

1 **Homicide Interview Michael Earl Wayne Anthony**

2 **Case No. 230293413**

3 **Date: 4/27/2023**

4 **Homicide Inspector McWilliams (Star#1227) and Brett Dittmer (Star #-----)**

5 [00:00]

6 Unknown Speaker (US): Okay. Go ahead and have a seat in this first room right here. (unintelligible)  
7 slide it out... go ahead and have a seat. Umm. Can I get you anything? You need water...you need a  
8 snack was the last time you ate?

8 Michael Anthony (MA): I'm fine right now, thank you.

9 US: You sure?

10 MA: (nods head)

11 US: Okay don't be shy. Let me know...(unintelligible) Sergeant Williams...just respectfully yell. And I  
12 will come grab you something. OK, have a seat. How are the cuffs? I know they aren't too comfortable.

12 MA: They're OK.

13 US: They're good? Perfect. Thank you.

14 [00:42]

15 [PAUSE]

16 [1:39:32]

17 Homicide Inspector-1 (HI-1): Hi, Michael.

18 MA: Yes, sir.

19 HI-1: My name is Tom McWilliams. Brought you some water. This is (HI-2) Brian [sic] Dittmer. How  
20 you doing?

20 MA: I could be doing better.

21 (Dittmer) HI-2: Do you need to use the bathroom or anything? You feel okay?

22 MA: Is it okay if I have the cuffs in front of me instead of the...in back?

23 HI-1: Are you cuffed right now? Why don't you stand up?

24 MA: Yes, sir. Yes. I am.

25 [Uncuffing]

26 HI-1: How about we just leave those off of you... is that cool? Is that alright?

27 MA: Appreciate it. Thank you.

28 HI-1: No, problem, man.

HOMICIDE INTERVIEW MICHAEL ANTHONY - 1

1 HI-1: Like I said my name's Tom, this is Brent [sic]. So, I understand there's a lot going on I understand  
2 that uh...I understand one of the street detectives one spoke to you at the Walgreens earlier today about  
3 what happened Brent and I work in investigations we wanted to bring you here to do just a formal  
4 interview.

4 HI-1: OK. I know you were mirandized before by Sergeant Habib [sp?] Uh, transported here to 850  
5 Bryant going to go ahead and re-Mirandize you again and then basically have you tell us your story OK.  
6 (clears throat) So it's currently 12:15 Friday the 28th my name is Sergeant McWilliams working with  
7 Sergeant Dittmer just we'll go ahead and just Mirandize you I want to get your first name ...uh,  
8 Michael...

7 HI-1: Michael Earl Wayne Anthony is that correct?

8 MA: That's correct.

9 HI-1: I'm going to read your Miranda rights I know you were Mirandized earlier today just ask you four  
10 questions...just respond to each one, yes or no... if you would for me...you have the right to remain  
11 silent do you understand?

11 MA: Yes.

12 HI-1: Anything you say may be used against you in court do you understand?

13 MA: Yes. (Nods head)

14 You have the right to the presence of an attorney before any questioning you understand?

15 MA: Yes.

16 HI-1: If you cannot afford an attorney, one will be appointed for you free of charge before any  
17 questioning, do you understand?

17 MA: Yes.

18 HI-1: Alright so, Michael what's your date of birth?

19 MA: [REDACTED].

20 HI-1 [REDACTED]. Okay. What's a good address for you?

21 MA: [REDACTED]

22 HI-1: What's the zip code?

23 MA: [REDACTED]

24 HI-1: And what's a good phone number for you?

25 MA: [REDACTED]

26 HI-1: How about an email address?

27 MA: [REDACTED]

28 HI-2: That's like the number six...number three...number six?

1 MA: Yes.

2 HI-1: OK. Okay, so why don't you just start...how you started your day today. You don't have to talk to  
3 me how kind of like waking up ...kind of just give me kind of what happened. What brought you to the  
4 Walgreens on Market Street. And we'll go from there.

5 MA: I would feel comfortable with an attorney but...ummm... I'll answer your questions.

6 HI-1: I just want to make sure you mentioned an attorney just wanna make sure you're afforded your  
7 constitutional rights, okay...when you're saying 'you feel comfortable with an attorney' are you saying  
8 you want to consult an attorney before you speak to us?

9 MA: No. Um, I'll speak to you guys. I'm just mention [sic] how I'm feeling right now.

10 HI-1: Okay. Okay. I just want to make sure don't want any statements did you make tonight voluntary  
11 you're not asking for an attorney even though you said you're willing to speak to us very explicitly clear  
12 Okay. Are you saying you want to speak to us without the counsel of an attorney?

13 MA: Yes.

14 HI-1: Just remember: at anytime if you feel like you want to invoke your constitutional rights you can  
15 stop talking to us...okay?

16 MA: Okay.

17 HI-1: I just wanna it's ...OK.... take a deep breath . OK. I know probably a lot going on in your head  
18 right now. OK. Obviously, I just want you to just be honest with us...tell us what happened...and like I  
19 said, just we'll go from there.

20 HI-2: We just want to hear your side of the story.

21 HI-1: Exactly. Exactly.

22 MA: No problem. I was scheduled to work at 2:00 o'clock... excuse me 1:30 at the 8-25 Market Street  
23 Walgreens location. I had a smooth day until around... I believe it's 5:00...like 5ish.

24 HI-1: Okay. 5 p.m. okay.

25 MA: I noticed an individual you know, you know stealing a few items... um, forgive me... I'm cold.

26 HI-1: No problem. No problem...do you wanna sweatshirt or something?

27 MA: If you...

28 MA: No problem I can see what we have it may not be the prettiest thing, but I could see what we have  
you can keep going ahead and talk to Brent. [HI-1 leaves.]

29 HI-2: You hungry, too, or anything?

30 HI-1: You wanna snack or anything?

31 MA: No, I'm fine.

1 MA: Um, so it's going on like 5. I don't know. I had took a break before I came back... I took a break I  
2 came back ummm...to the site... when I noticed the individual ...stealing...I didn't immediately approach  
her... at the time I thought it was a him.

3 [HI-1 returns with orange sweatshirt.]

4 HI-1: Like I said not the prettiest, but it will work.

5 MA: It's Okay.

6 HI-2: So sorry; so you said you saw a female but at first you thought it was a male?

7 MA: Yes. I noticed she's stealing... and blatantly stealing I told her I was like 'hey, you know just put the  
8 items up...just put the items back' there shouldn't be no issues.

9 HI-1: Um hm...

10 MA: And uh, so she refused. I went, and um, you know...[I] went to reach for the items and that's when  
11 um I... was... basically, like...there was aggressive energy. Um... I'm not sure what her attentions was  
12 on to try to attack me or whatever... the fact that I was trying to get the items back and she was fighting  
13 me to keep the items... and all that... I am um... I got in position because I was scared that my shoulder  
14 would dislocate. Because I have a previous injury and it hasn't healed all the way, um... I was sitting here  
15 tussling I was thinking she was going to attack me because I went for the items and so I went for the  
16 items she attacked and that's when I tried to stop her because I didn't have any handcuffs...by holding her  
17 arms back. I held the arm back. And she just kept on resisting. Um, I'm just trying to get her to calm  
18 down...you know, I mean it's just a few items it's not worth fighting over. Normally I would... the  
19 individual go with it .... but this time it was different because she want to fight me back. And my only  
20 way of stopping her from harming me or me getting any injuries was to choke like a chokehold type  
21 uh...move. And my partner wasn't there. Normally, my partner would be around... but he was on break.  
22 And he probably could have assisted me, but I was by myself... and I told the individual: "Hey... I'm  
going to let you go, but I'm gonna need you to calm down." And so, um I repeated it to her... once I let  
go. I stood back because the whole time we were wrestling she's saying she's gonna stab me and that's  
what really put the fear in my heart. Like....okay, if I let her go she might just try to stab me so... so that's  
when I drew my gun out. Once I backed away from her...um... had the gun pointed downwards. I never  
pointed it at her until I was approached, so... I had the gun downward... umm... she looked like she was  
getting ready to leave, but then she turned back around and advanced toward me. And I didn't know what  
she was planning on doing, but, uh... turns out her intention was to...try to spit at me and by that reaction  
by her turning around and advancing towards me...that's when I lifted it [motions with hands] and then  
shot once. \*sighs\* Okay, and that's basically what happened.

23 HI-1: Sorry...were just finishing... writing some notes here.

24 MA: Okay. No worries.

25 MA: These things like happen all the time, um...you know people steal, I don't ever pursue 'em like this  
26 only if... this would got physical... just like it did today. Normally, I'm like 'hey, it's not my personal  
items.'

27 HI-1: Right.

1 MA: 'You guys can go and take it with you. As long as you're not harming me or the staff.' And that's  
2 what I was there for. To um, I'm trying to preserve my life. 'Cause I recently had an injury that I didn't  
3 want to umm... happen again.

4 HI-1: you're pointing to your left shoulder...you're left shoulder...

5 MA: Yeah. This is where it's dislocated.

6 HI-2: Okay.

7 MA: And I didn't want to tussle...whatever...I had a previous incident where I did have tussle and it  
8 popped out of place. And me going back to my instinct: I'm like... okay. Ummm...only thing I can do is  
9 hold on to you and I don't have no cuffs...so, when I'm like telling her: 'Hey, I'm going to release you but  
10 I need you to calm down so you can go,' but... I released her she was telling me she was going to stab me  
11 the whole time. I'm like "hey...calm down; calm down; I'll let you go." And that's when I let her go. I  
12 didn't draw my weapon. But I picked up my weapon out of my holster and I had it faced towards the  
13 ground. I didn't have no intentions of just going straight to shoot because I didn't feel like I was totally in  
14 imminent um...danger until she advanced towards me.

15 HI-1: Okay.

16 MA: Um, like I said, I didn't know that...she was a she during the time.

17 HI-1: Sorry I stepped out for a moment...you thought...you said you thought she was a male at first?

18 MA: Yes

19 HI-1: And then you realized she was a female after the shooting?

20 MA: Because yeah. I went to try to uh, help her. I had a few gauze bandages. I tried to apply a little  
21 pressure uh, on the wound... and... um, I called for someone to call 9-1-1. I couldn't do it myself. So, I...  
22 there was a crowd around, and I'm like somebody please call 9-1-1... and um, yeah. I noticed she was  
23 female because we had to cut her shirt open and that's when I realized it was a female.

24 HI-1: Kay. Did you cut her shirt open?

25 MA: No. There was another individual not sure who he was. I believe he was just some... you know a  
26 regular patron.

27 HI-1: Okay. Okay...Ummm.

28 HI-1: Okay, Michael, what did...can you describe what this...this female looked like?

29 MA: Oh, man. ...to be honest it's a little hazy to me.

30 HI-1: Okay. As best you can, what do you remember about her?

31 MA: (Unintelligible)I don't want to make anything up....

32 HI-1: No problem.

33 MA: It just looked like she had like some type of do-rag?

34 HI-1: Okay. Do you remember what color it was?

1 MA: [It was] dark.

2 HI-1: Dark. Okay.

3 MA: Umm... 'cause it's...it's kind of its kind of vague.

4 HI-1: That's okay. Do you remember her shirt she was wearing, or jacket, top she was wearing...?

5 MA: To be honest...I'm not sure.

6 HI-1: That's okay. Lot going on.

7 HI-1: Do you remember her race?

8 MA: Black, definitely.

9 HI-1: Do you remember about how old she might have been?

10 MA: Oh. I don't have a clue.

11 HI-1: Okay. Do you remember if she was like younger?

12 MA: I feel like she could have been like maybe late 20's?

13 HI-1: Okay. Do you remember how tall she was?

14 MA: Probably like 5-6... 5-11...perhaps...

15 HI-1: You said 5-6 or 5-11...between that 5-6 and 5-11 range ?

16 MA: Yeah...something like that.... I was definitely a little taller than her...

17 HI-1: Do you remember what her build was like?

18 MA: Short...um... kinda heavy...like mid-size...

19 HI-1: Um so...You said that you put her in a chokehold at some point so you obviously got close enough

20 to her...did you smell...I'm sorry go ahead...

21 MA: Yeah. After when I went to go try to get the items back... that's when she started to attack...um,

22 (unintelligible)... in my eyes it felt like she was attacking...but she was you know...just trying to keep...I

23 don't know what she was trying to do...but...

24 HI-1: You made a motion towards your body like she was trying to retain the items?

25 MA: Yeah.

26 MA: Um to be honest it looked like she wanted to like fight, you know. I felt...

27 HI-2: What were the items?

28 MA: It was some beverages and a few snacks. It wasn't nothing, you know... worth fighting for. And I'm

like surprised. I would have just let her have it if she didn't came aggressive towards me, like. Like

Normally they're like: 'Okay. I'll go.'

HI-1: ...(unintelligible) just drop them...

1 MA: Yeah.

2 HI-1: Um... so at some point you got close enough to her to put her in a chokehold, right? Did you smell  
3 like any alcohol on her...did you smell anything...?

4 MA: No. No.

5 HI-1: ... any perfume...any body odor... anything like that?

6 MA: No. Not that I can recall.

7 HI-1: Okay. And you said that she was, when you were ...we'll call it... interacting with her...you were  
8 trying to get her to drop the property... and you said that she was kind of retaining the property?

9 MA: Um, when I asked her for the items back, and she gave me the impression that she wasn't going to  
10 give them back. And I was like okay. Um, it was really like right there next to me so I went and reached  
11 for it and then that's when the aggressiveness pursued ....um, I was thinking about my shoulder that at  
12 the time like okay. I'm gonna get in a tussle. I don't want my shoulder pop out...I'll be screwed... so first  
13 thing I did was grab hold of her and held her down and try to get like try to see if my partner was around.  
14 But he was on break or whatever. That's when I was on the ground with her and I was saying: "Hey, you  
15 know I'll let you go. But just calm down, you know... just go."

16 HI-1: And what was she saying in response to that?

17 MA: She was gonna stab me.

18 HI-1: When she was saying that she was going to stab you, do you remember exactly what she said?

19 MA: "I'm gonna stab you. I'm gonna stab your ass!"

20 HI-1: Okay.

21 MA: And then she got up; "... I'm like calm down; let you up. Just ...calm down." And when I got up, I  
22 quickly backed off and put my weapon down. And 'cause [sic] I don't know if she was gonna grab a  
23 knife or whatever... if even she had a knife.... I'm just going based off of what she said.

24 HI-1: Okay.

25 MA: And...um... That's when um...she walked towards the door, but then she turned around and  
26 advanced back turned towards me. That's when I already had my weapon drawn and when she moved  
27 towards me, that's when I fired one shot. I didn't want to do that. I didn't...

28 HI-1: Kay. Why did you do that?

MA: I felt like I was in danger. I felt like I was going to be stabbed...and I didn't know what to expect  
after the hostility...um...

HI-1: Okay.

MA: I didn't have any intentions on using my firearm prior. Um...like I do gun-smithing. Um...I work as  
...I do... I want to get F-F-L license and pursue C-C-W. So, I can't, you know...mess up my record.

HI-1: Sure.

1 MA: Things like this... I try to stay away from drama. Ummm...the firearm that I had was customly [sic]  
2 built, um so I didn't have any intentions on using it ... 'cause [sic] I knew, you know, if an incident  
3 happened, it's going to be confiscated.

4 HI-1: Um, OK. Um, and I apologize I'm kind of jumping around um, a little bit, so I apologize for that.  
5 Did you say that you had surgery on your left shoulder or it's just been dislocated.

6 MA: It's just been dislocated.

7 HI-1: And you were just concerned that it was gonna dislocate again based on the physical interaction you  
8 had today?

9 MA: Yes. Yeah.

10 HI-1: Uh, who do you work for? Who's your employer?

11 MA: My employer is Kingdom Group Protection. KGPS.

12 HI-1: How long have you worked for them?

13 MA: Uh, over a year.

14 HI-1: Do you... when you work for Kingdom Group do you work in the same location, do they send you  
15 to different locations? How does that work?

16 MA: Normally...umm...I am only at that particular location on Market um, one day of the week. Uh...  
17 the other days, you know... they send me to a different.... different locations. (Unintelligible.)

18 HI-1: Okay. Okay.

19 HI-1: Kind of bounce you around based on the needs of the clients or whatever?

20 MA: Yes; based on our schedule.

21 HI-1: Okay. You mentioned when this happened today this incident happened today... your partner  
22 wasn't present because you normally work in pairs?

23 MA: Yes.

24 MA: At that particular location we start off with like three guards and then around like 4:00 o'clock, I  
25 believe the other guard leaves...and then there's just two of us.

26 HI-1: So, you're paired down to two. OK. Do you know the name of your partner you were working with  
27 today?

28 MA: Actually, three guards at 4:00 o'clock. The other guy um....leaves and...thats closing...

29 HI-1: It's just the two of you.

30 MA: Yeah

31 HI-1: Who's the guy that was working when this thing happened?

32 MA: His name's "Angel." Um...I don't know his last name, but I've worked with him before...a few  
33 times.



1 HI-1: OK. Do you just work with him at this location, or do you work with him at other...  
2 (unintelligible)?

3 MA: At this location.

4 MA: Um, normally, I'll sit back. And my partner will be um, the one approaching and asking for receipts.  
5 Because based on our policy...uh, it has changed. Um, first it was a hands-off policy; then they um,  
6 changed it to a hands-on policy.

7 HI-1: When you say 'they'...is that Walgreens? Or is that Kingdom?

8 MA: K-G-P-S.

9 HI-1: Gotcha. Okay.

10 MA: And uh, they recently switched it back. To uh...it depends. Like basically, it depends on the  
11 situation. Like we can ask for receipts if we suspect if somebody's steals or something. I was in my right  
12 to ask that individual...uh. Um, if they paid for those items. In fact, I seen 'em stealing, so...

13 HI-1: Okay. Okay. Right you said you observed her taking that stuff.

14 MA: Yeah.

15 HI-1: Okay. Do you remember, again I apologize for kinda jumping around. Do you remember when you  
16 saw this individual taking stuff off the shelves...you said you thought it was some beverages and some  
17 snacks and stuff... do you remember where she put those items?

18 MA: Um, believe it's in the bag.

19 HI-1: Oh...she had a bag with her.

20 MA: Yeah. A bag.

21 MA: Um... I didn't immediately approach her. I just seen it from a distance and just kept it to myself  
22 until she was gonna walk to the front again... and then that's when I was gonna ask.

23 HI-1: OK. Okay. And is the policy of Kingdom Group to stop people once they pass the registers? Or  
24 what's the policy ...I know you mentioned like the hands-on-hands-off policy...

25 MA: Yeah. They recently changed it. So, we're able to ask, for receipts... um... if they don't show a  
26 receipt of the item...then we have to recover it back.

27 HI-1: Can you ask for a receipt like anywhere in the store...or do they have to be like...?

28 MA: Umm if it looks like they're walking out and they never went to the line, um... then that's when I  
would ask...that's the only time I would ask.

HI-1: Okay.

HI-1: Um...Okay. Uh, you mentioned that ...well, actually let me ask this...you kind of already answered  
this, but I just have one more follow up... so you kind of mentioned the demeanor of this female that was  
taking this stuff. You said she was aggressive. Um I had asked you if you know, if you could smell  
anything on her... you were close enough to her...she had made some threats to you...that she was gonna

1 stab you, I think you said "I'm gonna stab you. I'm gonna stab you." You think she was going to stab  
2 you. While she was saying that what did her voice sound like? Did she sound clear? Did she sound like  
3 she's intoxicated? She sound anything...

4 MA: She didn't sound like she was intoxicated. She sounded clear. And during that time and that's when I  
5 had held her um, during that time. Once, I... while I'm holding her, I'm like: I'm gonna let you go but just  
6 be calm...I don't wanna get injured.

6 HI-1: Right. I understand.

7 MA: I'm thinking about my safety the whole time. it's not about none of the items getting back putting  
8 back it's just straight about my safety. I was thinking about my dislocated shoulder um popping out again  
9 in the scuffle... whatever... possibly my gun getting taken away. ...I don't know what to expect. I heard  
10 she's gonna stab me that's when I took out my gun 'cause I never had drawn my weapon initially until she  
11 says something about stabbing me. I kept some distance between me and her. Had held the barrel  
12 down...downward and um, that's when she was....looked like she was going to walk out... but then she  
13 turned around and advanced towards me while I'm already drawn down...

12 HI-1: Um...you said that you...let me ask you this.... what were you wearing today...what's like your  
13 normal attire when you work for Kingdom Group?

14 MA: My normal attire is uh, black B-D-U pants, um...I have black polo shirt. But I also had a hoodie on  
15 uh,..so... chilly. Had a hoodie on. I normally have my security jacket over the hoodie. Um, and then I'll  
16 have the...uh, what do you call that...the plate carrier. I had the plate carrier on top of that and um....  
17 Yeah. I normally have that on...um. And it says "Security" on it um, on...on the vest itself it has the  
18 patch of the KGB.

16 HI-1: Vest. So you're identified as a security.

17 MA: Yes, um...identified.

18 HI-1: Do you carry any other equipment on the plate carrier?

19 HI-1: Yes; I don't use it for a weapon, but I have a knife on there...in case I was like in a situation, for  
20 utility purposes.

21 HI-1: Sure. Do you carry anything else?

22 MA: I carry medical supplies and I had a backup firearm, as well... in my pouch.

23 HI-1: In the pouch of the plate carrier?

24 MA: Yes.

25 HI-1: Okay. What kind of gun were you carrying...your primary gun, what kind of gun were you carrying  
26 today?

26 MA: My primary is a 40-caliber, black-22. The secondary is a black-27, 40-caliber.

27 HI-1: And what kind of kind of magazines do you carry? Like what's the load on the magazines, how  
28 many rounds do you carry?

1 MA: Um, I had about...7, probably had a...7 mags.

2 HI-1: Seven mags total? Both guns?

3 MA: All together including inside the gun itself, and...the three that I have...one in the back. I have one  
4 in the front so... 3-4-5-6-7... and I have extra mags in my little small pockets. [Opens Velcro pocket.]

5 HI-1: That counts two... the two in the gun.

6 MA: Right. Yes, it's like seven.

7 HI-1: Do you carry any type of like less...

8 HI-1: Do you carry any other firearms.

9 MA: Not on my person, it was just those two.

10 HI-1: Do you carry any other type of less lethal type of equipment?

11 MA: Um normally I would, but it was confiscated um during a search or whatever. Um, I wasn't in the  
12 wrong or anything like that. It's just the situation...Uh... okay, basically, um in the past I used to carry  
13 pepper spray. (unintelligible)...I live downtown Oakland so, that was confiscated because somebody  
14 thought I was impersonating security. This was a while back though. But that's what I would have used...  
15 I would have brung with me, if it had never gotten confiscated...but it got confiscated.

16 HI-1: Okay. How long ago did it get confiscated?

17 MA: Oh, man...like three years ago

18 HI-1: You never replaced it and never replaced it?

19 MA: I never replaced it since. And a lot of the equipment we have, we invest in ourselves.

20 HI-1: So, you have to purchase it yourself.

21 MA: The guns, the equipment, the clothes everything I invested.

22 HI-1: Does the company provide you anything?

23 MA: Nothing but a T-shirt.

24 HI-1: Um you have a guard card?

25 MA: I do. Yes. Everything's current.

26 HI-1: Is that an armed guard card?

27 MA: Yes.

28 HI-1: Does the armed guard card allow you to carry more than one firearm or are there any restrictions? I  
don't know...

MA: There's no restrictions as long as the firearm is registered with the company ...um, they have both  
firearms on file...so when I got hired they have my serial number.

HI-1: that allows you to carry more than the one gun?

1 MA: It allows me to carry either one they never told us that we can't carry more than one.

2 HI-1: Multiple guns? Okay.

3 HI-1: And you didn't use your backup gun at all today...did you draw that out at all today? You just used  
4 your primary?

5 MA: Yes. I would have preferred not to use it at all, but if I was going to use it, I'd rather for it to be that  
6 one because I invested so much money into the other one.

7 MA: Sure. Are you right or left-handed?

8 MA: I'm right-handed.

9 HI-1: Uh, do you ever carry a baton or anything like that?

10 MA: (Sighs). I was rushing, um to make it to work on time. I do have a baton at home...but I just  
11 didn't...I recently got my car stolen. Normally I bring everything with me...but, um, in February my car  
12 got stolen. I've just been going through a lot... um, recently... not divorced... separated.

13 HI-1: I understand. Separated.

14 MA: Had to move to a different um, apartment. Found a place. Paid off the old place. Got my deposit  
15 back. Um, getting caught up with payments...and the car gets stolen. Then after that...you know I hear  
16 good news I get my firearms back... I recently got them back because they was in safekeeping because I  
17 wanted to go pick up a friend last October um, last year,...um, and when I went to go pick up a friend...  
18 they had gotten into a fight previously, I didn't have nothing to do with that. And I showed up in my  
19 uniform the police was there already... and they was like: "Hey, is this a uniform or a costume?"...  
20 because it was Halloween. I was like, I just got off work... I'm here to pick up a friend" and that's it.  
21 They started questioning me about it, I just complied you know... and they wind up keeping it.

22 HI: They confiscated your guns?

23 MA: They sent me home...

24 HI-2: Was that in Oakland?

25 MA: This happened in Fremont. So, there was two different incidents where the PD...I had  
26 encountered... the first incident somebody mistaken me for impersonating security. I was in Oakland.  
27 Then in October last year, um,...the guns were taken for safekeeping.

28 HI-1: Did they explain to you why?

29 MA: No. Uh, well...so I went to go help out a friend. I guess it was a domestic violence situation that I  
30 had nothing to do with, but since I was there to pick up that individual, they questioned me and so  
31 somehow I got in the mix of all that.

32 HI-1: Okay.

33 HI-2: Sounds like you were not arrested or anything like that?

34 MA: I mean they handcuffed me and put me in the back of the patrol car while they do the research but  
35 they eventually let me go.

1 HI-1: Okay.

2 MA: It's just... run in after run in. And I'm really standoffish when it comes to approaching these  
3 individuals. At the end of the day, I wanna go home and be safe.

4 HI-1: Sure. I understand.

5 HI-1: Um, so I asked you a little bit about your firearms, kinda less lethal stuff, other personal weapons.  
6 You mentioned earlier that you don't carry any cuffs.

7 MA: No.

8 HI-1: Is that...

9 MA: I have a powers to arrest. Um, a certificate, so I'm certified to arrest. Um, at the time I didn't have it  
10 with me 'cause the car situation. Like I'm walking, taking public transportation. I'm only carrying a  
11 certain amount of things with me.

12 HI-1: Gotcha. Okay. Right. Okay.

13 HI-1: Do you normally carry handcuffs ? Would you normally have handcuffs?

14 MA: I normally have my handcuffs...baton...

15 HI-2: So you own handcuffs...(unintelligible)?

16 MA: My own that I bought, yeah.

17 HI-1: Got it. Let's see... so, let's talk a little bit, about ...let's go back to the incident with this female.  
18 When you were interacting with her and you were trying to detain her and you took her to the ground and  
19 you said she was threatening to stab you, did you ever see her with a knife or anything like that?

20 MA: I didn't...no.

21 HI-1: OK. Did you see any kind of implement that could have been used to stab you with... like an ice  
22 pick... anything?

23 MA: I didn't see it, no. Just the words the threats just basically the threats...and the thought.

24 HI-1: So just the...and her making those threats that she was gonna stab you took as credible?

25 MA: And the fact that she was even aggressive with me uh, physically... um, that...that was enough  
26 alone...um.

27 HI-1: You said, Michael...that (clears throat) as things kind of started escalating with her, you drew your  
28 firearm and you pointed it down.

29 MA: Yes.

30 HI-1: I'm just going to assume...

31 MA: Pointed the muzzle down...after I heard the threats...

32 MA: I heard the threats. I told her I was gonna let her go. Um, when I let her go, I gave me and her some  
33 distance, but I drew my gun down.

1 HI-2: How much distance do you think was between you guys when you had your gun out at your side?  
2 MA: I'd say about four feet...four to five feet.  
3 HI-2: Okay. Um...in working for Kingdom Group, in the capacity of a security guard have you ever  
4 drawn your gun out before?  
5 MA: No.  
6 HI-2: That's the first time ...in a year?  
7 MA: That's the first time...Yeah.  
8 HI-1: In your capacity as a security guard with Kingdom Group doing security have you ever been  
9 threatened before?  
10 MA: Plenty of times.  
11 HI-1: Okay. What kind of threats do people normally make to you?  
12 MA: Mmm...somebody's going to come shoot...come back and shoot up the place... watch out, watch  
13 my back...um, and I got spat on before... throwing stuff at me... (unintelligible)...um, yeah, that's about  
14 it.  
15 MA: It never really got this physical before.  
16 HI-2: Okay. Did you say, I apologize if I missed it...But did you say she that she tried to spit on you or  
17 did spit on you today?  
18 MA: She did.  
19 HI-1: She did spit on you or tried to spit on you?  
20 MA: She did spit on me, um ...that was during the time she started to advance towards me, and I didn't  
21 know what she was planning on doing. But you know...by the time I'm like...(motions with hands) by  
22 the time I lift up my gun ...you know...  
23 HI-2: Where did the spit land?  
24 MA: Like near my face... I felt it on my face. (motions to right side of face) I felt it on my face. Um, but  
25 the shock from (motions with body as if drawing his firearm) that made me draw...um...  
26 HI-2: I...maybe you don't remember, do you remember if you pulled the trigger before or after you felt  
27 the spit on your face?  
28 MA: It was like during the same time. Uh...when she started to advance (leans forward and makes head  
movement) and do the action that's (makes motion with hands like firing) when I reacted.  
HI-2: When you say you reacted did... you said earlier you had your gun out ...  
MA: I already had it out. I already had it pointed downward, but then when she turned around and try to  
advance towards me... that's when I lifted up...yeah.  
HI-1: Okay. Okay.

1 MA: 'Cause the adrenaline is already in my system ...okay, we just wrestled...I'm like...I'll let you  
2 go...I'm like: okay, if she do something crazy like, I gotta be... watching my back...so.... let me give her  
3 some distance...and... she, yeah... that's when...

3 HI-1: When...um..

4 MA: (Whispers) I didn't want to do that...

5 HI-1: When...when this female spit at you, how did that make you feel?

6 MA: \*Sighs\* I was scared. I didn't think she was going actually spit on me. I thought it was gonna be  
7 another...either attack... I don't know; I didn't know if she was going to come back and try to do  
8 something. I didn't know what she had on her person. I didn't pat her down...check her. Nothing.

8 HI-2: So that when you pulled the trigger it was to defend yourself not an accident or something...?

9 MA: Definitely. It was definitely for defense reasons...not an accident. As much as I didn't want to pull  
10 the trigger...

11 HI-1: Sure.

12 HI-1: Um, do you remember (clears throat) where the majority of this interaction with this female took  
13 place? Was it inside the store, was it outside the store?

14 MA: The majority of the incident took place inside the store near the front door.

15 HI-1: Okay. Okay. When you shot this individual did you shoot her inside the store did you shoot her  
16 outside the store if you remember?

17 MA: It was like midway...ummm...Okay. She was outside the store but when she was advancing towards  
18 back inside the store that's when I had to draw.

19 HI-1: I got you. Okay. Do you remember, let me ask you this you said you shot one time, you discharged  
20 your weapon one time...what happened with her after you discharged her weapon ?

21 MA: She fell back. Um, it hit her above the chest area. (motions to right upper chest, below collar bone.)

22 HI-1: You're pointing to your upper right chest.

23 MA: yeah. I don't think it's on the same side the heart was on because I'm facing towards her. She gets hit  
24 there and that's when...(sighs) her energy started to change after that. And I'm like why did it have to go  
25 this far that's when, you know... we tried to give her some aid, um... I had some medical supplies in my  
26 bag. Gauze pads things of that nature... and. That's when I applied pressure. I seen somebody working  
27 on...like trying to aid her and I stood next to them trying to find something...you know, but I didn't see  
28 any blood. Like that...I was ... I didn't really think I...yeah.

29 HI-1: You said after you shot her energy changed. What does that mean?

30 MA: Yeah, she was aggressive, and you know, um... she was like saying "Sorry," and I'm like... I'm  
31 feeling like super bad. I'm really feeling bad...I'm like "Oh my God, I hope she's OK." You know I  
32 really hope she's pulling through. I didn't want to end no life. It's not my intention. I just wanted to stop  
33 the threat.

34 HI-1: Sure. Um...after you discharged your weapon what happened to the casing?

1 MA: Um, I noticed the casing rolled next to the cashier...um-um, stand. Um, I didn't, you know...I  
2 noticed it on the floor. Um, I wanted to tell the...the...the officers that was on the scene, and they was  
3 just like: 'just hold on to it,' you know what I mean. I didn't want it to get lost or whatever, so I grabbed  
4 it.

4 HI-1: You picked it up.

5 MA: Yeah. I picked it up. I didn't want to destroy any evidence or anything like that. I just wanted to  
6 make sure that you know... it wasn't lost or anything.

7 HI-1: Okay. You kind of answered this before, but you made a statement or several statements before that  
8 normally you let people go. Shoplifters you let 'em go.

8 MA: Yes, but there was the aggressive part that I wasn't too used to. To the ...normally they don't want to  
9 fight they don't fight, they don't fight me. This person actually you know, got real physical. That's when I  
10 am like...okay, my shoulder is bad... I don't want it to pop out of place again... I'm like, the best thing I  
11 can do in this situation is to stop the threat by you know, subduing her; you know, um...holding her, until  
12 at least my partner will come by ...hoping my partner would come by something... help... but I didn't  
13 have help at the time.

12 HI-1: Did uh,...when you said you saw this female shoplift she was taking items and she was placing  
13 them in some sort of a bag that she had.

14 MA: Yes, it was a bag...

15 HI-1: At any time with your interaction with her when she's making the threat that she was going to stab  
16 you, you said you never saw a knife, you never kind of saw any stabbing implement or anything like that  
17 ...did you ever see her reach into her bag at anytime?

17 MA: No. Umm, during the time she was making the threats we were already like wrestling.

18 HI-1: Okay. Floor (unintelligible) ...physically engaged.

19 MA: So, I'm hearing the threats while I have her. Um, while I'm holding onto her trying to keep her from  
20 making any advance move towards me. All I wanted her to do was leave out the store.

21 HI-1: Do you remember when the shooting took place about how close you guys were to each other?

22 HI-2: Sometimes it's easier when you're talking about that, we can use like this room...and like distance  
23 between us, bigger than that, smaller than that. Sometimes that's a little easier to gauge then numbers ...

23 HI-1: Yeah.

24 MA: Um, it was like from where I'm at to the fire alarm.

25 HI-2: Fire alarm?

26 HI-1: We call that maybe 8 to 10 feet...10ish feet.

27 MA: Something like that.



1 HI-1: Um, did any time I know you said you were engaged with her did you hear the threats you didn't  
2 see her reach into the bag...did you ever see her reach into pocket, waistband, make any kind of  
movement towards anything...

3 MA: I mean I didn't know if she had it on her at the time but during the time I heard the threats we was  
4 already like...

5 HI-1: tussling...

6 MA: Tussling...and...yeah, you know it would be different if I'd seen her clearly from a distance. But I  
7 was like... we were literally like wrestling... during the time I heard those threats, so I didn't know. All I  
heard was the threats and... engaging into the action. And I'm like my adrenalin is up, I don't know what  
to expect, I am a little scared...\*sighs\*.

8 HI-1: Kay. I know you said that (clears throat) the uniform or the clothing you were wearing has  
9 Kingdom Group patch, and you said the back has 'security guard' or some sort of badging. Did you ever  
identify yourself as a security guard to this individual or is that something you normally do?

10 MA: Um ...I mean my appearance alone is um, ...with all the gear on. Like that was enough, I have the  
11 gun on me, the...the whole gear...and also the patch...so, she knew exactly who I was, that's for sure.

12 HI-1: Sure. Okay. Okay...is there... in the year that you've been working for Kingdom Group has there  
13 ever been a time when you tried to detain a shoplifter or stop a shoplifter, when they've not known you  
were a security guard or questioned you or whatever?

14 MA: No. No.

15 HI-1: And that's based on what you said about the carrier, the badging, the gun...

16 MA: That too. The walkie [sic]...um, and when I approach the individual, like when I do approach...  
17 'cause normally I don't, um ...when I do approach, um um...I was going to say... Um, I'll tell them the  
manager or the staff ...um... seen you do this previously and they would like you to exit the store, and it  
18 normally goes down...

19 HI-1: Okay. No issues...okay.

20 MA: Yeah.

21 HI-2: Did you get hurt at all today during this incident?

22 MA: Not that I know of. Like...not off top, no.

23 HI-1: Okay. Brent [sic], while I look over my notes do you have any questions?

24 HI-2: Yeah. Uh, some of its pretty like...just background stuff. Um, we have kind of been talking about  
... what you do for a living but what is your actual job title with Kingdom?

25 MA: Robbery suppression officer.

26 HI-2: Robbery suppression officer?

27 MA: Yeah.

1 HI-2: And is...can you explain what the duties of a robbery suppression officer are? I mean we have kind  
2 of been referring to you as a security guard...or security guard work... is this something different?

3 MA: No. (unintelligible) so we deal with robbery suppression. Um, preventing robberies. If there was an  
4 individual that came into the store with guns, um intending to take money or anything else that's when we  
5 would act upon the situation. And there's sometimes... uh, sometimes the staff, um, notifies us that  
6 somebody's stealing or if we notice something ourselves then we can act upon that. Um, and recently the  
7 policy stated that we can ask for receipts if we notice something. 'Cause, the thing is... (clears throat)  
8 we're walking on eggshells at the sites. If we don't, look...if we don't do nothing at all ...then they  
9 complain to the bosses. Um, so, um...I didn't wanna not do anything at all. You know what I mean? I  
10 wanted to let them know: "Hey, I'm doing my job, I want to keep my job." I noticed the individual did  
11 this right in front of me, I'm not going to ignore it. Im gonna bring it to their attention...

12 HI-1: I get it. You're walking a line between different things. Uh, I think you said you've been working  
13 for this company for about a year. Um, is that the only job that you've done security work for or have you  
14 worked for other people?

15 MA: Over a year. I've worked for plenty of other security companies. I been doing it since I was 18. I'm  
16 33 now.

17 HI-1: Wow. So, you started doing security work at 18 and now you're 33. How long have you been doing  
18 armed security?

19 MA: Mmm... Since 19. So, like a year after I started, um, I was able to get like a package deal um, to get  
20 all my licenses.

21 HI-1: Can you tell us like what the training that you've had in this time period has been.

22 MA: Um, I've had training...I had training with the companies that I've worked with. That they provided  
23 themselves. I also um went outside the training... on my own um, pursuit... 'cause I'm interested in  
24 getting in executive protection. Um, I took a C-C-W class.

25 HI-1: Do you remember any of the places you've gone for training, like the names or the types of  
26 courses? Anything like that.

27 MA: Defensive accuracy.

28 HI-1: is that a shooting course?

29 MA: It's a the CCW course outside the home...umm basically if you're interested in protecting yourself  
30 outside of work or home whatever, um, that's the course to take. Um, I took it at Dublin, um West  
31 Dublin, guns...(unintelligible) and other stuff that's where the held the classes and it's a three-day class.

32 HI-1: Is it like a lecture and a test?

33 MA: Three day... it's actually a lecture and also physical um, practice. Um, where we learn how to draw  
34 in darkness, blinded by light, um...kneeling, standing...just different positions. And um, I also take re-  
35 qualifications to every I think its twice a year.

36 HI-1: Those will be live fire.

37 MA: That's live fire.

1 MA: I recently took re qualifications my instructor is...Jim...Jeff my instructor is Jeff. I have all my re-  
2 qualifications in this tablet that I keep, um.

3 HI-1: With a...with the company...sorry, it's Kingdom right yes, that's who you work for right now?  
4 Have they put you through any training or have you done any training in the last year?

5 MA: Only training that I get is through that...it's like a reading module. You know...you pretty much  
6 read. It came with the policies and how they want us to respond. They just notify us on a news feed. We  
7 have like a news feed.

8 HI-1: The accuracy course you took was that live fire?

9 MA: Yes. It was live fire. Defensive Accuracy. My instructor was Denise King. She was one of the  
10 instructors that was there. Um, they also told us how to apply for C-C-W in different states and our own  
11 state.

12 HI-1: And you do, or do not have a C-C-W license right now?

13 MA: It's, uh... in progress

14 HI-1: In progress?

15 MA: Yes.

16 HI-1: Okay. And do you have ... you talked about an F-F-L. So, you're talking about a license to sell  
17 firearms?

18 MA: Yeah. Sell. Manufacture. I haven't applied yet I'm working on it. I figured if I... once I obtain the  
19 job with C-C-W, I could fund...I could fund um,... the F-F-L.

20 HI-1: Right. Okay. Sure. What are the customizations on the Glock-22 that you've done?

21 MA: Umm...the customizations was the slide, the barrel, uh... the trigger pull.

22 HI-1: So, let's break 'em down. What kind a...when you say a slide, like what's different between the  
23 slide that's on it versus the stock slide?

24 MA: The stock slide is not cut. The aftermarket slide is cut.

25 HI-1: Okay. And is that just like for a different look or is there a functional difference with that?

26 MA: I believe it's mainly the look, I think it cuts some weight off. Uh, makes it a little lighter. Um...the  
27 modifications with the trigger itself, makes the trigger pull lighter.

28 HI-2: Um hm. So, you have a lighter trigger pull? What about with the barrel? Uh...what's the difference  
with the barrel?

MA: Uh, the barrel is rifled cut...the stock version doesn't come deeply cut. I believe it has a...the new  
barrel has a deeper cut.

HI-2: Okay. Deeper grooves for the rifle?

1 MA: Deep grooves. Yes.

2 HI-2: Any other modifications to it?

3 MA: Just the symbol [sic] on the back plate. And...uh...the thumb rest. Competition thumb rest.

4 HI-2: What about the sights? Have you changed those at all?

5 MA: Yes; they're um... they are ...(unintelligible) iron docksite [sic] like iron, um...ghost ring...ghost ring sites.

6 HI-2: Ghost ring sights?

7 MA: Yeah.

8 HI-2: When was the last time you shot that gun at the range?

9 MA: It's literally been months because I had... the PD had um, it.

10 HI-1: Oh right. When did you get it back from them?

11 MA: Umm...when was it? Like the 18th? No. What is today?

12 HI-1: It is now the 28<sup>th</sup>. Which is a Friday.

13 MA: The 28<sup>th</sup>...I believe it had been earlier this month. Like around the 18<sup>th</sup> or something...

14 HI-1: Which is a Friday. Okay. And you said they had it for a few months. Was it October that you said?

15 MA: Or was it? This last month ...this last month is...February.

16 HI-1: It's neither here nor there. You say you haven't shot it in a few months is what you are basically saying...

17 MA: Yeah. It's been a while since I shot it.

18 HI-2: What kind of ammunition do you put in the guns. Is it the same for all the magazines or do you put

19 different ammunition in one versus the other? Or how does that work?

20 MA: Mainly the same ammunition... hollow tips.

21 HI-2: Hollow tips? Do you mean hollow points?

22 MA: Hollow points.

23 HI-1: Do you know what brand?

24 MA: I'm not sure, I believe some type of federal premium.

25 HI-2: Okay. But... have you practiced with both of the guns that you carry?

26 MA: Yes. I took the training with them.

27 HI-2: You've done...so the training that you talked about you... you've done with both those guns?

28 MA: Just one. The primary.

29 HI-2: The primary.

1 HI-2: And...I know that Tom asked you about like some of the other stuff...like the pepper spray...the  
2 baton or handcuffs. Have you...do you practice with those, or have you ever practiced with those?

3 MA: I deployed my pepper spray but um, not with this company.

4 HI-1: Okay. And when you say deployed... um .... sounds a little bit like when I'm talking to him about  
5 stuff. Like did you use it on somebody, or you used it in training...or what do you mean when you say  
6 deployed?

7 MA: I actually used it on someone.

8 HI-2: Like at work?

9 MA: Yeah...but it was um, but it was not the same company.

10 HI-2: Sure. When was that... roughly? You don't have to remember the exact day.

11 MA: Years.

12 MA: I was working at a um...a shelter during the pandemic... uh, doing security there. Umm, I was  
13 outside at a post with my partner and some random guy had came on the phone (gestures like on phone  
14 call). Walked...he was on the phone, and he uh, sat down in one of the security chairs. And during the  
15 pandemic everybody is on edge about germs and all that.

16 HI-2: Covid. Yeah.

17 MA: I'm like: hey, sir you know, you mind moving your conversation and yourself just somewhere else  
18 or whatever. And he's like: I'm not moving (unintelligible). I'm like: this is private property and not  
19 anybody can just come up here whatever. And he just wouldn't leave or whatever so that's when I pulled  
20 out the pepper spray or whatever...I'm like hey "You gotta go." Umm ...

21 HI-2: And after you pepper sprayed him, he left?

22 MA: Yeah. He told the police and the police came up to me and I told them what happened and he wind  
23 [sic] up leaving because he was in the wrong in the first place. Umm...he was just aggressive as well.  
24 Like I would have never used it on anybody if they don't show any advancement towards  
25 me...(unintelligible).

26 HI-2: Right. Sure. Did he have weapons or he was just verbal?

27 MA: He was mad at somebody on the phone and he was already amped up and I'm like: don't take that  
28 out on me, you know. It's San Francisco, once again.

29 HI-1: Got it. Tell us about it.

30 HI-2: You ever hit anybody with a baton?

31 MA: Um...No (shakes head).

32 HI-2: Have you ever handcuffed anybody?

33 MA: No.

1 HI-2: I think that kind of covers all of the equipment that you carry, right? You don't carry like a taser or  
2 anything like that?

3 MA: No. We are allowed to, but I have to invest in it, so... that's probably why I don't have it.

4 HI-2: Um, so tonight when this thing happened, I think (unintelligible) Tom asked you if you got hurt.  
5 And you said best to your knowledge "No."

6 MA: I mean kind of roughed up...but, you know...

7 HI-2: Did she punch you?

8 MA: I didn't feel nothing.

9 HI-2: Okay. Do you remember if she did...or?

10 MA: I am not sure if she did.

11 HI-2: Did you punch her at all?

12 MA: No. Never.

13 HI-2: Did you push her?

14 MA: No.

15 HI-2: And...uh...

16 MA: Once I just noticed her aggressiveness. I was thinking about my shoulder dislocating again...and...

17 HI-1: Sure. Well, that's you, know... I know that memory can be pretty challenging when something  
18 major like this happens. I just want to ask about, you know...you said that you saw her taking stuff from  
19 the store and you approached her then and said: hey you know put the stuff back we're not going to have  
20 any problems.

21 MA: No. I didn't approach her when I noticed she was taking those things. I waited till she was she was  
22 going to go closer to the front door, so I know for sure.

23 HI-1: So, were you standing at the front door?

24 MA: Yes.

25 HI-2: Okay. And so, she approached you at the front door. You're in your security gear. Uh, it's natural to  
26 assume she knows that you're a security person because you're standing at the front door wearing all this  
27 equipment.

28 HI-2: Uh, your primary... is that in a holster?

MA: Yes.

HI-1: And where do you wear that?

MA: On my right leg.

HI-1: On your leg, like on the thigh?

28

1 MA: On the thigh, yes. Drop leg [sic] holster.

2 HI-1: Got it. Uh, that is that the holster you use when you were training with it?

3 MA: (Yawns) Yes.

4 HI-1: So, uh she approaches you...and do you remember what you said exactly again, or to the best of  
5 your...(unintelligible).

6 MA: Um, to the best um the best of my knowledge...best of my knowledge...I'm like I seen her place  
7 those items in the bag

8 HI-2: Right.

9 MA: Could you please place them back and want no problems. She just basically like...okay...when I  
10 noticed she wasn't gonna give it up, I'm like reaching for the items 'cause I'm trying to recover 'em back  
11 for the store...um...

12 HI-2: Okay. Cuz like, and the reason I'm like trying to ask some of this...is honestly we might have been  
13 police officers for a while, but your... it sounds like you're highly experienced security officer you've  
14 been doing it for a very long time.

15 MA: Yes.

16 HI-2: So there's things, that you know... being someone who's an expert that you might notice that, you  
17 know... I'm hoping you can just kind of explain it to us or articulate it to us so that we can understand. If  
18 I'm try to put myself in your shoes what are you seeing and what are you reacting to...uh, what do you  
19 mean when you say she was not going to give the stuff up, what did she do?

20 MA: Okay. I spoke to her verbally.

21 HI-2: Right.

22 MA: Um...she refused to give the stuff back that's when I went to grab it and when I went to go grab it  
23 that's when she was aggressive towards me.

24 HI-2: What does aggressive towards you mean?

25 MA: Um, all I could remember is her...(sighs)... I know this sounds vague and stupid... but it seemed  
26 like she was gonna swing on me and that's why I grabbed her. Didn't want her swinging on me.

27 HI-1: Okay. So, you thought she was gonna swing on you so that's why you grabbed her.

28 HI-1: So, when I said before did she punch you, she didn't punch you because yuor saying you prevented  
her from punching you.

29 MA: Yes.

30 HI-2: I see.

31 MA: I believe I stopped her before she got crazy.

32 HI-2: And you did not punch her?

33 MA: No.

1 HI-1: And then what happened?

2 HI-1: What is she saying during all that?

3 MA: She didn't say much while we were standing. But when I felt like I stopped her from attacking me  
4 that's when I had her like um, like holding on to her and... we fell on the ground... I'm like: okay. She's  
5 like let me go let me go. I'm like okay.

6 HI-1: Is that chokehold bit part of your training or is that...?

7 MA: No, It's not part of the training... never was trained that way. It's just instinct. It's just instinct

8 HI-2: Sure.

9 MA: I felt like: I'm like okay... I'll let you go. I know you want me to let you go. But I just want it to be  
10 safe. And the whole time I'm scared that I'm gonna let her go and she's gonna attack me again.

11 HI-1: Right. And when you say attack you again, you mean attempt to punch you.

12 MA: Yes.

13 HI-2: And when you did the chokehold thing I know you just said you haven't been trained in it have you  
14 done that before in security work?

15 MA: Well, the arm um, maneuver.

16 HI-2: The headlock thing...whatever...

17 MA: First it started off like an arm thing... she refused to do the arm ...um, the other arm. Um, I was just  
18 trying to hold her down like this (motions like he has his right hand behind his back bent at the elbow) so  
19 she won't swing or nothing...when, uh so it's like a pin thing.

20 HI-2: When you did the chokehold... I was asking about that part. Have you done that before.

21 MA: No

22 HI-2: Did she lose consciousness when you did it?

23 MA: No. I didn't apply that kind of pressure to the point... where I was trying to make her go to sleep or  
24 whatever. I was just holding her, so she won't attack. That was the whole point of holding her not to harm  
25 her or anything like that. Everything I did was a measure of just protecting my wellbeing.

26 HI-1: And the whole time that you were doing that part she was saying that she was going to stab you.

27 MA: She was gonna stab me. Yes. "I'm gonna stab you". Um, when I had her...

28 HI-1: The uh, I mean...I know it's... it's kind of a crazy situation. You know you don't always think  
through everything but like, if she's saying she was going to stab you why did you let her go? Did you  
think maybe that would give her the opportunity to stab you?

MA: I didn't like...I didn't completely have both her arms I only had one arm. She could have like  
reached for something I didn't know what she had on her person. Umm... my whole thing was to get  
distance. After she started talking about stabbing me, my whole thing was to create distance. That's what  
made me draw my gun in the first place. That's the only reason I drew the gun was because she said she  
was gonna stab me. I was already on edge because my shoulder is not the best.



1 HI-2: Right. How did you hurt your shoulder?

2 MA: I was riding on a scooter in the rain, hit a...hit a crack in the ground, I tried to stop my... brace my  
3 fall and all my weight was on my left shoulder.

4 HI-2: Did you break your wrist, too?

5 MA: No, just the shoulder

6 HI-2: When was that?

7 MA: Years; umm...(unintelligible) like 2016 perhaps.

8 HI-2: And I think I'm almost done. My other question is going to be, I mean... including or outside of  
9 your work, have you been in fights before?

10 MA: Rarely... um.

11 HI-1: Rarely...like how many? How many tussles, fights...?

12 MA: I mean it's different when you're at school...or high school. I haven't been in a fight like that since  
13 high school, yeah.

14 HI-2: Okay. How many do you think you've been in total in your life, like 10? More or less?

15 MA: More or less.

16 HI-2: Oh. Around 10?

17 MA: Less than 10...yeah, less than 10.

18 HI-1: Have you ever been stabbed or have someone attack you with a knife before?

19 MA: Yes.

20 HI-2: And when was that?

21 MA: I was in middle school. I was getting jumped. I was playing basketball with a few guys from the  
22 neighborhood, and um...the guys um, that I was playing basketball with was friends with a guy I had a  
23 fight with previously and after the game they thought it was funny to throw the ball at my head and say  
24 (unintelligible/ "off the heazy") you know, a little game and then... well basically, I'm telling it all  
25 wrong...but that's how it started before the fight; 'cause he threw the ball at my head and that's when we  
26 started fighting and stuff... umm...they basically jumped me.

27 MA: Um, I sound like an idiot

28 HI-2: No... I'm just curious, I was just curious. So, someone had a knife during this or?

MA: I got stabbed in the leg.

HI-2: you got stabbed in the leg by somebody during this...during this thing?.

MA: They jumped me. So after the fight...no...it wasn't a fight. The guy jumped me at basketball was  
friends with the guy I had a fight with.

1 HI-2: I think we get the general. It was kids some sort of school yard thing. Is that the only time you got  
2 stabbed in a fight with a knife?

3 MA: When I got jumped

4 HI-1: Has anybody ever shot at you before?

5 MA: No. I never been shot at. My brother... both my brothers got shot. My close blood brother is...um.

6 HI-1: Are they okay?

7 MA: One was shot by um, OPD. Um, John Burris pretty much settled that case. Um, the other... my  
8 other brother he recently just got shot this year. Um, like in February, I believe. Um, he got shot seven  
9 times by three guys approached the vehicle. My brother was on his phone chilling with his friend and  
10 these guys shot him seven times. They shot the car up 30 times.

11 HI-2: He still alive? Is he alright?

12 MA: Yes, he's still alive.

13 HI-2: Where did this happen?

14 HI-2: Um, Oakland. East Oakland.

15 MA: Um, he was able to recover, um... thank God.

16 HI-1: Real lucky.

17 MA: So, I've been on edge... I've been on edge... with the divorce...everything! And I've been trying to  
18 stay away from problem... because I been trying to get the C-C-W so I can be able to do executive  
19 protection. I'm walking on eggshells trying not to do too little, try not to do too much.

20 HI-2: I get it.

21 MA: It's a lot of pressure. And I'm like...I wish this could have been avoided. I swear.

22 HI-2: Why don't we take a break here... you want some more water or anything?

23 HI-1: I just got a couple follow up questions.

24 HI-2: Okay, I'll be right back.

25 HI-1: Um, so you said Michael, you said you requalify twice a year is that for Kingdom Group or is that  
26 for your guard card?

27 HI-1: For Kingdom Group... um...well, any security job with a firearm you have to re-qualify. You have  
28 to prove... show that you're able to use a weapon.

HI-1: Gotcha. That you're competent. Can use the weapon.

MA: Yes. Definitely.

HI-1: Totally get it. Um, you ever seen this female that you got into a fight today ...ever seen her before?  
Ever dealt with her before?

MA: No. I've never seen her before.

1 HI-1: Um, do you drink... alcohol?  
2 MA: Um, occasionally.  
3 HI-1: Kay. Socially? Do you do any kind of drugs?  
4 MA: Umm...I take edibles.  
5 HI-1: Okay. Anything else.  
6 MA: I don't feel like they're drugs, though.  
7 HI-1: I mean...um, I'm kind of just talking like everything...trying to lump everything together.  
8 MA: Okay. Just edibles. That's it.  
9 HI-1: Um, did you have anything to drink today before your shift?  
10 MA: No.  
11 HI-1: Did you take any edibles or any kind of (unintelligible) before your shift?  
12 MA: No.  
13 HI-1: Sure.  
14 MA: No.  
15 HI-1: No? Are you sick do you have any like cold...or flu ...or anything like that?  
16 MA: No. sickness. No.  
17 HI-1: You take any type of over-the-counter medicines or anything?  
18 MA: No. I went through a psych evaluation through... like plenty of times.  
19 HI-1: Okay. When was the last one you went through?  
20 HI-1: Perhaps when I was working for Cypress Security. That was years ago.  
21 HI-1: That's fine. Um, and then basically, you know I would assume... you working in security and at Walgreens, there's video everywhere pretty much these days. Is there anything that you've told us today that is gonna be different on any kind of video. Like are they going to match up? You know...  
22 MA: Everything should match up fine.  
23 [Homicide Inspector-2 comes back in.]  
24 HI-1: That's all the questions I have.  
25 MA: Yeah. I have a question, um...is there a possibility I will be going home tonight?  
26 HI-2: So, she died.  
27 HI-1: Yeah. Yeah. Um..we're homicide detectives. So...  
28 MA: I swear, I did not.

1 HI-1: So, you know we...

2 HI-2: Had you ever met her before?  
HI-1: Yeah. I asked him that.

3 HI-2: Oh. You asked him?

4 MA: Oh God. This can't be happening. I swear.

5 HI-1: You know...

6 MA: I just threw my whole fucking life away, man. I did not know. I swear. I was trying to protect  
7 myself. (Crying)

8 HI-1: We understand. We've both done this job for a long time. I don't...I don't think you're a bad guy, I  
9 really don't. I am not just saying that I truly, you know.... you got gainful employment you sound like  
10 you're trying to better yourself you sound like you got a game plan for your life, you know, I have a  
11 tremendous amount of respect for that, okay. You know... but we also have to work within the facts of  
12 and the circumstances that are presented to us, you know...and...you know, we've consulted with the  
13 District Attorney about this tonight.

14 MA: I never wanted to...(unintelligible) (crying)...

15 HI-1: I understand, Michael. I understand. I honestly do. Okay. But you have to go to jail tonight, okay.

16 HI-2: It says something that you know, I think that you feel regret...not just because...(unintelligible).

17 MA: I can't believe she died! I can't believe that! I never wanted to end no fucking life at all! I'm sorry.

18 HI-1: You know, it's so.. it's kind ...

19 MA: I was hoping she would pull through! I swear!

20 HI-1: So, did we. So, did we. you know... so, you know...

21 MA: I can't believe this! I can't believe it, man! I swear... like! All I was trying to do is go to work and  
22 fucking come home, man! And protect my fucking self, man! There's too much crazy shit going on!  
23 (Crying)

24 HI-1: I understand. I understand. I do.

25 MA: Oh my God! I can't fucking believe this! (Crying) (sighs)

26 HI-1: You know...unfortunately our hands are kinda tied sometimes on what discretion we can give to  
27 people.

28 MA: What am I looking at? What am I looking at?

29 HI-1: I can't tell you right now.

30 MA: Oh my God!

31 HI-1: All I can say with any degree of certainty is that you have to go to jail tonight. You know...you'll  
32 get an attorney if you have an attorney.... you can consult with an attorney.

1 MA: I don't have an attorney... anybody I don't have any money.

2 HI-1: If you can't afford one. You'll get a public defender assigned to you and they'll be able to kind of  
3 give you an idea what next steps are gonna be.

4 MA: This isn't happening.

5 HI-2: The DA's office is going to take a look at the video. So, there's video there, right? And video out on  
6 the sidewalk so it's going to show what happened, you know, so they'll look at that. They're gonna review  
7 you know what they told us. You told your side of the story so they have that, so, and they can take that  
8 into account when they make a decision what the appropriate way to move forward is.

9 MA: I'm so disappointed in myself. If I could a did anything different, I would have...I swear to God!

10 HI-1: I understand. You know... I wouldn't...like I said...Brett and I weren't in your shoes tonight.  
11 Okay. You did what you felt you needed to do at the time in the situations you were in...and I'm not here  
12 to pass judgment on that...

13 MA: I know there's nothing you guys can do. There's nothing...

14 HI-2: I know. But we're also being honest with you...

15 MA: I'm going to lose my home. I'm gonna lose my job. I pretty much lost everything... my  
16 wife...fucking...(crying) (sighs).

17 HI-1: I'm really sorry man. I am. If there was some way we had some discretion.

18 MA: Oh my God... I would never wanted to hurt nobody ever! I swear to God, man! I don't wanna  
19 fucking...(unintelligible) like, what do you do in this situation? I...I'm...this is a job for me!

20 HI-1: I understand. I completely understand. I really do.

21 HI-2: So, when you go next door, they have counselors there. They're gonna want to talk you about all  
22 the feelings you're having right now. Because you know, this is a pretty scary time and they're going  
23 talk to you.

24 MA: Oh man! Why?! (Wailing). (Crying harder) I just wanna... why my whole fucking life has been  
25 shitty, man! I'm trying to do the best I can I swear to God, man. (sobbing) I went from homeless to  
26 fucking finding a nice woman that I wanted to marry. That didn't work out. (sighs) I've been homeless so  
27 many fucking...so long as a child...and now... I'm getting fucked! Oh God, help me please!

28 HI-1: So, Michael all I can say... this...this...there's no discretion...no discretion in not going down  
tonight to jail. Okay but like I said...going forward... the DA is going to review the evidence. They're  
going to decide what they're going to do. Okay...so, like I said you'll get assigned a public defender...  
you talk to them.

MA: What will my situation be like?

HI:-1: You'll go to court on Monday.

MA: Monday...(unintelligible)..

HI-2: You have court on Monday if the DA moves forward with some types of charges on this case then  
you will be arraigned on Monday or they will try to arraign you on Monday and uh, you'll be assigned

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1 your attorney your attorney will talk to you about what happened and then and if the DA is moving  
2 forward, you'll be charged on Monday. Alright, in the meantime, like I said...you know...you'll be safe  
3 the jail will take care of you and you know...

3 MA: Am I going to be around other inmates?

4 HI-2: One step at a time here. You'll be able to talk to them about if theres people you can't be around  
5 or anything like that.

6 HI-1: They'll ask you a lot of questions... they'll screen you.

7 MA: I'm so sorry. I'm sorry for her. I'm sorry for her parents...everything

8 HI-1: We appreciate you saying that.

9 MA: I really do care.

10 HI-1: I...I...I believe it. I do.

11 HI-1: Okay. Alright we're just going to get you processed and get you out of here. Okay.

12 HI-2: There's not very much for us to do I'm going to snap some photos of you. Okay. You going use  
13 your phone?

14 HI-2: I'm gonna get a camera.

15 MA: I'm never going to get my property back or anything .

16 HI-1: No that's not true there's a lot of ways that this can go, you know... you know, it's pretty much  
17 dependent on what the District Attorney wants to do when they review all the evidence. I think you've  
18 been very, very honest with us tonight and that goes a long way, you know... and I'm not just saying that.  
19 I think that's very important. We try to give people the opportunity to tell their side what happened it's  
20 easy for me to say I say it to everybody stay as positive as you can, okay?

21 MA: Yes, sir. Yes, sir.

22 HI-1: I'm sure you know a lot of people who got arrested but got out a few days later.

23 MA: (shakes head)

24 HI-1: No? we see it a lot.

25 HI-2: Why don't you just stand up right over here

26 MA: (exhales) ...this situation...

27 HI-1: Take a deep breath. It's okay.

28 HI-2: Can you face that direction?

HI-1: Turn and look at that wall. And this side, yeah.

HI-1: Face the back wall.

HI-1: Face the right wall. Thank you.

1 HI-2: Uh, we're gonna give it back you but can you take the orange sweatshirt off for a minute? I need to  
2 take pictures just showing your arms and hands and that sort of thing. Can you put your arms straight out  
3 in front of you...?

3 MA: Not worth it... that shit...it's not worth it.

4 HI-2: Put that left hand straight up again. Just like you did a second ago. Turn your palm over...turn this  
5 one over.

6 HI-2: Turn your palms over again.

7 HI-2: And could you just sort of pull your collar down I just wanna see if like your neck see if there are  
8 any scratches on your neck anything like that there... and then turn this side...back a little bit there.

8 HI-1: (unintelligible).

9 HI-2: Do the other side...(unintelligible) just like that.

10 MA: I feel weak. (unintelligible)

11 HI-2: And again you don't feel like you have any injuries on your legs or any on your body  
12 anything...anything that feels sore ... 'cause I want to document it if there is anything like that.

13 MA: No, sir. No.

14 HI-2: Hand that back.

15 HI-2: you don't have any property on your person...you don't have anything in your pockets... keys or  
16 other stuff?

16 MA: (sighs loudly).

17 HI-1: Have a seat again.

18 HI-2: Let's put that back on

19 HI-1: Okay give us a few minutes that you processed me back o

20 HI-1: Do you need some more water ?

21 MA: I need to use the restroom.

22 HI-2: Is it a number... one number two?

23 MA: Probably both.

24 HI-1: Both? No problem. Let's get it set up here.

25 [Inspectors leave]

26 MA: No. Please God (Cries) (Sobs) I didn't wanna do that! (kicks floor) Noooo! Nooo! (Cries). No! Fuck!  
27 Ohhhh...(Cries) (Wails).

28 MA: (Unintelligible) Fuck no! (Wailing) Oh my God. my God. Oh my God! Oh nooooo! Why did  
(unintelligible)...Oh my God! (sighs) Oh my god...why why why?! Why?! Why? (Sobbing) Oh my God!  
Oh my God. Oh my God. Why? Oh. Fuck. Tried to stay...(unintelligible)

1 HI-1: Alright. You need to use the bathroom?  
2 MA: Yes.  
3 HI-1: Stand up face that way. I'm gonna walk you to the bathroom. I'm going to put these on for a second  
4 MA: (Unintelligible).  
5 HI-2: I gotta transport you. Just walk out the door we're gonna go left...then right. [Exits room]  
6 [Re enters room at 3: 29: 35]  
7 [Remains standing in handcuffs leans against the wall.]  
8 [Sits remains silent]  
9 MA: Oh my god....(whispers) I can't believe this. [stays silent]  
10 [Officer helps him take a drink.]  
11 MA: Thank you.  
12 HI-2: You're gonna go with these two guys. They're gonna walk with you.  
13 MA: Kay.  
14 3:39:52  
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