking/beverage containers referred to in this report were emptied at or near the time of collection. Unless otherwise specified a sample of the contents was not collected.

[redacted]

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415

LABORATORY REPORT
LIMS 22-08232-F-01

AGENCY CASE NO. 60-2200107

AGENCY SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL

CASE AGENT HOMICIDE DETECTIVE (60H03)

The information above is provided by the agency and is not verified by the laboratory.

REPORT TYPE(S) Function Test (829)

ANALYSIS START DATE September 14, 2022

ANALYST [redacted]

TITLE Criminalist II

REPORT SIGNED ON September 22, 2022

Items B-1, B-2 and D (cartridges)

The cartridges are consistent in weight and appearance with 45 Auto caliber Winchester Ranger ammunition with a 230 grain jacketed hollow point bullet.

Item E (pistol and ammunition magazine)

The pistol was examined and test fired with the submitted ammunition magazine. The pistol fired without malfunction. No modifications or defects were observed. The minimum force required to pull the trigger and release the firing mechanism measured 5 ½ pounds.

Items F-1 and F-2 (cartridges)

The cartridges are consistent in weight and appearance with 9mm Luger caliber Winchester Ranger ammunition with a 124 grain jacketed hollow point bullet.

KG/kg

CRIME REPORT

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

GUNSHOT RESIDUE ANALYSIS:

On Sunday, September 24, 2022, at approximately 0430 hours, Crime Scene Specialist [redacted] collected a Gunshot Residue Kit (GSR) from Nikolas McPheter's right and left hand. Oliver submitted the GSR kit under associated San Bernardino County Sheriff's Department (SBCSD) Barcode #2242001898 into evidence.

On Tuesday, September 26, 2022, SBCSD Crime Lab Criminalist, [redacted] analyzed the GSR kit. [redacted] concluded McPheter had GSR particles on his right hand.

Reviewed By: **Sgt. J. Giles** Date: **10/12/23** Author: **Det. S. Thurman** Author Date: **10/12/23**

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415

LABORATORY REPORT
LIMS 22-08232-T-01

AGENCY CASE NO. 60-2200107

AGENCY SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL

CASE AGENT THURMAN (F5124/60H03)

The information above is provided by the agency and is not verified by the laboratory.

REPORT TYPE(S) Gunshot Residue - Hand (905)

ANALYSIS START DATE September 23, 2022

REPORT DATE September 26, 2022

ANALYST [redacted]

TITLE Criminalist II

REPORT SIGNED ON September 26, 2022

EVIDENCE

BC 2242001898

Item G: SEM GSR kit from Nikolas McPheter

Storage and disposition of evidence is the responsibility of the San Bernardino Sheriff's Central Property and Evidence Unit. Unless otherwise stated, evidence is released to the control of Sheriff's Central Property and Evidence Unit for storage or disposition.

EXAMINATIONS

The right and left hand adhesive discs in Item G were examined for gunshot residue particles (GSR) by scanning electron microscopy/energy dispersive spectrometry (SEM/EDS).

RESULTS AND CONCLUSIONS

Particles considered characteristic of gunshot residue are particles that contain the elements lead, barium, and antimony.

Item G - SEM GSR kit from Nikolas McPheter

Six (6) characteristic gunshot residue particles were identified on the right hand adhesive disc.

No characteristic gunshot residue particles were identified on the left hand adhesive disc.

Characteristic gunshot residue particles can be deposited on the hands by firing a firearm, being in proximity of a discharging firearm, or by coming in contact with a surface that has GSR on it, including handling a firearm or ammunition.

The results apply to the item tested as received by the agency.

Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record.

CRIME REPORT

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107
H# 2022-113

CODE SECTION	CRIME	CLASSIFICATION
Lethal Force Encounter	**LFE**	**Other**

VICTIM'S NAME – LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Caronna	**Nickolas**		

DNA ANALYSIS:

On Tuesday, September 6, 2022, at approximately 0900 hours, San Bernardino County Forensic Pathologist [redacted] performed an autopsy of Nikolas McPheter's body. During the autopsy a reference blood vial was collected from McPheter. The blood vial was submitted into evidence with associated San Bernardino County Sheriff's Department (SBCSD) evidence barcode #2270001174.

On Tuesday, October 3, 2023, I requested McPheter's DNA sample to be compared to the swabs listed under SBCSD evidence barcode #2242001905 and barcode #2242001883. The evidentiary items included under evidence barcode #2242001905 consisted of the swabs gathered of items A -1b. Items A-1b were swabs from SBCSD Sergeant Nickolas Caronna's Glock 21 ammunition magazine and from the first round in the Glock 21 magazine.

The evidentiary items included under evidence barcode #2242001883 consisted of the swabs gathered from items B-6. B-6 were swabs collected from Caronna's Glock 21 firearm.

On Thursday, October 26, 2023, San Bernardino Sheriff Crime Lab Criminalist, [redacted] initiated his analysis of the DNA samples. On Monday, November 6, 2023, [redacted] concluded the touch DNA swabs from the Caronna's ammunition magazine and firearm confirmed the presence of McPheter's DNA on Caronna's Glock 21.

RIVERSIDE/SAN BERNARDINO
CAL-DNA LABORATORY
711 E. Rialto Avenue, San Bernardino, CA 92415

LABORATORY REPORT
LIMS 22-08232-D-01

AGENCY CASE NO. 60-2200107

AGENCY SBCSD - SPECIALIZED INVESTIGATIONS DIVISION - HOMICIDE DETAIL

CASE AGENT THURMAN (F5124/60H03)

The information above is provided by the agency.

REPORT TYPE(S) Reference Blood Processing (512)
DNA - STR (445)

ANALYSIS START DATE October 26, 2023

REPORT DATE November 3, 2023

ANALYST [redacted]

TITLE Criminalist II

REPORT SIGNED ON November 6, 2023

Items J-2: swabs collected from ammunition magazine and top cartridge
M-1: swabs collected from pistol

- DNA analysis

DNA from selected suitable samples underwent STR typing using the GlobalFiler amplification kit. These results were compared to the following reference sample STR-DNA results:

Item K-1: reference blood collected from Nikolas McPheter
Item L-1: reference buccal swab collected from N. Carrona

RESULTS/CONCLUSIONS

Items J-1a: swab collected from side of ammunition magazine

Blood:	Presumptive test positive; blood indicated but not confirmed
DNA:	Single source male
CODIS:	One entry
Excludes:	N. Carrona

This analysis provides very strong support for the proposition that Nikolas McPheter is the source of the DNA obtained from item J-1a. The DNA results obtained are at least 3.8 septillion (3.8×10^{24}) times more likely if Nikolas McPheter is the contributor than if an unrelated, unknown individual is the contributor.

Item J-2: swabs collected from ammunition magazine and top cartridge

DNA:	Two contributors (male DNA present) including N. Carrona plus a possible additional contributor with insufficient information for interpretation
CODIS:	No entries; profiles similar to another entered profile or not eligible

This analysis provides very strong support for the proposition that Nikolas McPheter is one of the contributors of the DNA obtained from item J-2. The DNA results obtained from item J-2 are at least 170 sextillion (1.7×10^{23}) times more likely if N. Carrona and Nikolas McPheter are the contributors than if N. Carrona and an unrelated, unknown individual are the contributors.

Item M-1: swabs collected from pistol

DNA:	Three contributors (male DNA present) including N. Carrona
CODIS:	No entries; profiles not eligible

This analysis provides strong support for the proposition that Nikolas McPheter is one of the contributors of the DNA obtained from item M-1. The DNA results obtained from item M-1 are at least 840,000 times more likely if N. Carrona, Nikolas McPheter, and an unrelated, unknown individual are the contributors than if N. Carrona and two unrelated, unknown individuals are the contributors.

For additional information on evidence see LIMS 22-08232-C-01 Crime Scene, Latent Print Processing, and Evidence Processing report dated September 14, 2022 and LIMS 22-08232-C-02 Crime Scene and Evidence Processing report dated September 15, 2022.

EVIDENCE

BC 2242001905
Items J-1: swabs collected from side of ammunition magazine (CSI item A-1b)
J-2: swabs collected from ammunition magazine and top cartridge (CSI item A-1e)
Additional items were present and not examined.

BC 2270001174
Item K: EDTA reference blood vial collected from suspect Nikolas McPheter

BC 2242001883
Item L: elimination reference buccal swabs collected from N. Carrona (CSI item B-1)

BC 2242001884
Item M-1: swabs collected from pistol (CSI item B-6)
Additional items were present and not examined.

Unless otherwise stated, evidence is released to the control of the San Bernardino County Sheriff's Central Property and Evidence Unit for storage or disposition. Remaining work product generated from DNA analysis (including DNA extracts and controls) is generally not retained by the laboratory. Refer to the DNA Case Acceptance Policy for exceptions and their retention times.

*Remaining DNA extract was retained as evidence under **BC# 2342001776** for the following consumed items: M-1 and J-2*

EXAMINATIONS

Item J-1a: swab collected from side of ammunition magazine
- Presumptive test for blood
- DNA analysis

Item K: EDTA reference blood vial collected from Nikolas McPheter
- blood swatch card was prepared and stored under **BC 2342001765 as Item N**
- reference blood from the vial was collected as K-1

Entered into the COmbined DNA Index System (CODIS) to be searched at least weekly:

Sample	Contributor #	Specimen ID	CODIS Level
Items J-1a: swab collected from side of ammunition magazine	C1	22-08232 J-1a C1	National

If a matching STR-DNA profile is found, or if the profile is removed, the submitting agency will be notified.

If relevant reference samples are obtained for comparison, submit them to the laboratory along with a DNA request form.

Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record.

This report does not contain all of the information needed to independently evaluate the work performed or independently interpret the data. Such an evaluation requires a review of the case record.

ADDITIONAL INFORMATION

Likelihood Ratio calculations are a comparison of the probabilities of a given set of genetic data under two mutually exclusive hypotheses. All likelihood ratios were calculated using propositions based on the available case information at the time of analysis. Additional likelihood ratio calculations using appropriate alternate propositions will be considered upon request.

Verbal Scale Information

As likelihood ratios increase in magnitude, the scale reflects stronger degrees of support. This scale is based on the recommendations of the Scientific Working Group on DNA Analysis Methods (SWGDAM).

Calculated Likelihood Ratio	**Verbal Qualifier**
.001 to variable*	Uninformative
Greater than 1 to less than 100	Limited Support
100 to less than 10,000	Moderate Support
10,000 to less than 1 million	Strong Support
Greater than or equal to 1 million	Very Strong Support

* An upper informative threshold is determined for selected samples using a statistical tool.

Likelihood ratios less than 0.001 are reported as the person of interest being ***excluded.***

Likelihood ratios are calculated for four populations; African American, Asian, Caucasian and Hispanic, and the lowest likelihood ratio value is reported. Population data was obtained from a National Institute of Standards and Technology (NIST) population database.

Numeration table

1 million = 10^6 = 1,000,000
1 billion = 10^9 = 1,000,000,000
1 trillion = 10^{12} = 1,000,000,000,000
1 quadrillion = 10^{15} = 1,000,000,000,000,000
1 quintillion = 10^{18} = 1,000,000,000,000,000,000
1 sextillion = 10^{21} = 1,000,000,000,000,000,000,000
1 septillion = 10^{24} = 1,000,000,000,000,000,000,000,000
1 octillion = 10^{27} = 1,000,000,000,000,000,000,000,000,000
1 nonillion = 10^{30} = 1,000,000,000,000,000,000,000,000,000,000
1 decillion = 10^{33} = 1,000,000,000,000,000,000,000,000,000,000,000
1 undecillion = 10^{36} = 1,000,000,000,000,000,000,000,000,000,000,000,000
1 duodecillion = 10^{39} = 1,000,000,000,000,000,000,000,000,000,000,000,000,000
1 tredecillion = 10^{42} = 1,000,000,000,000,000,000,000,000,000,000,000,000,000,000

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
711 E. Rialto Avenue, San Bernardino, CA 92415 (909) 387-9980
DNA-team@sbcsd.org
(909) 383-9918

TO: SHAWN THURMAN (F5124) / H DETECTIVE; Homicide Division - Specialized Investigations
DATE: 10/20/2023
SUBJECT: PRIORITY ASSIGNMENTS FOR CRIMINALISTICS EVIDENCE EXAMINATION
Submitted Sheriff/Agency Case Number **220010760** (Lethal Force Encounter)

Because we receive more cases than we can work, it is necessary to prioritize criminalistics casework such as DNA, firearms, tool marks, impression comparisons, trace evidence, clandestine laboratory examinations, etc. The goal is to focus our efforts, so we may provide the most effective use of the laboratory's resources for all the law enforcement and justice agencies throughout San Bernardino County. The priority assigned to each case is based upon several factors including the probative potential of the evidence, the availability of laboratory resources, court dates, and other factors specific to your investigation.

PRIORITY DESIGNATION HIGHLIGHTED BELOW

PRIORITY 1: Cases assigned this highest priority have been assigned to an analyst and have a due date.

PRIORITY 2: This priority does not have a due date assigned but will be worked as time becomes available.

If you have any questions regarding this memorandum or priority assignment, please contact [redacted]

LABORATORY NUMBER: 22-08232-D-01

EXAMINATION ASSIGNED	ASSIGNED TO	DATE ASSIGNED	DATE DUE
DNA - STR, Reference Blood Processing	[redacted]	10/20/2023	11/8/2023

The Examination Assignment may change based on Criminalists findings.

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

CASE NO. 21220081~~6~~

REPORT AREA

CODE SECTION	CRIME	CLASSIFICATION
PC 273.6	Violation of DVRO	Felony

VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)

ADDRESS	RESIDENCE	PHONE

SUPPLEMENTAL

ASSIGNMENT / ARRIVAL:

On September 3, 2022, at approximately 1531 hours, I was working a patrol function at Park Moabi. I wore a class "D" Sheriff's deputy uniform and drove a marked patrol vehicle. I responded to assist Sergeant N. Carrona and Deputy M. Bush with a traffic stop in the area of L Street and Broadway Street after it was announced shots were fired at the scene. I arrived on scene at approximately 1542 hours. I assumed my normal duties as a station detective for the City of Needles.

SEARCH WARRANT

On September 3, 2022, I authored a search warrant for the vehicle located at the scene. The search warrant was signed and authorized by the Honorable Judge Michelle Gilleece on September 3, 2022, at approximately 2253 hours. I provided the warrant to members of the Sheriff's Specialized Investigations Division for service.

HOTOGRAPHS

On September 3, 2022, I took several photographs of the injuries Caronna and Bush received. A few days after the incident I took several more photographs of the injuries Bush received. Some of the injuries were under her uniform and out of view the evening I took the original photographs. All of the photographs were burned to a compact disc and provided to the Sheriff's Specialized Investigations Division.

DISPOSITION

Attach to original report. Forward to Homicide.

REPORTING OFFICER	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
A. Pennington	101223				10/13/23

ER ACTION:	COPIES TO:			REMARKS
☐ YES ☐ NO	☐ Detective	☐ Other	☐ SD/PD	
	☐ Dist. Atty.	☐ CII	☐ Other	
		☐ Patrol		

Homicide - 10-16-23

STATE OF CALIFORNIA -COUNTY OF SAN BERNARDINO

SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)

Alan Pennington, **Detective** , (Affiant) declare that the information below is true and correct under penalty of perjury of the laws of the State of California. I declare the facts expressed by him/her in this Search Warrant and Affidavit, and the attached and incorporated statement of probable cause, are true and that based thereon he/she has probable cause to believe and does believe that the property and/or person described below is lawfully sizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be

Alan Pennington (Signature of Affiant)

E2997 (Employee ID of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER IN THE COUNTY OF SAN BERNARDINO: proof by affidavit having been made before me by **Alan Pennington, Detective,** (Affiant) that there is probable cause to believe that the property and/or person described herein may be found at the locations set forth herein and is lawfully sizable pursuant to Penal Code Section 1524 as indicated below by "x" (s) in that:

- ☐ it was stolen or embezzled.
- ☐ it was used as the means of committing a felony.
- ☐ it is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery.
- ☒ it tends to show that a felony has been committed or that a particular person has committed a felony.
- ☐ it tends to show that sexual exploitation of a child in violation of P.C. Section 311.3, or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring.
- ☐ there is a warrant for the person's arrest;

YOU ARE THEREFORE COMMANDED TO SEARCH:
Vehicle - Known License Plate

THE VEHICLE described as a **2005 Scion TC Burgundy in color** bearing California license # [redacted] including containers of any kind within the vehicle. The vehicle is currently located within the scene on L Street south of Broadway parked on the west curb line located in the City of Needles

FOR THE FOLLOWING PROPERTY:
See Attachment A

AFFIANT'S EXPERTISE:

EXPERTISE OF AFFIANT:

Your affiant (hereafter referred to as "I" or "me") Corporal Detective Alan Pennington, is a duly sworn Corporal Detective for the County of San Bernardino, State of California, and has been regularly employed in such capacity since September, 2008. After completing the academy I have worked in either a custodial, patrol or investigative capacity. I am currently assigned to the Colorado River Sheriff's Station as a Corporal/Detective.

During this time I have received training (specialized and In-Service), conducted and/or been involved in numerous investigations including grand thefts, burglary, forgery, fraud and identity theft, grand theft auto, narcotic investigation, gang investigations, electronic wire intercepts, possession of stolen property, assaults, robbery, evidence collection and scene preservation. Your Affiant has developed expertise in those areas.

Your Affiant, in the ten years has been involved in numerous investigations and/or arrests of persons involved in crimes. It is your Affiant's experience, as a direct result of having investigated numerous, assaults, rapes, burglaries, thefts, and narcotic violations that suspects keep items of the crimes at their residence, in their vehicles at their friends and relative's residences, storage lockers and places of business.

Furthermore, your affiant has worked with, received informal training from, and consulted with seasoned officers, experienced investigators, and supervisors.

STATEMENT OF PROBABLE CAUSE:

On September 03, 2022, at approximately 1514 hours, Deputy M. Bush conducted a traffic stop on a 2005 burgundy Scion TC bearing California temporary license plate [redacted] for a traffic violation near the intersection of L Street and Broadway Street. Sergeant N. Carrona arrived on scene shortly after the traffic stop began to assist Bush. Both Deputy Bush and Sergeant Carrona wore full Class "A" Sheriff's deputy uniforms and drove marked Sheriff's patrol vehicles. During the traffic stop it was found the driver, Nikolas Mcpheter, was a restrained person. The protected person in the restraining order was [redacted] was the only passenger in the vehicle with Mcpheter. Bush and Carrona attempted to detain Mcpheter for a violation of Penal Code 273.6 and a violent struggle ensued. During the violent encounter Mcpheter attempted to disarm Caronna of his duty firearm with enough force to remove the magazine from the firearm. It appears Bush discharged her firearm two times striking Mcpheter. Mcpheter was seen by medical personal and found to be deceased at the scene.
The Scion TC is registered to a [redacted] out of Whittier California. The vehicle is currently located within the crime scene.

STATUTORY GROUNDS

Based on training, experience and the foregoing information, your Affiant states there is presently reasonable cause to believe that the above listed property constitutes evidence which tends to show that a felony has been (or felonies have been) committed in the County of San Bernardino, State of California, to wit: **Penal Code 273.6 and Penal Code 245** and show the suspects responsible.

I believe that there is probable cause for the issuance of a search warrant as set forth in Penal Code section 1524.

Alan Pennington
Detective

San Bernardino County Sheriff's Department
Colorado River Station

E2997
Officer Employee ID

STATE OF CALIFORNIA, COUNTY of SAN BERNARDINO,

DECLARATION and REQUEST FOR ORDER
SEALING SEARCH WARRANT DOCUMENTS

Your Affiant, Police Officer / Investigator **Alan Pennington,** relates that this Search Warrant sought pursuant to this Search Warrant / Affidavit, Statement of Probable Cause and the Return to Search Warrant and all documents relevant to this Search Warrant relate to an on-going investigation of a Homicide. It is expected that additional Search Warrants will be sought relating to this matter. If information contained in the above listed documents is made public, it would compromise this investigation and make it impossible to continue.

Your Affiant requests that the Search Warrant / Affidavit, Statement of Probable Cause and the Return to Search Warrant and all documents relating to this Search Warrant be ordered to be sealed. And that the Search Warrant / Affidavit, Statement of Probable Cause and the Return to Search Warrant and all documents relating to this Search Warrant remain sealed and in the custody of the clerk of the court until order of this court or other competent court having jurisdiction over this matter.

I declare under penalty of perjury that the related foregoing is true and correct to the best of my knowledge.
Dated this 3rd day of September, 2022 at 10:15 ☐ A.M. ☒ P.M.

Alan Pennington (Signature of Affiant) **E2997** (Employee ID of Affiant)

POINTS & AUTHORITIES

People v Sanchez (1972) 24 Cal. App. 3d 664, 678; People v Greenstreet (1990) 218 Cal. App. 3d 1516; Swanson v Superior Court (1989) 211 Cal. App. 3d 332.

ORDER

Based upon the foregoing Declaration and Request and a reading of the original Affidavit, Search Warrant, Statement of Probable Cause, and the Return to Search Warrant thereof referred to above, it is hereby ordered that the Affidavit, Search Warrant, Statement of Probable Cause and the Return to Search Warrant thereof, be sealed and maintained in a secure location in the custody of the clerk of the court until further order of this court or other competent court having jurisdiction over this matter.

AUTHORITY TO RECORD SCENE/EVIDENCE

The granting of this Search Warrant shall specifically authorize the officers or representative to photograph, video tape, sketch/measure and/or take digital images of the location being searched and surrounding areas to preserve the image of the scene, the location of property, and to identify any inhabitants or persons present or arriving at the property during the search. Investigative personnel, sworn or non-sworn are authorized to assist in the search in order identify, document and collect evidence, provided their participation is supervised by a sworn officer.

ITEMS INDICATIVE OF OWNERSHIP

Personal journals and diaries, telephone records, computer tapes or disks, checkbooks and bank records, travel itineraries, travel brochures, tickets and or departure schedules for airplanes, trains, buses, or ships.

Handwritings, fingerprints, documents and effects tending to show possession, dominion and control over said premises including: photographic negatives, undeveloped film, homemade video or audio tapes, answering machine tapes or digital devices, video or digital images, computers, and any items or papers bearing a person's name, social security number, driver's license number, or other forms of identification.

BIOLOGICAL

Blood droplets, smears, spray, puddles and stains.

Hair and fibers

Skin, muscle and fat tissues and any connective tissue found in whole or in part.

Deoxyribonucleic acid (D.N.A.) found on a person or item.

Items soiled with body fluids to include but not limited to: clothing, bedding, toiletry items, towels, wash cloths, paper towels, mattresses, walls and furniture. Items showing evidence of being used to clean, wipe, or contain the body fluids or residue of body fluids.

Tools, instruments, or objects with any of the above listed biological materials on it.

ELECTRONIC STORAGE DEVICE EXPERTISE

Based on my personal experience with electronic storage devices and storage media I have the opinion that electronic storage devices such as: wireless/cellular telephones, cordless telephones, pagers, digital cameras, video recorders, audio recorders, computer hardware, fax machines, personal data assistants, software, documentation, passwords, and data security devices may be important to a criminal investigation in two distinct and important respects: The objects themselves may be instrumentalities, fruits, or evidence of crime, and/or; The objects may have been used to collect and store information about crimes in the form of electronic data.

Both state and federal procedures permit the government to search and seize electronic storage devices, software, documentation, passwords and data security devices which are: Instrumentalities, fruits, or evidence of the crime; and/or Storage devices for information about crime.

ELECTRONIC STORAGE DEVICES & HARDWARE

Electronic storage devices consist of all equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar transmission, reception, collection and storage of data.

Electronic storage device includes (but is not limited to) any wireless/cellular telephone, cordless telephone, pager, fax machine, digital camera, audio recorder, video recorder and any data-processing device e.g. central processing units, memory typewriters, self- contained "laptop", "notebook", "mini-notebook", or "personal data assistant" computers.

Internal and external storage devices e.g. fixed disks (hard drives), memory cards, floppy disk, LS-120, zip drive, jazz drive, Orb drive, CD drive, DVD drive, diskettes, tape drives, optical storage devices, transistor-like binary devices, and other memory storage devices including the storage media used in the devices.

Peripheral input/output device e.g. as keyboards, printers, scanners, plotters, video display monitors, optical readers.

Related communication devices e.g. modems, cables and connections, recording equipment, RAM or R.O.M. units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone-generating devices. Any device, mechanism, or parts that can be used to restrict access to electronic storage devices e.g. physical keys and locks bio metric readers, retinal scanners, facial recognition, signature verification, smart card or voice authentication.

SOFTWARE

Computer/Equipment software (digital information) can be interpreted by electronic storage device equipment, computers and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communication programs.

DOCUMENTATION

Electronic storage device documentation consists of written, recorded, printed, or electronically stored material that explains or illustrates how to configure or use electronic storage device hardware, software, or other related items.

Passwords and Data Security Devices

Electronic storage device passwords and other data security devices are designed to restrict access to or hide software, documentation, or data. Data security devices may consist of hardware, software, or other programming code.

A password (a string of alphanumeric characters) usually operates as a sort of digital key to "unlock" particular data security devices.
Data security hardware may include encryption devices, chips, dongles, biometric readers, retina scanners, facial recognition systems, voice authentication systems, hand writing authentication systems and circuit boards.

Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt; compress, hide, or "booby-trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

AUTHORITY TO DUPLICATE MEDIA

It is further requested that a forensic technician, sworn or non-sworn, be granted authorization to examine; make duplicate images/copies of the above-mentioned electronic media and to determine if evidence of the offenses enumerated above are contained therein.

Therefore authorization is requested to make images/copies of the requested data. Evidence copies of the items relating to these offenses will be created and retained for further proceedings and made available to the authorities.

Only those items recovered under the Search Warrant and relating to the offenses will be retained. The master copy will be retained in evidence storage for later discovery and trial purposes.

REQUEST FOR OFF SIGHT SEARCH

For the following reasons, the execution of this warrant may take a great deal of time and require a secure facility, special equipment, and software:

1) It is unknown what operating system is running the computer(s) that is subject of this warrant and, therefore, it will take time to determine how the operating system permits access to data.

2) The amount of data that may be stored in the hard drives and removable storage devices is enormous, and the number or size of the hard drives and removable storage devices that will have to be searched pursuant to this warrant is not known.

3) The data to be seized may be located anywhere on the hard drives and removable storage devices, including hidden files, program files, and "deleted" files that have not been overwritten.

4) The data may be encrypted, or inaccessible without a password, and may be protected by self-destruct programming, all of which take time to bypass.

5) Because data stored on a computer can be destroyed or altered rather easily, either intentionally or accidentally, the search must be conducted carefully and in a secure environment.

6) To prevent alteration of data and insure the integrity of the search, clones (master copies) of all data storage devices will be made. The clones (master copies) will then be searched and this process will take time and special equipment.

Furthermore, a lengthy on-site search may pose a severe hardship on all people who [live] [work] on the premises. It would also require the presence of law enforcement officers to secure the premises while the search is being conducted, thus depleting law enforcement resources in the community.

It is therefore requested that authorization be given to remove all electronic storage devices and storage media that are found on the premises to an off-site location, with the necessary resources and equipment to conduct the search safely and efficiently. It is further requested that authorization be given to search for and seize all peripheral devices that appear to be reasonably necessary to access data stored in the electronic storage devices and storage media.

WEAPONS/FIREARMS

Weapon consisting essentially of a metal or hard tube from which a missile or projectile is shot by the force of exploding gunpowder or other propellant; such as a musket, rifle, machine gun, pistol, revolver, shotgun and objects which launch self-propelled projectiles.

Firearms, bullets, spent/fired shell casings, jacketed metal or lead components of a bullet, impact bullets, items or walls that a bullet may have penetrated after having been fired.

Containers used to store, transport, protect or maintain firearms.

Ammunition and all components of ammunition including the casings, primers, and items used to hold the ammunition to include a magazine, speed loader, moon clips, bandoliers, and boxes or cases.

Projectiles fired from any of the weapons listed above.

Receipts, holsters, gun cleaning kits or photographs depicting suspects in possession of firearms, should those weapons no longer be present on the premises.

WEAPONS / INSTRUMENT

A cutting instrument consisting of a sharp blade fastened to a handle.
An instrument with a sharpened edge or tip.
An instrument with a pointed end capable of stabbing.
Solid or hardened object used to strike the victim to include: baton, mace, mallet, rod, sling, bottle, sap, brick, rock, or can.

WARRANT NOTES

(No Notes)

County of San Bernardino.

The people of the State of California to any peace officer in the County of San Bernardino:

Proof, by affidavit, having been this day made before me by telephone by the officer whose signature is affixed to the affidavit, that there is probable cause for believing that evidence tending to show that a felony (or felonies) has or have been committed, you are therefore commanded to make search on the person and/or property set forth in the description page and/or affidavit, which is incorporated by reference herein; and, in the case of a thing or things or personal property, if you find the same or any part thereof, to bring the thing or things or personal property forthwith before me at the courthouse of this Court.

Given under my hand, and issued at 22:53 on this 3rd day of September, 2022

Hobbs Sealing Approved: **NO** Night Service Approved: **YES**

Judge Michelle Gilleece

Warrant ID: 000094927

ND OF WARRANT

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

CASE NO.: 6022 00107
REPORTING AREA: 22 08232 D01

EVIDENCE/PROPERTY REPORT

CODE SECTION	RECOVERING DIV/STATION	SUSPECT NAME	☐ REPORTED STOLEN ☐ RECOVERED PROPERTY
PC 664/187	SBSD-42	Nikolas McPeters	
X EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT
OWNER OF PROPERTY		ADDRESS	
CASE AGENT AND EMPLOYEE NO. Det. Thurman		PROPERTY RECOVERED BY AND EMPLOYEE NO. [redacted]	

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
M-1 J-2		extract from grips of pistol; swabs of ammunition magazine & cartridge BC22420016B4, BC 22420001905		SAN BERNARDINO COUNTY SHERIFF 2342001776

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
[redacted]	11/3/23		[redacted]	11/6/23

15-16141-401 Rev. 5/93 CR3

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

EVIDENCE/PROPERTY REPORT

CASE NO. 6022 00107
REPORTING AREA 22 08232 D01

CODE SECTION	RECOVERING DIV/STATION	SUSPECT NAME	☐ REPORTED STOLEN ☐ RECOVERED PROPERTY
PC(a)(1) / 187(a)	SBSD-42	McPheter, Nikolas	
X EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT
OWNER OF PROPERTY		ADDRESS	
CASE AGENT AND EMPLOYEE NO. S. Thurman		PROPERTY RECOVERED BY AND EMPLOYEE NO. [redacted]	

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
N		one blood swatch prepared from EDTA Blood Vial (Henk) Stored under BC 22700011174		SAN BERNARDINO COUNTY SHERIFF 2342001765

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	DATE:
[redacted]	102723	[redacted]	10-27-23

15-16141-401 Rev. 5/93 CR3

Preliminary Copy

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

EVIDENCE/PROPERTY REPORT

H#113-2022

CASE NO.	Page 1 of 1
602200107	
REPORTING AREA	
LIMS: 22-08232-C-01	

CODE SECTION	RECOVERING DIV/STATION	INVOLVED PARTY CIVILIAN NAME	☐ REPORTED STOLEN ☐ RECOVERED PROPERTY
LFE	SBSD-Homicide	McPheter, Nikolas	
☒ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT
OWNER OF PROPERTY		ADDRESS	
Evidence collected from the scene at L Street and West Broadway, Needles, on September 3, 2022.			
CASE AGENT AND EMPLOYEE NO.		PROPERTY RECOVERED BY AND EMPLOYEE NO.	
Thurman F5124 60H03		[redacted]	

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
Item A-1:		Glock 45 caliber ammunition magazine, Placard 5		SAN BERNARDINO COUNTY SHERIFF 2242001896
Item A-2:		Thirteen "WINCHESTER 45 AUTO" cartridges from ammunition magazine, Item A-1, Placard 5		SAN BERNARDINO COUNTY SHERIFF 2242001897

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
[redacted]			[redacted]	9/7/22

15-16141-401 Rev. 5/93 CR3

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LIMS 22-08232

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

CASE NO. 107
602208816
H#113-22

PAGE 2 OF 2

EVIDENCE/PROPERTY CONTINUATION REPORT

ITEM NO.	SERIAL NO.	DESCRIPTION	PLACARD	BAR CODE LABEL
EVIDENCE COLLECTED FROM DEPUTY M. BUSH AT THE NEEDLES/COLORADO RIVER STATION ON SEPTEMBER 3. 2022				
C-1		GLOCK 9MM PISTOL MODEL: 17GEN4 SERIAL NUMBER: [redacted] WITH AMMO MAG AND TLR-1 HL STREAMLIGHT		SAN BERNARDINO COUNTY SHERIFF 2242001889
C-2 C-3		"WIN 9mm LUGER+P" CARTRIDGE FROM CHAMBER OF PISTOL (ITEM C-1) 15 "WIN 9mm LUGER+P" CARTRIDGES FROM AMMO MAG (ITEM C-1)		SAN BERNARDINO COUNTY SHERIFF 2242001890
C-4		TAN SBCSD DEPUTY UNIFORM SHIRT; BLAUER; SZ; 32 REG - BLOODSTAINED GREEN UNIFORM PANTS; BLAUER; SZ: 4 REG - BLOODSTAINED		SAN BERNARDINO COUNTY SHERIFF 2242001891

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
[redacted]	9/6/22			

Preliminary Copy

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

EVIDENCE/PROPERTY REPORT

CASE NO. 602200816 107

REPORTING AREA
LIMS: 22-08232-C-02
H# 113-22

CODE SECTION	RECOVERING DIV/STATION	SUSPECT NAME	☐ REPORTED STOLEN
LETHAL FORCE ENCOUNTER	SBSD-HOMICIDE	MCPHETER, NIKOLAS	☐ RECOVERED PROPERTY
☒ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT

PROPERTY ADDRESS
EVIDENCE COLLECTED FROM SERGEANT N. CARRONA AT THE NEEDLES/COLORADO RIVER STATION ON SPETEMBER 3, 2022

CASE AGENT AND EMPLOYEE NO.	PROPERTY RECOVERED BY AND EMPLOYEE NO.
THURMAN / F5124 / 60H3	[redacted] / [redacted]

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
B-1		BUCCAL SWABS – SGT. CARRONA		SAN BERNARDINO COUNTY SHERIFF 2242001883
B-2 B-3 B-4		SWABS FROM HEAD HAIR SWABS FROM STATION FLOOR SWABS FROM HOLSTER RETENTION		SAN BERNARDINO COUNTY SHERIFF 2242001884
B-5 B-6		SWABS FROM EXTERIOR HOLSTER SWABS FROM PISTOL		2242001884
B-7		GLOCK .45 PISTOL MODEL: 21GEN4 SERIAL NUMBER: [redacted]		SAN BERNARDINO COUNTY SHERIFF 2242001885
B-8		"WINCHESTER 45 AUTO" CARTRIDGE FROM CHAMBER OF PISTOL (Item B-7)		SAN BERNARDINO COUNTY SHERIFF 2242001886
B-9		BLACK BLENDERS SUNGLASSES - BLOODSTAINED		SAN BERNARDINO COUNTY SHERIFF 2242001887
B-10		TAN SBCSD SERGEANTS UNIFORM SHIRT; BLAUER; SZ: 16 / 33 - BLOODSTAINED		SAN BERNARDINO COUNTY SHERIFF 2242001888

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
[redacted]	9/6/22		[redacted]	9/6/22

15-16141-401 Rev. 5/93 CR3

CRIME REPORT

COPY

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107

Supplement # 003

Assignment Date/Time:	**Arrival Date/Time:**	**Date/Time Occurrence Started:**
Date/Time Occurrence Ended:	**Date/Time Reported:**	**Domestic Incident:**
Incident Location:		
Incident Address same as Victim Address (Confidential)		
Jail Location:		
Evidence Collected:		
Brief Description of Incident:		

Total Property Loss: (None) **Seized Drug Value:** (None) **Total Gun Loss:** (None) **Total Vehicle Loss:** (None)

CRIMES AGAINST PEOPLE/PROPERTY

Offense: **Attemped/Committed:**

PROPERTY / EVIDENCE

EVIDENCE Item # 1	**Related Offense:** LETHAL FORCE ENCOUNTER-FA **Related To:** Bush, Michelle **Property Description:** The Black Line **Class:** **Type:** Misc **Color:** Black **Serial** [redacted] **Quantity:** 1 **Value:**	SAN BERNARDINO COUNTY SHERIFF 2360000172

DRUG

Item #	**Related Offense:** **Related To:** **Property Description:** **Type:** **Class:** **Activity:** **Est. Str. Value:** $0.00	Bar Code Tag

GUN

Item #	**Related Offense:** **Related To:** **Property Description:** **Type:** **Class:** **Barrel Length:** **Color:**	Bar Code Tag

[redacted]
[redacted]
1.24.23

a copy of the 'TRUE' original shall be obtained and released by records division. Printed By Thurman, Shawn on 1/24/2023 7:52:43 AM

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 602200107

PROPERTY RELEASE

PROPERTY / EVIDENCE		
RELEASED Item # 1	**Property Description:** Sgt. Carrona's pistol **Class: Type:** #Error **Released To:** **Date:**	Bar Code Tag **2242001885**
RELEASED Item # 2	**Property Description:** Dep Bush's Glock 17 **Class: Type:** #Error **Released To:** **Date:**	Bar Code Tag **2242001889**
RELEASED Item # 3	**Property Description:** Yellow taser, issued to Bush. **Class: Type:** #Error **Released To:** **Date:**	Bar Code Tag **2242001900**
RELEASED Item # 4	**Property Description:** MAG/AMMO TO bush **Class: Type:** #Error **Released To:** **Date:**	Bar Code Tag **2242001890**

OCT, 17, 2022
RELEASED TO ERIC BLACKNED @ 0902
EMP# G4503

[redacted]
F9930
11-02-22

Releasing Officer: on 10/12/2022

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600

EVIDENCE/PROPERTY REPORT

CASE NO.	
602200107	
REPORTING AREA	
LIMS 22-08232-F-01	

CODE SECTION	RECOVERING DIV/STATION	SUSPECT NAME	☐ REPORTED STOLEN
LFE	SBSD / Homicide		☐ RECOVERED PROPERTY
☒ EVIDENCE	☐ FOUND PROPERTY	☐ SAFEKEEPING	☐ RECOVERED BY SEARCH WARRANT

CASE AGENT AND EMPLOYEE NO.	PROPERTY RECOVERED BY AND EMPLOYEE NO.
A. Bustamante / E3893 / 60H03	[redacted]

ITEM NO.	SERIAL NO.	DESCRIPTION	PLACARD	BAR CODE LABEL
Item I:		Test-fired ammunition from Item C Glock pistol, model 21 Gen4, 45 Auto caliber SN: [redacted]; BC 2242001885		SAN BERNARDINO COUNTY SHERIFF 2242002064
Item I:		Test-fired ammunition from Item E Glock pistol, model 17 Gen4, 9mm Luger caliber SN: [redacted]; BC 2242001889		2242002064

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
[redacted]	09/21/22		[redacted]	9-22-22

35-16141-401 Rev. 6/93 CR3