

1 OFFICER 1: You jumped out, then you jumped out?
2 UNIDENTIFIED VOICE 2: Yeah. He tried to run off
3 (inaudible)
4 OFFICER 1: 13, go ahead.
5 UNIDENTIFIED VOICE 1: One at a time.
6 UNIDENTIFIED VOICE 4: I tried to stop him. I tell
7 him, I tell the police. Why don't you stand still (inaudible)
8 police officers are here.
9 (Radio traffic)
10 UNIDENTIFIED VOICE 4: And I -- he just -- he just
11 flipping the bird and then he just run away. So I -- I stay.
12 I stop him in front of the truck and then he try to run me over
13 and (inaudible)
14 OFFICER 1: Where was the truck when you stopped in
15 front of it?
16 UNIDENTIFIED VOICE 4: (Inaudible)
17 OFFICER 1: Where was it in the parking lot here?
18 UNIDENTIFIED VOICE 1: Right here.
19 UNIDENTIFIED VOICE 4: No, right there. Right in front
20 of there.....
21 (Inaudible - simultaneous speech)
22 UNIDENTIFIED VOICE 1: (Inaudible) Klondike (inaudible)
23 OFFICER 1: So it was out in front? Okay.
24 UNIDENTIFIED VOICE 4: Yeah.
25 OFFICER 1: So on the other side of that police car?

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1 UNIDENTIFIED VOICE 1: Yeah.
2 UNIDENTIFIED VOICE 4: Yeah.
3 OFFICER 1: Okay. So you sto -- you stood in front of
4 the car and.....
5 UNIDENTIFIED VOICE 4: Yes.
6 OFFICER 1:tried to get him to stop?
7 UNIDENTIFIED VOICE 4: (Inaudible) I stopped -- I
8 stopped in front of his car and (inaudible) to the driver's
9 side.....
10 OFFICER 1: Did you say anything to him?
11 UNIDENTIFIED VOICE 4: I told him, why don't you roll
12 down the window. And he -- he wouldn't roll down the window,
13 but I shout at him.
14 OFFICER 1: But he had driven from the back over there
15 first?
16 UNIDENTIFIED VOICE 2: Exactly.
17 OFFICER 1: Okay.
18 UNIDENTIFIED VOICE 1: And I saw him drive in. I told
19 my brother, that's the truck. Oh, that's the truck and I saw
20 him walk out of car and walk into the motel. So I told him,
21 that's the truck, so call the police.
22 OFFICER 1: And this was the second time that you saw
23 the truck?
24 UNIDENTIFIED VOICE 1: Yeah.
25 OFFICER 1: The first time -- okay.

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1 UNIDENTIFIED VOICE 1: Yeah. And it.....

2 OFFICER 1: How long had passed between the first time

3 you saw him and the second time?

4 UNIDENTIFIED VOICE 1: Probably between 20 to 25

5 minutes.....

6 OFFICER 1: Okay.

7 UNIDENTIFIED VOICE 1:because (inaudible) Sophie

8 Plaza and I (inaudible) him.

9 OFFICER 1: And you came back with.....

10 UNIDENTIFIED VOICE 1: Yeah, I came back with him, so I

11 told him (inaudible) drive out and behind his truck the -- I

12 saw the white truck. I told Kenny, Kenny, that's the truck.

13 OFFICER 1: All right. Okay.

14 UNIDENTIFIED VOICE 1: I was going to run and then

15 he -- I saw him (inaudible)

16 UNIDENTIFIED VOICE 2: (Inaudible)

17 UNIDENTIFIED VOICE 1: So I -- yeah, I told him, just

18 call the police and so we was all gathering around over there

19 and wait for you guys, and I saw him come out and get in a car.

20 So I told him (inaudible) tell him just to stop the car. And I

21 see he went over there. And (inaudible) whatever he say, and

22 he pull out. He pull out and trying to (inaudible)

23 OFFICER 1: He was backing up?

24 UNIDENTIFIED VOICE 1: Yeah, he was backing up and

25 (inaudible) he (inaudible) was here. I told him, go stop the

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1 car, because he'll run away. And then next thing I know,
2 he -- he go (inaudible) on the side, and he's getting in the
3 back.

4 OFFICER 1: Who jumped in first?

5 UNIDENTIFIED VOICE 2: I did.

6 OFFICER 1: You did?

7 UNIDENTIFIED VOICE 1: Yeah. And he -- he just -- he
8 just (inaudible) over there and at same time I run -- I mean
9 (inaudible) over there and try to stop him. He turn
10 (inaudible) and I run that side, because I told him, you guys
11 don't fight, don't fight. And he turned (inaudible) please
12 just stop. There's police coming. And he ran over me. And
13 driving this way.

14 OFFICER 1: Okay. How long are you in the back of the
15 truck?

16 UNIDENTIFIED VOICE 2: Less than 30 seconds.

17 OFFICER 1: Did he know you were back there?

18 UNIDENTIFIED VOICE 2: Pardon me?

19 OFFICER 1: Did he know you were back there?

20 UNIDENTIFIED VOICE 1: He did (inaudible)

21 OFFICER 1: How did the windows get broke?

22 UNIDENTIFIED VOICE 1: No, because he.....

23 OFFICER 1: Wait, hold on, hold on.

24 UNIDENTIFIED VOICE 2: Okay. Like I say, I was trying
25 to stop him, and he kept trying to run me over (inaudible)

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1 which is (inaudible) roll down the window. I called the
2 police; why don't you stand still. And he say -- flipping
3 -- flipping his middle finger to me. And I tell him, you know,
4 do whatever you want, but stop. Don't go anywhere. And he
5 just try to run away. So I jump into the back of the truck.

6 UNIDENTIFIED VOICE 1: And he told me, stop, stop.

7 UNIDENTIFIED VOICE 2: And I told him stop. I shout at
8 him three times.

9 OFFICER 1: Okay.

10 UNIDENTIFIED VOICE 2: But he was just -- I was
11 standing in the back of the truck and he just ran over
12 (inaudible)

13 UNIDENTIFIED VOICE 1: Yeah, he almost fell down.

14 UNIDENTIFIED VOICE 2: So I tell him stop one more time
15 and he was (inaudible)

16 OFFICER 1: Backing up?

17 UNIDENTIFIED VOICE 2: No, he was forward, not backing
18 up. So I tried to hold something in the back of the truck
19 (inaudible) fall off the truck, right? So I grabbed
20 the -- something in there, whatever, and (inaudible) the window
21 and the window was broke (inaudible) and (inaudible) the window
22 was broke and tell me something -- say that got nothing to do
23 with me or.....

24 OFFICER 1: Okay. Did he stop after the window broke?
25 Did he stop? You got out?

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1 UNIDENTIFIED VOICE 1: Yeah, he did.....

2 UNIDENTIFIED VOICE 2: (Inaudible)

3 OFFICER 1: How did you -- hold on. How did you get in
4 the back of the truck?

5 UNIDENTIFIED VOICE 2: Hold on, hold on. I'm not
6 finished yet; I'm not finished yet.

7 OFFICER 2: Yeah. Who was in the back of the truck at
8 the time it was struck by the van? (Inaudible) Go ahead, go
9 ahead.

10 UNIDENTIFIED VOICE 2: (Inaudible) stop the truck, I
11 get off the truck and then I told him again, why don't you get
12 out from the truck. And then.....

13 UNIDENTIFIED VOICE 1: And at the same time, I was in
14 front of the truck.

15 UNIDENTIFIED VOICE 2: And at that time, she was -- she
16 was in front of the truck. And as she say, she was -- shouted
17 something to me. I couldn't understand it. And then she was
18 trying to run -- run him over. And then he got into the bed.
19 He jumped into the bed of the truck. And then he just run away
20 from there.....

21 OFFICER 1: Okay.

22 UNIDENTIFIED VOICE 2:to there and my sister
23 (inaudible) run away. She was trying to catch him.

24 (Radio traffic)

25 UNIDENTIFIED VOICE 2: (Inaudible) run away. She was

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1 trying to catch him.

2 OFFICER 1: 10-4. I'll get the subpoena information in
3 just a minute.

4 UNIDENTIFIED VOICE 2: (Inaudible)

5 OFFICER 2: Okay. All right.
6 (Inaudible - simultaneous speech)

7 OFFICER 2: Okay. Now, I'm going to ask a couple of
8 questions. I've spoken with all these people. Okay. Of the
9 two of you, who was the first one to break out the first window
10 in the back of the truck?

11 UNIDENTIFIED VOICE 2: I did.

12 OFFICER 2: That was you. Who was the person who threw
13 the brick at the front of the windshield of the two of you?
14 Who threw the brick at the front of the windshield?

15 UNIDENTIFIED VOICE 2: I don't know (inaudible)

16 OFFICER 2: The front window.

17 UNIDENTIFIED VOICE 2: Front window?

18 OFFICER 2: Yeah. Who threw the big rock or the brick,
19 and we'll go find it in a second, at the front window?

20 UNIDENTIFIED VOICE 2: A rock (inaudible)

21 OFFICER 2: Okay. What was it?

22 UNIDENTIFIED VOICE 2: (Inaudible) the plastic -- the
23 bottle. I think (inaudible)

24 UNIDENTIFIED VOICE 1: He did, he did.

25 UNIDENTIFIED VOICE 2: I did.

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1 OFFICER 2: Okay.
2 UNIDENTIFIED VOICE 2: Yeah.
3 OFFICER 2: All right.
4 UNIDENTIFIED VOICE 1: No, because at same time.....
5 OFFICER 2: I'm not talking to you.
6 (Inaudible - simultaneous speech)
7 OFFICER 1: Okay. Just relax. Okay.
8 UNIDENTIFIED VOICE 1: (Inaudible) I stop -- trying to
9 stop everything and he keep trying to run over, so he grab
10 something and throw because he running and I fall down. He saw
11 me fall down. My brother saw me fall down, run me over.
12 OFFICER 1: You and I are going to walk over here,
13 because I need to get an ID from you. Okay.
14 UNIDENTIFIED VOICE 1: You guys wrong to arrest my
15 brother. He tried to kill us.
16 OFFICER 1: Come on over here. We're (inaudible)
17 (Off record)

18 * * * * *

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EXC 168

P R O C E E D I N G S

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Tape 2 of 3, side A

OFFICER 2: Need to talk to us about something?

BARTENDER: Oh, no, I was just -- what happened was
(inaudible) go to work and I seen everything happen and
that's -- he throw the phone at me to call you guys and I'm the
one that called.

OFFICER 2: Okay. Who was driving the van?

BARTENDER: Who was driving the van?

OFFICER 2: The van over here.

BARTENDER: (Inaudible)

OFFICER 2: That's your van?

BARTENDER: Uh-huh.

OFFICER 2: Okay.

BARTENDER: Yes, they were trying to chase the guy to
keep him from leaving. And then they turned around and came
back (inaudible)

OFFICER 2: So where was -- where were you when this
all started?

BARTENDER: I pulled in the parking lot. As soon as I
pulled in the parking lot, I seen the white truck almost run
that woman over there.

OFFICER 2: What woman?

BARTENDER: Then they went.....

OFFICER 2: Which woman?

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Exc 169

1 BARTENDER: That woman right there, the one in the red.

2 OFFICER 2: Okay.

3 BARTENDER: They went speeding at her and she's
4 screaming, going, somebody call the police. And I didn't have
5 a phone, so Kenny, the owner, he was getting in his truck to do
6 something. And next thing I know, this truck comes flying out
7 here and the mini van -- the guys jump in the mini van, I
8 guess, to stop him, because I guess they were -- he was trying
9 to rob the place. They -- and then they turned around. Next
10 thing I know, they both went flying around the corner, and
11 before I knew anything, I was like, gosh, I better call the
12 cops, because this doesn't look right. I mean, that's when
13 Kenny came over and said, call the police, call the police and
14 threw the phone at me. But (inaudible)

15 OFFICER 2: What I'd like you to do for me, ma'am, is
16 I'd like you to write -- do a written statement for me, just
17 basically what you observed.

18 BARTENDER: Okay.

19 OFFICER 2: Okay. And what you heard.

20 BARTENDER: Yeah. I'm going into work (inaudible)

21 OFFICER 2: Well, actually, I don't think anybody is
22 going to be working anytime today.....

23 BARTENDER: Oh, no (inaudible)

24 OFFICER 2:or anytime recently. We don't know
25 what's going -- there's some civil dispute over the place, so I

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1 don't know what's going on. I might be wrong, but right now,
2 let's stay out of the bar. Okay. So what I can do is you can
3 just sit right here and I'll go get you a clipboard and you can
4 just write down what you seen and what you heard for me.

5 BARTENDER: Okay.

6 OFFICER 2: Okay.

7 BARTENDER: All right.

8 OFFICER 2: Thank you.

9 UNIDENTIFIED VOICE 4: (Inaudible) try to kill her.

10 OFFICER 2: Okay. Well, this is a criminal
11 investigation right now. It's under investigation. We don't
12 know.

13 UNIDENTIFIED VOICE 4: Like I say, I told him to stop
14 and he try to run me over, so I jumped into the back of the
15 truck.

16 OFFICER 1: But you were in the back of the truck, at
17 this point, right?

18 UNIDENTIFIED VOICE 4: (Inaudible) No.

19 UNIDENTIFIED VOICE 2: No, I did.

20 OFFICER 1: You jumped in the back of the truck first?

21 UNIDENTIFIED VOICE 2: Yes, I did.

22 OFFICER 1: Then you did?

23 UNIDENTIFIED VOICE 4: Yeah, I did, too.

24 OFFICER 1: You were both in it at the same time?

25 UNIDENTIFIED VOICE 4: No.

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Exc 171

1 (Inaudible - simultaneous speech)
2 OFFICER 1: You jumped out, then you jumped out?
3 UNIDENTIFIED VOICE 2: Yeah. He tried to run off
4 (inaudible)
5 OFFICER 1: 13, go ahead.
6 UNIDENTIFIED VOICE 1: One at a time.
7 UNIDENTIFIED VOICE 4: I tried to stop him. I tell
8 him, I tell the police. Why don't you stand still (inaudible)
9 police officers are here.
10 (Radio traffic)
11 UNIDENTIFIED VOICE 4: And I -- he just -- he just
12 flipping the bird and then he just run away. So I -- I stay.
13 I stop him in front of the truck and then he try to run me over
14 and (inaudible)
15 OFFICER 1: Where was the truck when you stopped in
16 front of it?
17 UNIDENTIFIED VOICE 4: (Inaudible)
18 OFFICER 1: Where was it in the parking lot here?
19 UNIDENTIFIED VOICE 1: Right here.
20 UNIDENTIFIED VOICE 4: No, right there. Right in front
21 of there.....
22 (Inaudible - simultaneous speech)
23 UNIDENTIFIED VOICE 1: (Inaudible) Klondike
24 (inaudible)
25 OFFICER 1: So it was out in front? Okay.

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1 UNIDENTIFIED VOICE 4: Yeah.
2 OFFICER 1: So on the other side of that police car?
3 UNIDENTIFIED VOICE 1: Yeah.
4 UNIDENTIFIED VOICE 4: Yeah.
5 OFFICER 1: Okay. So you sto -- you stood in front of
6 the car and.....
7 UNIDENTIFIED VOICE 4: Yes.
8 OFFICER 1:tried to get him to stop?
9 UNIDENTIFIED VOICE 4: (Inaudible) I stopped -- I
10 stopped in front of his car and (inaudible) to the driver's
11 side.....
12 OFFICER 1: Did you say anything to him?
13 UNIDENTIFIED VOICE 4: I told him, why don't you roll
14 down the window. And he -- he wouldn't roll down the window,
15 but I shout at him.
16 OFFICER 1: But he had driven from the back over there
17 first?
18 UNIDENTIFIED VOICE 2: Exactly.
19 OFFICER 1: Okay.
20 UNIDENTIFIED VOICE 1: And I saw him drive in. I told
21 my brother, that's the truck. Oh, that's the truck and I saw
22 him walk out of car and walk into the motel. So I told him,
23 that's the truck, so call the police.
24 OFFICER 1: And this was the second time that you saw
25 the truck?

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1 UNIDENTIFIED VOICE 1: Yeah.
2 OFFICER 1: The first time -- okay.
3 UNIDENTIFIED VOICE 1: Yeah. And it.....
4 OFFICER 1: How long had passed between the first time
5 you saw him and the second time?
6 UNIDENTIFIED VOICE 1: Probably between 20 to 25
7 minutes.....
8 OFFICER 1: Okay.
9 UNIDENTIFIED VOICE 1:because (inaudible) Sophie
10 Plaza and I (inaudible) him.
11 OFFICER 1: And you came back with.....
12 UNIDENTIFIED VOICE 1: Yeah, I came back with him, so I
13 told him (inaudible) drive out and behind his truck the -- I
14 saw the white truck. I told Kenny, Kenny, that's the truck.
15 OFFICER 1: All right. Okay.
16 UNIDENTIFIED VOICE 1: I was going to run and then
17 he -- I saw him (inaudible)
18 UNIDENTIFIED VOICE 2: (Inaudible)
19 UNIDENTIFIED VOICE 1: So I -- yeah, I told him, just
20 call the police and so we was all gathering around over there
21 and wait for you guys, and I saw him come out and get in a car.
22 So I told him (inaudible) tell him just to stop the car. And I
23 see he went over there. And (inaudible) whatever he say, and
24 he pull out. He pull out and trying to (inaudible)
25 OFFICER 1: He was backing up?

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1 UNIDENTIFIED VOICE 1: Yeah, he was backing up and
2 (inaudible) he (inaudible) was here. I told him, go stop the
3 car, because he'll run away. And then next thing I know,
4 he -- he go (inaudible) on the side, and he's getting in the
5 back.

6 OFFICER 1: Who jumped in first?

7 UNIDENTIFIED VOICE 2: I did.

8 OFFICER 1: You did?

9 UNIDENTIFIED VOICE 1: Yeah. And he -- he just -- he
10 just (inaudible) over there and at same time I run -- I mean
11 (inaudible) over there and try to stop him. He turn
12 (inaudible) and I run that side, because I told him, you guys
13 don't fight, don't fight. And he turned (inaudible) please
14 just stop. There's police coming. And he ran over me. And
15 driving this way.

16 OFFICER 1: Okay. How long were you in the back of the
17 truck?

18 UNIDENTIFIED VOICE 2: Less than 30 seconds.

19 OFFICER 1: Did he know you were back there?

20 UNIDENTIFIED VOICE 2: Pardon me?

21 OFFICER 1: Did he know you were back there?

22 UNIDENTIFIED VOICE 1: He did (inaudible)

23 OFFICER 1: How did the windows get broke?

24 UNIDENTIFIED VOICE 1: No, because he.....

25 OFFICER 1: Wait, hold on, hold on.

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Exc 175

1 UNIDENTIFIED VOICE 2: Okay. Like I say, I was trying
2 to stop him, and he kept trying to run me over (inaudible)
3 which is (inaudible) roll down the window. I called the
4 police; why don't you stand still. And he say -- flipping
5 -- flipping his middle finger to me. And I tell him, you know,
6 do whatever you want, but stop. Don't go anywhere. And he
7 just try to run away. So I jump into the back of the truck.

8 UNIDENTIFIED VOICE 1: And he told me, stop, stop.

9 UNIDENTIFIED VOICE 2: And I told him stop. I shout at
10 him three times.

11 OFFICER 1: Okay.

12 UNIDENTIFIED VOICE 2: But he was just -- I was
13 standing in the back of the truck and he just ran over
14 (inaudible)

15 UNIDENTIFIED VOICE 1: Yeah, he almost fell down.

16 UNIDENTIFIED VOICE 2: So I tell him stop one more time
17 and he was (inaudible)

18 OFFICER 1: Backing up?

19 UNIDENTIFIED VOICE 2: No, he was forward, not backing
20 up. So I tried to hold something in the back of the truck
21 (inaudible) fall off the truck, right? So I grabbed
22 the -- something in there, whatever, and (inaudible) the window
23 and the window was broke (inaudible) and (inaudible) the window
24 was broke and tell me something -- say that got nothing to do
25 with me or.....

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1 OFFICER 1: Okay. Did he stop after the window broke?

2 Did he stop? You got out?

3 UNIDENTIFIED VOICE 1: Yeah, he did.....

4 UNIDENTIFIED VOICE 2: (Inaudible)

5 OFFICER 1: How did you -- hold on. How did you get in
6 the back of the truck?

7 UNIDENTIFIED VOICE 2: Hold on, hold on. I'm not
8 finished yet; I'm not finished yet.

9 OFFICER 2: Yeah. Who was in the back of the truck at
10 the time it was struck by the van? (Inaudible) Go ahead, go
11 ahead.

12 UNIDENTIFIED VOICE 2: (Inaudible) stop the truck, I
13 get off the truck and then I told him again, why don't you get
14 out from the truck. And then.....

15 UNIDENTIFIED VOICE 1: And at the same time, I was in
16 front of the truck.

17 UNIDENTIFIED VOICE 2: And at that time, she was -- she
18 was in front of the truck. And as she say, she was -- shouted
19 something to me. I couldn't understand it. And then she was
20 trying to run -- run him over. And then he got into the bed.
21 He jumped into the bed of the truck. And then he just run away
22 from there.....

23 OFFICER 1: Okay.

24 UNIDENTIFIED VOICE 2:to there and my sister
25 (inaudible) run away. She was trying to catch him.

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1 (Radio traffic)

2 UNIDENTIFIED VOICE 2: (Inaudible) run away. She was
3 trying to catch him.

4 OFFICER 1: 10-4. I'll get the subpoena information in
5 just a minute.

6 UNIDENTIFIED VOICE 2: (Inaudible)

7 OFFICER 2: Okay. All right.

8 (Inaudible - simultaneous speech)

9 OFFICER 2: Okay. Now, I'm going to ask a couple of
10 questions. I've spoken with all these people. Okay. Of the
11 two of you, who was the first one to break out the first window
12 in the back of the truck?

13 UNIDENTIFIED VOICE 2: I did.

14 OFFICER 2: That was you. Who was the person who threw
15 the brick at the front of the windshield of the two of you?
16 Who threw the brick at the front of the windshield?

17 UNIDENTIFIED VOICE 2: I don't know (inaudible)

18 OFFICER 2: The front window.

19 UNIDENTIFIED VOICE 2: Front window?

20 OFFICER 2: Yeah. Who threw the big rock or the brick,
21 and we'll go find it in a second, at the front window?

22 UNIDENTIFIED VOICE 2: A rock (inaudible)

23 OFFICER 2: Okay. What was it?

24 UNIDENTIFIED VOICE 2: (Inaudible) the plastic -- the
25 bottle. I think (inaudible)

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1 UNIDENTIFIED VOICE 1: He did, he did.
2 UNIDENTIFIED VOICE 2: I did.
3 OFFICER 2: Okay.
4 UNIDENTIFIED VOICE 2: Yeah.
5 OFFICER 2: All right.
6 UNIDENTIFIED VOICE 1: No, because at same time.....
7 OFFICER 2: I'm not talking to you. You were in the
8 back of the truck.....
9 UNIDENTIFIED VOICE 2: (Inaudible)
10 OFFICER 4: I'm not talking to you right now, either.
11 You were in the back of the truck (inaudible)
12 OFFICER 1: Okay. Hold on. Relax.
13 (Inaudible - simultaneous speech)
14 OFFICER 2: Okay. At what point did you break the
15 stick off in the back and start jabbing it inside the truck and
16 break the other window?
17 UNIDENTIFIED VOICE 4: I did not. I did not.
18 UNIDENTIFIED VOICE 2: (Inaudible) try to run him over.
19 OFFICER 2: Okay. All right.
20 OFFICER 1: This guy and this guy, 10-80, 10-80 and
21 we'll figure out (inaudible).
22 OFFICER 2: Sir, put your hands behind your back for
23 me. Put your hands behind your back.
24 UNIDENTIFIED VOICE 2: No, no, I have a bad.....
25 OFFICER 2: Put your hands behind your back easy.

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1 UNIDENTIFIED VOICE 2: No, no, no. I have a bad
2 shoulder.
3 OFFICER 2: Okay.
4 (Inaudible - simultaneous speech)
5 OFFICER 2: Relax.
6 UNIDENTIFIED VOICE 2: (Inaudible)
7 OFFICER 1: Listen
8 (Inaudible - simultaneous speech)
9 OFFICER 1: What is wrong with your shoulder? What is
10 wrong with your shoulder?
11 UNIDENTIFIED VOICE 2: I can't bend it.
12 UNIDENTIFIED VOICE 1: (Inaudible)
13 OFFICER 1: You can't bend it (inaudible)
14 UNIDENTIFIED VOICE 2: (Inaudible)
15 OFFICER 1: You don't have to bend your shoulders.
16 Just put your arm down. Relax your arm; relax.
17 UNIDENTIFIED VOICE 2: No, I can't.....
18 OFFICER 1: See, right there. You don't -- no, no
19 bend. Just relax your arm.
20 UNIDENTIFIED VOICE 1: Well, he's (inaudible)
21 OFFICER 1: (Inaudible) relax.
22 UNIDENTIFIED VOICE 2: Handcuff them at the front. I'm
23 not going to run away.
24 OFFICER 1: No, you're not getting handcuffed from the
25 front.

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1 OFFICER 2: Relax.
2 UNIDENTIFIED VOICE 1: (Inaudible)
3 OFFICER 1: Nobody is doing nothing. Nobody is
4 doing.....
5 UNIDENTIFIED VOICE 1: (Inaudible)
6 OFFICER 1: This arm or the other arm?
7 UNIDENTIFIED VOICE 2: (Inaudible)
8 OFFICER 1: I'm not doing nothing. Shit, just put your
9 arm straight down.
10 UNIDENTIFIED VOICE 1: (Inaudible)
11 OFFICER 2: What's wrong with it? What did you do to
12 it?
13 UNIDENTIFIED VOICE 2: (Inaudible)
14 OFFICER 1: You got (inaudible)
15 OFFICER 2: Yeah. (Inaudible)
16 OFFICER 1: This (inaudible) hold on a second. Hold
17 on. We're going to (inaudible) okay.
18 UNIDENTIFIED VOICE 2: I'm serious.
19 OFFICER 2: I'm serious, too (inaudible) keep them far
20 apart.
21 (Inaudible - simultaneous speech)
22 OFFICER 2: But you're going to get handcuffed back
23 here. Okay. You've been standing by here waving your arms all
24 over and it hadn't bothered you.
25 (Inaudible - simultaneous speech)

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1 (Radio traffic)
2 OFFICER 2: Relax.
3 UNIDENTIFIED VOICE 2: (Inaudible)
4 OFFICER 2: Come with me, sir. Do you have anything in
5 your pockets I should be aware of? Anything sharp, pointed
6 knives.....
7 UNIDENTIFIED VOICE 2: No.
8 OFFICER 2:guns or anything like that that I need
9 to be aware of?
10 UNIDENTIFIED VOICE 2: (Inaudible)
11 OFFICER 2: Okay. Because I'm going to have to pat you
12 down. Okay. Is this your medication?
13 UNIDENTIFIED VOICE 2: Yeah.
14 OFFICER 2: Is this for your shoulder?
15 UNIDENTIFIED VOICE 2: Shoulder and (inaudible)
16 OFFICER 2: Okay.
17 UNIDENTIFIED VOICE 2: You guys -- you guys making a
18 mistake.
19 OFFICER 2: Have a seat. Squash your head when you get
20 in; take it slow. (Inaudible) This officer over here is the
21 investigation officer. Okay. I'm here to assist him. As soon
22 as I find out more, I will tell you. Okay.
23 UNIDENTIFIED VOICE 2: (Inaudible)
24 OFFICER 2: Well, right now, it would be inappropriate
25 for me to make any comments to you about that, because

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1 (inaudible - radio traffic) under arrest (inaudible) and I
2 don't know both sides of the story. Okay. What we're going to
3 do is, I'm going to have -- I'm going to take you out the
4 vehicle and I'm going to put you in the back of that vehicle.
5 Okay. Because that's the arresting officer's vehicle.

6 (Radio traffic)

7 OFFICER 2: All right. Sir, could you step out for me,
8 please?

9 UNIDENTIFIED VOICE 2: (Inaudible)

10 OFFICER 2: What's that?

11 UNIDENTIFIED VOICE 2: Can I (inaudible)

12 OFFICER 2: Sure.

13 (Inaudible - simultaneous speech)

14 UNIDENTIFIED VOICE 2: (Inaudible)

15 OFFICER 2: Let's go.

16 UNIDENTIFIED VOICE 2: (Inaudible)

17 OFFICER 2: Come in and have a seat.

18 UNIDENTIFIED VOICE 2: What did I do?

19 OFFICER 2: Watch your head.

20 UNIDENTIFIED VOICE 2: (Inaudible)

21 OFFICER 2: 29. Grimes 37, 29. Grimes 37, 29. City

22 37.

23 DISPATCH: (Inaudible)

24 OFFICER 2: I'm not getting anything back on Grimes.

25 Can you 29 Alaska OL, please.

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1 DISPATCH: Go ahead.
2 OFFICER 2: 6467142, Clemie Douglas.
3 DISPATCH: (Inaudible) ordinance by Officer Foster
4 (inaudible)
5 OFFICER 2: 10-4. I'll be 20 -- 10-24, 10-8 from here.
6 Citizen's report was taken. En route back to the station to
7 plug in the information (inaudible)
8 DISPATCH: Copy.
9 (Radio traffic)
10 OFFICER 2: City 37, I'll be out of the station.
11 DISPATCH: 10-4.
12 OFFICER 2: How are you doing, sir?
13 (Off record comments about lunch)
14 OFFICER 3: I spoke with (inaudible). I told them, I
15 said, I can't -- I'm not going to (inaudible) but I'm not going
16 (inaudible) all parties involved. I said, if I -- if I issue
17 the ticket based on what I heard right now, (inaudible) that's
18 not fair (inaudible) three or four parties involved. He said,
19 okay.
20 OFFICER 2: He ain't going to come in.
21 OFFICER 3: Oh, yes, he will or I'll summon his ass.
22 OFFICER 2: Hit and run?
23 OFFICER 3: Yeah, (inaudible) third one I got
24 (inaudible)
25 OFFICER 2: You got to be kidding me. You know, I must

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1 be dispoing these calls wrong or something.

2 OFFICER 3: (Inaudible) these guys, man, (inaudible)
3 both you have warrants (inaudible) they're fun to mess with.
4 (Inaudible)

5 OFFICER 2: Did you say that?

6 OFFICER 3: Yeah. He goes, no, really, I'm
7 (inaudible). I'm like, whatever. (Inaudible) and he looks and
8 goes, I'm not funny. (Inaudible) pretty funny. (Inaudible)
9 jail. Officer, I have not. (Inaudible) I'm like, uh-huh, do
10 you want to wear some pretty bracelets. These guys are
11 (inaudible) they're pretty funny. They were both fine.
12 They're from Anchorage. They -- they just came into town,
13 rented a car.

14 OFFICER 2: (Inaudible) rental car.

15 OFFICER 3: (Inaudible) insurance.

16 (Off record)

17 * * * * *

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P R O C E E D I N G S

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Tape 3 of 3, side A

911 call number 1:

DISPATCH: 911, what is your emergency?

KENNY LEE: Oh, hi. My name is Kenny and I'm calling from the Klondike restaurant in the bar. I have someone to try to break in and I (inaudible)

DISPATCH: Your name is Kenny?

KENNY LEE: Yes. (Inaudible) someone break our lock.

DISPATCH: Okay. Is somebody.....

KENNY LEE: (Inaudible) here.

DISPATCH: Somebody tried to break into the Klondike bar?

KENNY LEE: Yeah, and we caught him and he's here right now.

DISPATCH: Who is it that's there?

KENNY LEE: I don't know. I haven't seen him before.

DISPATCH: Who -- you don't know who it is?

KENNY LEE: (Inaudible) I don't know who it is, but they -- (inaudible) right now.

DISPATCH: You do know who it is?

KENNY LEE: Yeah, from (inaudible)

DISPATCH: Sir -- okay. You either do or you do not know who it is? Who -- do you know who it is?

KENNY LEE: I don't know -- I don't know him and I

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EXC 186

1 don't know him -- his name and (inaudible) I don't know who it
2 is, but I know him where he is right now.
3 DISPATCH: Where is he?
4 KENNY LEE: He's right (inaudible)
5 DISPATCH: What is your name?
6 KENNY LEE: My name is Kenny.
7 DISPATCH: Kenny who?
8 KENNY LEE: Kenny Lee.
9 DISPATCH: Kenny Lee?
10 KENNY LEE: Yes. (Inaudible)
11 DISPATCH: Where is the other guy?
12 KENNY LEE: He's right across the street.
13 DISPATCH: He's across the street?
14 KENNY LEE: Yes.
15 DISPATCH: So if he's across the street, how is he
16 trying to break in?
17 KENNY LEE: He bust our lock and (inaudible)
18 DISPATCH: He did what?
19 KENNY LEE: He try to bust my lock (inaudible)
20 DISPATCH: He tried to break your lock?
21 KENNY LEE: Yeah.
22 DISPATCH: Okay. Did you put a -- did you put a lock
23 on that building? Did you just go over there and put a lock on
24 there?
25 KENNY LEE: No.

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1 DISPATCH: You didn't just put a lock on?
2 KENNY LEE: No, I didn't.
3 DISPATCH: Why would he be trying to break your lock?
4 KENNY LEE: I don't know. (Inaudible)
5 DISPATCH: Do you own that building?
6 KENNY LEE: No, we lease it out, that building.
7 DISPATCH: Are you (inaudible) ?
8 KENNY LEE: Pardon me? Yes, I am.
9 DISPATCH: Okay. Now, is he the owner of the other
10 place?
11 KENNY LEE: No (inaudible)
12 DISPATCH: He's not?
13 KENNY LEE: No. Maybe he's working for him or
14 something, but.....
15 DISPATCH: Uh-huh.
16 KENNY LEE:I haven't see his face before.
17 DISPATCH: You have never seen him?
18 KENNY LEE: No.
19 DISPATCH: Okay. Well, we're going to send some
20 officers over there. Where are you at? Are you inside? Where
21 are you?
22 KENNY LEE: I'm waiting outside.....
23 DISPATCH: You're outside?
24 KENNY LEE:freezing. Yes.
25 DISPATCH: Are you by your vehicle or.....

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1 KENNY LEE: Yeah, (inaudible) the vehicle.
2 DISPATCH: What vehicle?
3 KENNY LEE: (Inaudible) Dodge Durango.
4 DISPATCH: What color?
5 KENNY LEE: Red.
6 DISPATCH: Red Dodge Durango?
7 KENNY LEE: Yeah.
8 DISPATCH: Okay. You stay right there.
9 KENNY LEE: Okay. I'm (inaudible)
10 DISPATCH: Do not make any contact with him. Do you
11 hear me?
12 KENNY LEE: Yeah, I hear you.
13 DISPATCH: Okay. And they'll be right there.
14 KENNY LEE: All right. Thank you.
15 DISPATCH: Okay. Bye.
16 911 call number 2:
17 DISPATCH: 911
18 BARTENDER: Yes, I need a trooper over here at the
19 Klondike Inn. There's a robbery attempt going on. It's a
20 silver mini van. They just took off and tried to run some guy
21 over (inaudible) I have his cell phone and.....
22 DISPATCH: Who is trying to break in?
23 BARTENDER: The perpetrator has just left in his -- the
24 perpetrator just left in his (inaudible)
25 DISPATCH: Okay. Ma'am, I have two people on the way

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1 to the Klondike. Is this reference the last call?

2 BARTENDER: I guess (inaudible) already been called,
3 because the owner just said me to call because of the break-in
4 here at the Klondike. And (inaudible) probably they took off
5 heading towards down Airport towards Peger area in a silver
6 brand new mini van?

7 DISPATCH: Where's the owner?

8 BARTENDER: The owner is on his way over right now.
9 I'm the bartender and I just got here and he threw the phone at
10 me and asked me to call. (Inaudible) get the license.....

11 DISPATCH: So you have no idea what's going on here?

12 BARTENDER: The troopers are on their way here. Did
13 you get the license plate number of the vehicle? That's the
14 vehicle, the white truck?

15 UNIDENTIFIED VOICE: Yeah.

16 BARTENDER: Okay. Well, here comes the owner. Here's
17 his phone right here. Hold on.

18 UNIDENTIFIED VOICE 4: (Inaudible) he just tried to run
19 over my -- my brother and me.

20 (Inaudible - simultaneous speech)

21 DISPATCH: Hello? Hello?

22 UNIDENTIFIED VOICE 4: (Inaudible)

23 DISPATCH: Hello?

24 BARTENDER: Hello. Yeah, he just handed me back the
25 phone. He's in a panic state. He said that this.....

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1 DISPATCH: Who is it? Is it the owner of the bar and
2 one of the owners (inaudible)

3 BARTENDER: (Inaudible) the owner of the Klondike Inn
4 off of the -- the whole conglomerate over here.

5 DISPATCH: Okay.

6 BARTENDER: The owner of the whole place. They have
7 the (inaudible)

8 DISPATCH: Is it the two owners?

9 BARTENDER: Yeah, there's two owners, I guess.

10 DISPATCH: Okay. Is it the two owners that are
11 reporting this against each other still?

12 BARTENDER: Somebody tried to run over this woman. I
13 just got here, ma'am. He threw the phone at me and asked me to
14 call the troopers.....

15 DISPATCH: Okay.

16 BARTENDER:because they were chasing the people
17 down. Now, we're here now, and we're just waiting on the
18 officers to get here, I guess. You -- they are on their way,
19 hon. (Inaudible) the people (inaudible) that did it?
20 (Inaudible) is it here? (Inaudible) did they have a gun or
21 anything?

22 UNIDENTIFIED VOICE: I don't know.

23 BARTENDER: Well, where are they at?

24 (Inaudible - simultaneous speech)

25 BARTENDER: Okay. Hold on one second.

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1 (Inaudible - simultaneous speech)
2 DISPATCH: Hello? Who is this?
3 KENNY LEE: My name is Kenny.
4 DISPATCH: Kenny, who did this to you?
5 KENNY LEE: He just tried to run over (inaudible)
6 DISPATCH: Who? Who?
7 KENNY LEE: (Inaudible)
8 DISPATCH: Okay. It's the owner of the bar?
9 KENNY LEE: No.
10 DISPATCH: The owner of the.....
11 KENNY LEE: (Inaudible) the bar.
12 DISPATCH: Okay. The owner of the other part?
13 KENNY LEE: Yes. (Inaudible) he says (inaudible) but
14 he try to run over me and run over my brother with a truck
15 (inaudible), please.
16 DISPATCH: We have them on the way.
17 KENNY LEE: Thank you.
18 DISPATCH: Were you supposed to wait in a certain spot?
19 KENNY LEE: Yes, I was trying to wait and (inaudible)
20 DISPATCH: Where did you try to wait?
21 KENNY LEE: (Inaudible)
22 DISPATCH: Where?
23 KENNY LEE: (Inaudible) thank you.
24 911 call number 3:
25 DISPATCH: Sir, where are you at right now?

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1 MAX: We're in -- locked in a hotel. These people are
2 nuts.
3 DISPATCH: Okay. And which person are you?
4 MAX: My name is Max. I'm an employee of the Klondike
5 Inn.
6 DISPATCH: Okay.
7 MAX: And we got the manager here and.....
8 DISPATCH: Okay. So you're Max. You're -- what do you
9 do?
10 MAX: I'm a manager.
11 DISPATCH: You're the manager?
12 MAX: Yeah. And then there's two managers here.
13 DISPATCH: Okay. And then who is with you?
14 MAX: The -- a couple of other people named John and
15 then.....
16 DISPATCH: Okay. And John (inaudible)?
17 MAX: Yeah. Did you see those guys run into us
18 and -- okay.
19 DISPATCH: Okay. Now, what did they run into you with?
20 They ran into you with their truck?
21 MAX: Well, first of all, we were trying to drive off
22 (inaudible)
23 DISPATCH: Sir, was that a red Dodge?
24 MAX: No, it's a -- what did they hit us with? I was
25 trying to drive and while the guy was in the back jabbing

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1 me.....

2 DISPATCH: So he actually hit your vehicle with another
3 vehicle?

4 MAX: Ran into it. And they were trying to kill us.
5 They smashed the front window and the back window. They were
6 in the back of the truck.

7 DISPATCH: Okay. Hold on.

8 MAX: Oh (inaudible) see, they (inaudible) me
9 (inaudible)

10 DISPATCH: Where are you locked into right now? Tell
11 me where.....

12 MAX: The Klondike Inn itself.

13 DISPATCH: You're locked into the Klondike itself?

14 MAX: Yeah. The police are here finally.

15 DISPATCH: I have Max. He's the manager that was
16 working.

17 MAX: Yes, ma'am.

18 DISPATCH: Uh-huh. Yeah, he locked himself in.

19 MAX: Oh, I'm not bleeding.

20 UNIDENTIFIED VOICE: Oh, okay.

21 DISPATCH: Is that an officer?

22 MAX: No, it was somebody (inaudible).....

23 DISPATCH: Okay.

24 MAX:my -- one of my guys here.

25 DISPATCH: Okay. So you're locked into -- are you like

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1 in the bar area or the restaurant area?
2 MAX: No, (inaudible)
3 DISPATCH: No? You're in the hotel?
4 MAX: And -- and I'm not going out (inaudible)
5 DISPATCH: Are you in the hotel office?
6 MAX: Yes.
7 DISPATCH: You're in the hotel office?
8 MAX: Yeah, I don't want these guys seeing me
9 (inaudible)
10 DISPATCH: What kind of vehicle were you driving?
11 MAX: The company truck, a white Ford.
12 DISPATCH: You had a white Ford?
13 MAX: Yeah. They ran into the side of it. You can see
14 it.
15 DISPATCH: Okay.
16 MAX: I mean, we -- we did nothing but get in the truck
17 and drive in the opposite direction and they attacked us.
18 DISPATCH: Was that before -- had you talked to them
19 prior to leaving?
20 MAX: No. The -- the fellow that beat us up?
21 DISPATCH: Uh-huh.
22 MAX: No, not at all.
23 DISPATCH: You hadn't had any -- talked to them at all?
24 MAX: (Inaudible) zero; zero. They chased us down.....
25 DISPATCH:

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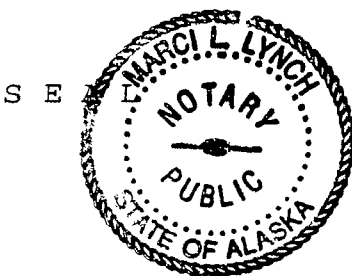
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TRANSCRIBER'S CERTIFICATE

I, Marci Lynch, certify that the foregoing pages numbered 2 through 52 are a true, accurate, and complete transcript of proceedings in Case No. 4FA-04-2761 CI, Yi v. Yang, et al, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

October 8, 2007
October 8, 2007

Marci Lynch
Marci Lynch, Court Reporter
Notary Public in and for the
State of Alaska
Commission Expires: 11/11/07



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EXC 197

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

YONG H. YI, KENNY YI, LUNAR CHIN,
and HYON CHA YI,

Plaintiffs,

vs.

HARRIS S. YANG, SHARON YANG, MAX
ARTHUR LAMOUREAUX, JOHN C. PHARR,
and Y & I CORPORATION,

Defendants.

HARRIS S. YANG, SHARON YANG, and
Y & I CORPORATION,

Third-party plaintiffs,

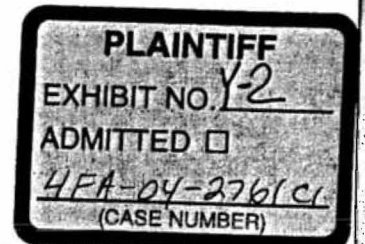
vs.

KENNY YI, and LUNAR CHINN,

Third-party defendants.

Case No. 4FA-04-2761

DEPOSITION OF PEYTON MERIDETH
January 21, 2008



SXC 178

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 11
 12 FOR THE CITY OF
 FAIRBANKS AND
 PEYTON MERIDETH: MR. PAUL J. EWERS, ESQ.
 13 Law Office of Paul Ewers
 312 Fifth Avenue
 14 Fairbanks, Alaska 99701
 (907) 457-2989
 15
 16 * * * *

1 PROCEEDINGS
 2 COURT REPORTER: We're on record. My name is
 3 Marci Lynch with Liz D'Amour & Associates in Fairbanks, Alaska.
 4 Today's date is January 21st, 2008. The time is 9:00 a.m.
 5 We are here in the case of Yi and Chin vs.
 6 Yang, et al. Case number 4FA-04-2761. We're meeting for the
 7 deposition of Peyton Merideth.
 8 Will counsel please identify themselves for the
 9 record, and then I'll swear in the witness.
 10 MR. WALLERI: Michael Walleri on behalf of the
 11 plaintiffs.
 12 MS. HOZUBIN: Rebecca Hozubin on behalf of
 13 Max Lamoreaux.
 14 MS. TINKER BRAY: Aisha Tinnker-Bray of behalf
 15 of the Yangs.
 16 MR. EWERS: Paul Ewers on behalf of
 17 Peyton Merideth and the City of Fairbanks.
 18 COURT REPORTER: Thank you. Sir, would you
 19 raise your right hand.
 20 (Oath administered)
 21 MR. MEREDITH: I do.
 22 COURT REPORTER: Thank you.
 23 PEYTON MERIDETH
 24 having first been duly sworn under Oath, testified as follows
 25 on examination:

1 PURSUANT TO NOTICE, the Deposition of Peyton Merideth
 2 was taken on behalf of Plaintiffs before Marci Lynch, Notary
 3 Public in and for the State of Alaska, and Reporter for Liz
 4 D'Amour & Associates, Inc., at the offices of Liz D'Amour &
 5 Associates, 330 Wendell Street, Fairbanks, Alaska, on the 21st
 6 day of January 2008, commencing at the hour of 9:00 a.m.
 7 TABLE OF CONTENTS
 8 Direct Examination by Mr. Walleri 4
 Cross-Examination by Ms. Hozubin 87
 9
 10 EXHIBITS:
 (No exhibits marked during these proceedings)
 11
 12 * * * *

1 COURT REPORTER: Thank you. For the record,
 2 state your full name, spelling your first and last name.
 3 A Lawrence Peyton Meredith. L-a-w-r-e-n-c-e,
 4 M-e-r-i-d-e-t-h.
 5 COURT REPORTER: Your mailing address?
 6 A P.O. Box 72993, Fairbanks, Alaska 99707.
 7 COURT REPORTER: And a daytime contact phone?
 8 A 450-6553.
 9 COURT REPORTER: Thank you. You may proceed,
 10 Counselor.
 11 DIRECT EXAMINATION
 12 BY MR. WALLERI:
 13 Q Officer Peyton Merideth, have you had your civil
 14 deposition -- you deposition taken for a civil case
 15 before?
 16 A Yes, I have.
 17 Q Okay. And could you tell me what kind of case that
 18 was.
 19 A I was involved in a civil suit regarding a car
 20 accident. I was in it in high school.
 21 Q Okay. And other than that?
 22 A Civil cases, no.
 23 Q Okay. Okay.
 24 A Oh, I take that back. I was the responding officer on
 25 a car accident that was involved in a lawsuit four,

Page 6

1 maybe five years ago. I was just the officer who took
 2 the report, and there was a civil suit over the
 3 accident.
 4 Q Okay. Have you had a chance to talk with your attorney
 5 about the process -- about how this deposition
 6 operates?
 7 A Yes.
 8 Q Okay. So I'm not going to go into a lot of details.
 9 I'm just going to just jump right into it, if that's
 10 okay with you.
 11 A Yes, sir.
 12 Q Could you describe your employment background, who
 13 you -- who are you employed with right now?
 14 A I'm employed with the Fairbanks Police Department.
 15 I've been employed with the Fairbanks Police Department
 16 since July of 2000. I was employed with North Pole
 17 Police Department for a year prior to that.
 18 I was employed by the University of Alaska
 19 Fairbanks Police Department as a community service
 20 officer for -- from '97 to '99. I completed the
 21 Interior Alaska Police Academy in 1998; graduated from
 22 UAF in '98, and then basically went right into work
 23 with North Pole.
 24 And currently I'm assigned to the detective's
 25 division in the Fairbanks Police Department. And I was

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1 promoted in August of 2005 to the current position.
 2 Q Okay. And in terms of your educational background,
 3 could you describe that. You say you graduated from
 4 University of Alaska?
 5 A Yes, sir. I....
 6 Q And what was the degree in?
 7 A Criminal justice.
 8 Q Okay.
 9 A I graduated at Lathrop High School prior to that.
 10 But....
 11 Q Okay. And you -- I -- you indicated that you have your
 12 basic certification?
 13 A Advanced certification.
 14 Q Advanced certification.
 15 A Yes.
 16 Q So in that process, did you -- which academy did you go
 17 to?
 18 A I attended the Interior Alaska Police Academy, which
 19 was only held for one summer in 1998. It was basically
 20 an academy that was put on by the Fairbanks Police
 21 Department. And I paid my way through that prior to my
 22 last semester of college.
 23 Q You said you had the advanced certifications?
 24 A Yes, sir.
 25 Q And what -- how did you -- did you have to undertake

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1 any educational activity with regards to that?
 2 A Partly, yes. There are three certifications offered by
 3 the Alaska Police Standards Council, basic,
 4 intermediate, and advanced. The advanced certification
 5 basically comes with more longevity than anything. If
 6 you have a college degree, it helps you attain that
 7 faster than if you don't. You do have to attend, you
 8 know, a certain amount of hours per year of training,
 9 and I don't know what that is, but that's basically
 10 what it is.
 11 Q Okay. And then -- and that training is provided by the
 12 Trooper Academy in Sitka?
 13 A No. I haven't attended any training in Sitka. I've
 14 attended trainings all over country in a variety of
 15 different things. Some of it's sponsored by the
 16 Fairbanks Police Department, some the department pays
 17 me to go to, some is in-service training.
 18 Q Have you ever received any training on evictions?
 19 A Formal training, no.
 20 Q Okay. Have you ever dealt with evictions before,
 21 before this case?
 22 A Yes.
 23 Q And could you -- does the department have any policies
 24 on how to respond to evictions?
 25 A If I do, I've not reviewed those. I have dealt with

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1 evictions just in a patrol capacity. Every so often
 2 when I was on patrol they would get a writ of
 3 assistance to help evict people from court and things
 4 like that. We'd just basically stand by to make sure
 5 there's not a problem, things like that.
 6 Q And how -- in your understanding, do you know what the
 7 role of the police normally is with regards to
 8 evictions, how they're done?
 9 A Normally our role would be almost -- basically to kind
 10 of keep the peace, I guess you would say, to make sure
 11 no problems come up if somebody is evicting someone
 12 else, if they're having to move their stuff out. Yeah,
 13 basically to, I guess, keep the peace would be the
 14 best -- best way to put it.
 15 Q You mentioned writ of assistance.
 16 A Yes, sir.
 17 Q What's writ of assistance?
 18 A Sometimes -- without the legal definition, I guess.
 19 Sometimes people would attain a writ of assistance
 20 through the court actually to get the help -- to get
 21 the police to actually help them remove somebody from
 22 a -- from a property. It actually gives legal
 23 authority to basically remove them, and I guess
 24 physically if necessary.
 25 Q Have you ever -- do you know what to do if you respond

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1 to an eviction call -- or have you ever responded to a
 2 eviction call where there hasn't been a writ of
 3 assistance?
 4 A Besides this.....
 5 Q Uh-huh.
 6 Abesides this case, I'm not sure I have. I can't
 7 think of one, but, you know, I've been patrol for six
 8 years with two departments, I'm sure I have.
 9 Q Okay. Have you ever evicted -- help evict somebody,
 10 remove somebody without -- where you didn't have a writ
 11 of assistance?
 12 A I don't recall, sir. I know I've been to all kinds of
 13 civil calls like that. I just don't recall. I'm
 14 sorry.
 15 Q Okay. When you go to a civil call, what do you
 16 normally do?
 17 A Like I said, I mean, we're there to keep the peace. I
 18 mean, you know, if any problems have come up before we
 19 get there, we deal with those situ- -- you know, that
 20 situation as it comes up. But, you know, we're there
 21 basically to keep the peace. I mean, we -- that's
 22 basically what we do. I mean, it's only.....
 23 Q Do people ever ask you to resolve a civil dispute?
 24 A Oh, certainly.
 25 Q And what do you do in those situations?

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1 A Well, it kind of depends on the situation. Sometimes
 2 we'll try to offer our advice the best we can based
 3 upon our knowledge of the legal system. But usually in
 4 legal disputes it's something that, you know, we --
 5 we -- we just don't get involved in.
 6 Q And why is that?
 7 A Well, I'm not an attorney, I guess.
 8 Q Okay.
 9 A You know, we -- you know, we enforce criminal statutes
 10 and criminal, you know, laws. We just don't really get
 11 a whole lot involved in civil -- civil disputes.
 12 Q If somebody were -- in a normal situation, if somebody
 13 was to ask you what do you -- you know -- you know,
 14 I'm -- this person has my property.....
 15 A Uh-huh.
 16 Qand I want it back, and the other person says it's
 17 my property, what -- from your training, what would be
 18 your response to that?
 19 A Well, that's a little -- that's a little vague. I
 20 guess I'd have to try to dig in a little bit more and
 21 see how the other person got the property.
 22 Q Uh-huh.
 23 A I mean, I guess that would be my first question. If --
 24 if we can't determine that any actual laws have been
 25 broken and it's not an actual criminal case we would

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1 take, I would probably advise the person to go to small
 2 claims court or something like that.
 3 Q So what you're looking for when you respond to a call
 4 is criminal behavior?
 5 A Well, that's primarily our focus, certainly, and, you
 6 know, to keep the peace to make sure nobody -- there's
 7 not -- there's not an incident certainly while we're
 8 there or if we leave or see if anything happened before
 9 we got there.
 10 Q In terms of your training, do -- are you aware -- is
 11 there any -- have you ever received any training that
 12 would advise you that you have the ability as a police
 13 officer to resolve civil disputes between individuals?
 14 A I mean, the actual civil law part, I can't think of
 15 any, no, sir.
 16 Q Okay. So as I understand what your testimony is, is
 17 your -- when you respond to a call, a dispute between
 18 two people, you're really looking for violations of the
 19 criminal law?
 20 A Well, if there have been any, but, I mean, our main job
 21 as -- you know, as police, we're there to keep the
 22 peace, make sure, you know, certainly that nothing's
 23 happened before we got there, nothing's happened while
 24 we're there, or nothing criminal is going to happen
 25 after we leave.

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1 Q Okay. If somebody were to say to you that -- if you
 2 respond to a situation and somebody says, This person
 3 violated the law, okay.....
 4 A Uh-huh.
 5 Qwhat would be your response to that? Let's say,
 6 just for a hypothetical, that somebody said, This
 7 person broke my snow machine, something like that.
 8 A Uh-huh.
 9 Q And, well, that might be a crime, mightn't it? But
 10 let's see -- but let -- but let's back up. Let's
 11 strike that for a second.
 12 Well, yeah, let's take that situation. You're
 13 really -- you're not there to sort out.....
 14 A Uh-huh.
 15 Q And let's say there's a dispute over the snow machine,
 16 who actually owns the snow machine.
 17 A Okay.
 18 Q Okay. Who -- and one says, He broke my snow machine,
 19 and then the other one says, That's my snow machine,
 20 what -- what do you -- what -- how would you deal with
 21 that?
 22 A Well, I guess we'd attempt to determine who owns the
 23 snow machine, how it got broken, and probably try to
 24 split the people up and figure out the best way to
 25 resolve it.

1 Q Okay. Now, you indicated that you had not received
 2 any -- you've not received any training in eviction?
 3 A Not that I can recall, no, sir.
 4 Q Okay. And so what guides you -- let's say you're
 5 responding to a call and you're told that this is an
 6 attempt to evict somebody, what guides you as a police
 7 officer in responding to that call?
 8 A I guess first and foremost, like I said, keeping the
 9 peace, make sure that there's not going to be any --
 10 any incidents involving any of the parties involved,
 11 whether or not somebody is going to hurt each other or
 12 not, whether or not -- maybe there's some court
 13 paperwork that people have.
 14 You know, every call is different. We just
 15 kind of have to evaluate them as we get there. We have
 16 to speak to the people, kind of figure out what's going
 17 on, and figure out the best way to resolve the
 18 situation.
 19 Q Well, if somebody says I've got court -- I've got a
 20 writ of assistance.....
 21 A Yes, sir.
 22 Qto help remove, what -- what would you do if they
 23 just simply say to you I've got a writ of assistance, I
 24 want this person out of this house?
 25 A Okay. We would speak -- if they had an actual writ of

1 assistance that was signed by the judge and it was all
 2 valid and good to go, we would speak with person who
 3 they're serving it on, explain the situation to them.
 4 And generally what we would try to do is make
 5 some kind of arrangements between the two people when
 6 they can, you know, actually get the stuff out of their
 7 apartment or whatever the situation is. Basically we'd
 8 have to tell the people that they need to leave.
 9 Well, depending on what the writ says, of
 10 course. But, you know, we try to do it as civilly as
 11 possible. I mean, we just basically have to explain to
 12 everybody what's happening and -- and try to -- usually
 13 we try to get some kind of agreement between the people
 14 being evicted and the people doing the eviction, you
 15 know, how these people are going to get all their stuff
 16 out of this house or apartment or whatever it is.
 17 Q So you realize that the person who is being evicted has
 18 a right to their property, right?
 19 A Yes.
 20 Q Okay. And you help try and facilitate that?
 21 A Yes. As long as the writ says that. I mean, unless
 22 the writ says something like all the property is to be
 23 given to the other person or something, but yes.
 24 Q Now, in preparing for this deposition, have you
 25 reviewed the dispatch tapes?

1 A I've listened to the audiotapes made on scene with the
 2 parties involved and reviewed the reports. The actual
 3 dispatch tape I don't remember listening to, but
 4 I've -- I've listened to the tapes of the people
 5 involved and read the reports.
 6 Q Okay. Do you remember ever hearing the dispatcher
 7 receive a call in which the dispatcher -- where caller
 8 calls in and says, We've got -- you know, we've got
 9 court paperwork to evict these people, and the
 10 dispatcher says, Well, you have to bring the paperwork
 11 down here?
 12 A No, I don't re- -- like I said, sir, I haven't listened
 13 to that tape, so I can't -- I wasn't on the phone with
 14 them, so.....
 15 Q Okay. Would that be a normal practice?
 16 A I don't know, sir. I don't work in dispatch. I don't
 17 know.
 18 Q Okay. So if the dispatcher was saying that -- if the
 19 dispatcher was saying, Well, if you've got a writ of
 20 assistance, you can bring it down here, and we'll
 21 dispatch an officer once we take a look at the writ, is
 22 it -- have you ever seen that process with the -- with
 23 the Fairbanks Police Department used before?
 24 A I don't know what their procedures are in dispatch for
 25 that. Generally we'd just be dispatched to the call.

1 Q Okay.
 2 A I don't know how dispatch stacks their calls as -- in
 3 accordance with writs and things like that. I don't
 4 know.
 5 Q Okay. So as far as you're concerned, there's no --
 6 there's no particular need to have a court order to
 7 throw somebody out of the -- out of the house? To
 8 evict somebody from the premises?
 9 A I'm not saying that. I'm saying that certainly we have
 10 responded to calls before where there were court orders
 11 there.
 12 Q Uh-huh.
 13 A But I'm not saying that situations don't arise where in
 14 order to, like I said, keep the peace and keep people
 15 from getting hurt that people aren't asked to leave
 16 premises. I'm not saying that at all.
 17 Q Well, what are you saying when it comes to that? I
 18 mean, in terms of do you need a court order to throw --
 19 to evict -- to assist in evicting somebody from the
 20 premises that they're renting?
 21 A You know, my understanding, to legally evict somebody
 22 or to, you know, have somebody leave a premises that
 23 they're leasing or owning or renting, then, yeah,
 24 you're eventually going to need some kind of -- some
 25 kind of court order to do that.

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1 Now, I don't know if there's emergency
 2 provisions for that through Landlord Tenant Act
 3 provisions, but I certainly know that there are
 4 occasions where we ask people to leave premises to keep
 5 people from getting hurt, yes, sir.
 6 Q Okay. Well, why don't you tell me what happened on the
 7 morning of -- what is it? November -- December --
 8 well, the morning of the incident here that we're
 9 talking about on.....
 10 MR. EWERS: December 19 was in my.....
 11 MR. WALLERI: Thank you. I can always count on
 12 Paul.
 13 Q December 19th at the Klondike Inn. How did you get
 14 involved in all of this?
 15 A I believe I received a phone call. I believe I was in
 16 the officers' room and received a phone call to respond
 17 to the Klondike; there was a -- some type of incident
 18 or altercation or feud, if you would, between people
 19 from the hotel and people from the restaurant.
 20 And as we responded there, that incident
 21 escalated. I responded there with Officer Doug Welborn
 22 and Officer McKillican. I believe Lieutenant Geier --
 23 I don't know if he was a lieutenant at the time --
 24 Geier showed up at some point.
 25 There had been an incident between parties from

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1 the restaurant and from the hotel. We separated the
 2 parties involved, interviewed them, reviewed the
 3 evidence. The situation resolved, two individuals were
 4 placed under citizen's arrest by the other two
 5 individuals, and the case was closed out. I guess
 6 that's, you know, the short version.
 7 Q Well, let's break that down a little bit.
 8 A Okay.
 9 Q Okay. So had you ever had any involvement, any other
 10 need to respond to the Klondike?
 11 A I don't recall if I'd re- -- for -- for what kind of
 12 incident? For any kind of incident?
 13 Q For any kind of incident.
 14 A Yes. Certainly.
 15 Q Okay. And could you describe those incidents.
 16 A You name it.
 17 Q What do you mean?
 18 A I've been to just about any type of call that you can
 19 think about at the Klondike Inn.
 20 Q So it's in.....
 21 A In my course of being a police officer.
 22 Q So a large number of calls.....
 23 A Yes.
 24 Qgo to the Klondike?
 25 A I don't know if they still do, but when I was on

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1 patrol, I'd been at the Klondike a lot of time.
 2 Q Okay. And what was the nature of these calls
 3 generally, if you can just kind of summarize them.
 4 A Sure. Parties, drinking, sexual assaults, fights,
 5 domestic violence. That sums up probably quite a few.
 6 Q Pretty rough place?
 7 A I think depending on who is staying there. We respond
 8 there quite a bit. Or we did at least when I was on
 9 patrol.
 10 Q Okay. More than other hotels?
 11 A Yes.
 12 Q A lot.....
 13 A More than some. Maybe not as much as others, but
 14 certainly more than some.
 15 Q Would you say that there -- that you would respond
 16 to -- is there another hotel that -- in town that you
 17 would -- that you respond to more than the Klondike?
 18 During your time as a patrol -- on patrol.
 19 A There were a couple that were probably in the same
 20 category. I don't -- I don't know if it was more or
 21 not, but there were certainly some hotels we responded
 22 to more than other.
 23 Q And what would be the type of hotels? Can you give me
 24 an example of the type of hotels that were similar to
 25 the Klondike in.....

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1 A The Golden Nugget, the Alaska Motel, Alaska Motor Inn.
 2 Yeah, those.
 3 Q Okay. Had you ever responded to a call involving the
 4 dispute between the Yis and the Yangs before?
 5 A I don't recall if I had. I certainly knew that there
 6 had been some issues between the two groups, but I -- I
 7 don't recall personally responding to a call with them.
 8 Q Okay. So I want to -- I want to kind of focus on what
 9 you knew at time. And do you know how you knew that
 10 there had been some kind of dispute?
 11 A Sir, now, three years later, I -- I don't know. I just
 12 know that I saw a copy of the transcript from when
 13 dispatch called me to go on the call, and by my
 14 response it was obvious that I knew that there had been
 15 problems there before.
 16 Q Okay.
 17 A I don't remember how I knew that, but I certainly knew
 18 that there had been issues there before.
 19 Q Okay. And so tell me about getting the call. You
 20 were -- you indicate that you were at the station at
 21 the time?
 22 A I -- I believe I was because it was not made over the
 23 radio, and so it -- it makes sense to me by looking at
 24 the transcript there would have been a phone call to
 25 me, probably when I was in the officers' room.

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1 Q And do you remember what you were told at the time
2 about the incident?
3 A I don't recall what the exact words were. I have a
4 copy of that transcript, but basically I was to respond
5 over to the Klondike, there was an incident between the
6 people at the hotel and people at the restaurant.
7 Q Okay.
8 A But I don't recall what the exact words were without
9 reviewing that.
10 Q Okay. So let's -- let's talk about what you -- what
11 you know and what you know now and.....
12 A Okay.
13 Qabout what you knew then. So what did you do when
14 you got the call?
15 A We responded to the Klondike.
16 Q And who is we?
17 A Myself and Officer Welborn. And Officer McKillican
18 arrived at some point. I don't remember if he was
19 there the whole time or not.
20 Q Were you and Officer Welborn in the same car?
21 A No.
22 Q Okay. So drove -- was -- did -- was Officer Welborn at
23 the -- at the -- was he present when you received the
24 callout?
25 A I don't recall, sir. I don't know.

Page 23

1 Q Okay. So once you got there, what happened after that?
2 A We basically started talking with the people involved.
3 Everybody was basically kind of split up, which would
4 be a normal procedure to, you know, split up everybody
5 and -- and talk to them, try to figure out what
6 happened.
7 As I recall, Officer Welborn was -- spoke
8 mostly with the people over at the restaurant side, and
9 I walked over and spoke with the people at the -- the
10 hotel side. I ended up speaking with some of the
11 people at the restaurant side as well.
12 You know, we looked at the evidence there at
13 the scene. We spoke with everybody there. That's
14 basically normal procedure for responding to a call
15 like that. Just kind of divided everybody up, spoke
16 with them, reviewed the evidence and.....
17 Q Well, let's -- if I can break that down a little bit
18 more. As I understood it, so -- there's a -- a long
19 interview on the tape.....
20 A Uh-huh.
21 Qwith the Yis.
22 A Yes, sir.
23 Q The people in the restaurant. Do -- is that
24 Officer Welborn, or is that you?
25 A I think that was mostly Officer Welborn, yes, sir.

Page 24

1 Q Okay. And where were you during all of that?
2 A I would say I was mostly over speaking with the people
3 over at the hotel, across the -- basically across the
4 parking lot.
5 Q Well.....
6 A And I did hear my voice on his tape walk over there a
7 couple of times, but.....
8 Q Uh-huh.
9 Amost of the time I think I was speaking with the
10 other people.
11 Q Okay. Now, as I understand it, Officer Welborn, he was
12 recording it -- he was recording his conversation with
13 the Yis on his -- on his vest radio?
14 A He had a -- he had a recorder somewhere on his person,
15 yes, sir.
16 Q Okay. And did you have a recorder on your person?
17 A I did. I don't know if the batteries were dead, if the
18 button didn't get pushed. I -- I don't know why it was
19 not recorded.
20 Q But there was no recording of any conversation with the
21 Yangs and the people in the hotel?
22 A No, sir, I don't believe so.
23 Q Okay. And have you looked for that recording?
24 A Well, if it's not in evidence, if it wasn't placed in
25 with theirs, there -- there wouldn't be one. I think

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1 accidents happen. It would be a normal procedure for
2 me to record something, but, I mean, we're dealing with
3 tape recorders and vests and dealing with people in and
4 out of cars and that happens.
5 Q So were you the senior officer?
6 A Until Lieutenant Geier would have arrived, yes, sir.
7 Q Okay. And I know that -- so you went over and
8 interviewed the people in the hotel. Okay. And I --
9 and who -- and who was there that you interviewed?
10 A There was a Mr. Lamoureaux and the person that had been
11 in the truck with him, Mister -- without reviewing my
12 report, I believe his last name is Lee. And there were
13 a couple other people up at the hotel that I spoke
14 with.
15 Q And what did they tell you?
16 A I spoke with Mr. Lamoureaux. He basically stated that
17 they had served some papers over at the -- over at the
18 restaurant and they were trying to leave the area, and
19 basically they were attacked by these people from the
20 restaurant.
21 There was obviously damage to their vehicle.
22 Their front window was shattered, the back windows were
23 shattered. Said that one of the individuals had thrown
24 a -- some kind of an object at the front of their
25 truck. Both these guys that -- at one point or

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1 another, each jumped in the back of the truck and
 2 knocked out their windows.
 3 That they had tried to leave the area, and
 4 that, you know, eventually the truck was struck by a --
 5 a van out on Rewak Street, which is near Bedrock where
 6 the Klondike is.
 7 If I could review the report for those people
 8 if I could.
 9 Q Go right ahead.
 10 A Thanks.
 11 Q Do you want to take a second? We can go off.
 12 A No, that's okay.
 13 Q Okay.
 14 A I also spoke with a Valerie Hopson (ph). I just want
 15 to review what she said real quick. She had -- she had
 16 told me that -- I have noted in my report that their --
 17 the people that had been basically getting out of this
 18 truck were yelling obscenities, and basically get the F
 19 out of the vehicle.
 20 That she had thought that a female that had
 21 been in another vehicle had been dragged by the truck.
 22 She stated that she thought the people were so upset if
 23 they had a gun they'd a killed them.
 24 I spoke with a Samantha Birdman (ph). She had
 25 noted -- I note in my report that she stated that the

1 A I don't recall.
 2 Q Okay. Well, on the dispatch, the -- there were a
 3 number of representations made that they had court -- I
 4 believe Joe Hayes says to the dispatcher that we've got
 5 court paperwork. Okay.
 6 Do you know whether or not anybody -- and that
 7 the dispatcher told Mr. Hayes that he needed to bring
 8 that down?
 9 A I don't know what the dispatcher told him, sir.
 10 Q Okay.
 11 A I don't know.
 12 Q Did the dispatcher tell you that there was paperwork,
 13 or did you get that from the people on site?
 14 A I did not get any paperwork from them, and I don't
 15 recall what the dispatcher told me, sir.
 16 Q Okay. So as far as you knew, there was no paperwork
 17 for them to be in -- for evicting the people?
 18 A Other than the notices that they put on the restaurant,
 19 I -- I don't recall any physical paperwork. To -- to
 20 my recollection.
 21 Q Now, in talking to Max Lamoureaux -- Lamoureaux --
 22 excuse me -- your report indicates that he told you he
 23 was a manager?
 24 A Yes, I believe so.
 25 Q And your report also says that he was up there to help

1 two managers had to run to the office being chased by a
 2 crazy guy with a stick.
 3 I also have a statement by Renee Bullock (ph).
 4 I don't recall if I spoke with her or not or if that
 5 was -- if that was Officer Welborn. She was a
 6 bartender. That she had -- she had -- what she --
 7 stated what she thought was a white truck almost
 8 running a lady wearing a red jacket over, but she had
 9 not seen what had happened anytime before that.
 10 And as I recall, that was also what she stated
 11 on the -- Officer Welborn's audiotape. Without, you
 12 know, reading word for word in my report, that's
 13 basically what that says.
 14 Q Well, when you heard the report that a lady had been
 15 dragged by the truck, did that suggest to you anything?
 16 A Well, we were speaking with everybody involved. I
 17 mean, that was one of the things that, you know, we
 18 took into account while we were speaking with all of
 19 them, yes. Including, you know, what she told us,
 20 this -- this lady that had supposedly been dragged by
 21 the truck, yes.
 22 Q So at that point, you -- after you interviewed the
 23 people in the -- in the -- in the office, did you ask
 24 them whether or not they had any paperwork, any court
 25 paperwork to do an eviction?

1 evict the Yangs?
 2 A Yes, sir.
 3 Q Or the Yis? Excuse me.
 4 A Yes, sir. That's what I have noted.
 5 Q Okay. Do you remember him saying that?
 6 A Physically remember him saying that?
 7 Q Yeah.
 8 A No, sir. I don't remember, you know, exactly what
 9 these people told me. I'm just going off what's in my
 10 report.
 11 Q But in your report, you did the report about the same
 12 time that he told you -- or shortly after he told you
 13 this?
 14 A Shortly after, yes, sir.
 15 Q So if it's in your report at time, you -- that's what
 16 you thought was going on? Or you can -- you can be
 17 reasonably assured that that's what you thought was
 18 going on?
 19 A Yes.
 20 Q Okay. Did you ever find out that he was not a manager
 21 for the Klondike?
 22 A Not that I recall.
 23 Q Okay. The -- did you know that the lock had been
 24 broken on the restaurant?
 25 A I believe that was brought up at some point during our

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1 conversations with the people there, yes.
 2 Q With which people?
 3 A I believe that came up in Officer Welborn's
 4 conversations with the folks over at the restaurant.
 5 Q Okay. So the people at the restaurant never told you
 6 that they broke the lock -- or the people at the motel
 7 never told you that they broke the lock to get into the
 8 restaurant?
 9 A They may have. I -- I don't recall.
 10 Q Do you know if Max ever indicated that he actually
 11 physically went into the restaurant?
 12 A I don't recall if he did or not, sir.
 13 Q Okay. So were you -- were you aware that the Yis were
 14 accusing Mr. Lamoureaux of breaking into the -- to the
 15 restaurant?
 16 A Yes.
 17 Q And what did you do to -- I take it that would be a
 18 crime, correct?
 19 A Well, depending on the circumstances. It could be, or
 20 it might not be. Depending on the circumstances.
 21 Q Okay. But if he was not an employee or an agent of
 22 Mister -- of Mr. Yang, the owner of the Klondike, he
 23 would have no right to break into the other -- to the
 24 restaurant, would he?
 25 A You know, if he was not there for any kind of official

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1 propose under any kind of circumstances and he was just
 2 some guy off the street, then, no, of course he
 3 wouldn't.
 4 Q Did it seem strange that they didn't use the key?
 5 A I -- I don't recall what was said about breaking locks.
 6 I know -- I think some of the people told
 7 Officer Welborn that, but under these circumstances, I
 8 mean, this whole thing was strange, so no, not really.
 9 Q Okay. Now, you indicated -- I notice in your report
 10 that there's no mention of a civil arrest.
 11 A I -- I don't believe that's accurate, sir. I --
 12 there's all the citizen's arrest paperwork that is
 13 attached to this report that goes to the district
 14 attorney's office. So.....
 15 Q When was that filled out?
 16 A Well, the actual citizen's arrest would have been
 17 signed -- it would have been signed that day. It has
 18 to be.
 19 Q Was it signed before or after you took the Yis into
 20 custody?
 21 A Well, if I could find it. Hang on one second. Common
 22 procedure, I can't think of a time where it would not
 23 have been signed either before or at the same time that
 24 they were being taken into custody.
 25 Q Okay.

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1 A I'm not going to take somebody to the jail and then go
 2 back and have somebody sign a citizen's arrest. That
 3 just -- that doesn't work like that.
 4 Q Are you aware that Mr. Lamoureaux indicates that he did
 5 not know that he was arresting anybody?
 6 A No. I haven't spoken with him since this incident.
 7 Q Okay. And through all the process -- you actually have
 8 been monitoring the case, haven't you, in terms of --
 9 as a client, correct?
 10 A From time to time I'm given updates on it, yes.
 11 Q Okay. And you -- and to -- at this point, you're not
 12 aware that he has claimed that he did not, in fact,
 13 arrest anybody?
 14 A No, sir. He signed the citizen's arrest report.
 15 Q Okay.
 16 A I have not spoken with him since this incident.
 17 Q Now, he has indicated that he thought he was just
 18 making a -- a complaint, filing a complaint, that he
 19 was not filing an arrest -- seeking to have anybody
 20 arrested. Or that he wasn't arresting anybody.
 21 Okay. Do you remember explaining civil arrest
 22 procedures with him?
 23 A I don't recall doing that. I would have pre-.....
 24 MR. EWERS: I'm going to -- just a point of
 25 clarification -- object to the term civil arrest procedures.

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1 MR. WALLERI: Okay. Or civilian arrest. Or
 2 non.....
 3 MR. EWERS: If we could use citizen's arrest.
 4 MR. WALLERI: Citizen's arrest, fine.
 5 MR. EWERS: Thank you.
 6 MR. WALLERI: Okay.
 7 Q Did you ever explain to him the citizen's arrest
 8 procedure?
 9 A I -- I don't recall specifically speaking with him
 10 about that. I've been involved with I don't know how
 11 many dozens and dozens of citizen's arrest in my
 12 career. I would have presented him the form and
 13 explained it to him.
 14 Q Why.....
 15 A There's no reason why I would not have done that.
 16 Q Why did you do a citizen's -- or why did you -- what
 17 led you to believe that a citizen's request form -- or
 18 a citizen's arrest form was appropriate in this
 19 situation?
 20 A Well, it was clear that there had been a couple of
 21 misdemeanor crimes committed by the other parties that
 22 were not in my presence, and it was not a domestic
 23 violence or a driving under the influence type of
 24 crime, so they would have to be placed under citizen's
 25 arrest for that for them to be taken into custody.

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1 Q So they couldn't -- you could not have arrested them if
 2 he had not actually -- you could not have arrested
 3 them?
 4 A Not there at the scene, no. I would have had to have
 5 sent the case to the district attorney's office, they'd
 6 have had to screen it, and it would -- they could have
 7 been arrested after that, but no, not there at the
 8 scene.
 9 Q Who suggested arresting these people?
 10 A I -- I don't recall.
 11 Q Okay. And the -- is that your normal procedure, is
 12 that if you cannot arrest somebody, that you'll ask
 13 somebody that was actually there to do the arrest?
 14 A A normal procedure for -- for myself would certainly be
 15 to explain the -- the options to the people. It's
 16 like, well, here's what I can -- here's what I can do,
 17 and here's what I can't do. Certainly.
 18 Q Did you do that in this case? Do you have a -- do you
 19 have a recollection of doing that?
 20 A No, I don't. I'm just saying what would be common
 21 procedure. No, I don't have a recollection.
 22 Q So it would be common procedure that you would explain
 23 that you could not arrest these people?
 24 A Yes. And they would -- they would have to sign a
 25 citizen's arrest form.....

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1 Q Okay.
 2 Aabsolutely.
 3 Q Were you aware that Kenny Yi had actually requested
 4 that Mr. Lamoureaux be arrested?
 5 A I could have been aware at the time. I don't recall
 6 him telling me that. But I'm not saying he didn't. I
 7 just don't recall.
 8 Q Okay. There's nothing on the tape to suggest -- my
 9 review of the tape, there's nothing on the tape
 10 suggesting that that was an option that you ever
 11 explained to Mr. Yi that he could do a citizen's arrest
 12 of Mr. Lamoureaux.
 13 A Okay. Well, there -- there wouldn't be probable cause
 14 for them to make an arrest in that case. And when
 15 we -- somebody just can't arrest somebody for no -- for
 16 no reason.
 17 Q Even if they ran somebody over and they're in front of
 18 them?
 19 A Well, I don't believe that was the facts in this case.
 20 Q Okay.
 21 A So.....
 22 Q You don't believe it -- you don't believe that was the
 23 facts?
 24 A Based upon everybody's statements there, including
 25 the -- the -- the lady that says she got run over and

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1 the evidence at the scene, no.
 2 Q Okay. The lady that -- she reported to Mr. Welborn
 3 that she was run over.
 4 A She reported that she had -- they had tried to run her
 5 over. And she also reported that -- in her own
 6 statements that there was already people in the back of
 7 these guys' truck attacking them when that happened.
 8 So certainly using their own statements,
 9 certainly justified any actions made by the other
 10 parties, so no, I don't feel that there was any
 11 probable cause for that. Neither did the other
 12 officers there. That's why that decision was not made.
 13 Q What decision is that?
 14 A That no action should be taken against the other
 15 people, the people over at the hotel.
 16 Q So that's why you never explained the civil arrest
 17 procedure to Mr. Yi.....
 18 A Yes.
 19 Qeven though he was asking that these people be
 20 arrested?
 21 A If I didn't, that's why, because I wouldn't have
 22 allowed him to do that, no, sir.
 23 Q So on the scene you basically made the decision that
 24 there was no reason to arrest, and you saw no reason to
 25 explain to the Yis that they could, in fact, arrest

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1 the -- Mr. Lamoureaux for -- for an attempted breaking
 2 and entering?
 3 A Well, if there was no reason for them to arrest them,
 4 then no, we probably wouldn't have explained that.
 5 Q Okay. But if they told you that -- did anybody ever go
 6 over and take a look at the door to see that the lock
 7 was broken?
 8 A I don't recall myself doing that. I don't know if one
 9 of the other officers did or not.
 10 Q If somebody comes to you and say, Somebody just broke
 11 into my house and they broke the lock, wouldn't that
 12 normally be your response, to go over and investigate
 13 whether or not the lock was broken?
 14 A Depending on the circumstances, we could certainly do
 15 that, yes.
 16 Q Well, what circumstances would suggest that you not do
 17 that?
 18 A In the scenario that you just gave?
 19 Q Yeah.
 20 A Well, if it was somebody that had a right to be in the
 21 house, if it was a family member, if -- I guess there
 22 could be any number of reasons why.
 23 Q Okay. So -- but normally isn't it if somebody has a
 24 right to be there, wouldn't they normally have a key?
 25 A I guess under a lot of normal circumstances, yes, sir.

Exc 207

1 Q Okay. So the fact -- the mere fact that somebody broke
 2 a lock to get into this restaurant did not suggest to
 3 you that there might be a possibility of a crime that
 4 was committed?
 5 A You know, based upon the circumstances at that day,
 6 sir, with what had happened before that and the fact
 7 that, you know, these people were trying to apparently
 8 get in there. If I recall on the tapes, there's
 9 something about trying to get a liquor license out of
 10 there, trying to serve paperwork on these people, and
 11 based on the fact that, you know, people look -- almost
 12 got seriously injured that day and everything that
 13 happened, no that was not our concern that day.
 14 Q But didn't the Yis also get injured?
 15 A I don't recall them getting injured, no. I recall
 16 somebody talking about their shoulder being hurt when
 17 they were being placed in handcuffs.
 18 Q And you.....
 19 A Not that I recollect.
 20 Qand you don't recall Lunar Chin telling you that
 21 she had -- that she was -- that she had actually been
 22 run over?
 23 A Sir, I re- -- I recall her saying that they had tried
 24 to run her over and they had knocked her to the ground.
 25 I recall something about her being dragged or grabbed

1 You know, there's a few times listening to his
 2 tape where he clicks his tape off to go talk with me
 3 and that's what we're talking about.
 4 Q Why would he click his tape -- I noticed that. Why was
 5 it that he was clicking his tape off to go talk to you
 6 about this?
 7 A Well, it would be common procedure when we're talking
 8 about the -- about the case. He's not interviewing
 9 anybody, there's no reason to have his tape running, I
 10 guess.
 11 Q Okay. So as I'm -- as I gather -- and I just want to
 12 make sure I understand this.....
 13 A Yes, sir.
 14 Qwhen you're confronted with a situation and you
 15 had to make a decision about what to do, okay, and you
 16 made a decision to arrest Kenny Yi and Yong Yi?
 17 A No.
 18 Q Well, that's what I'm curious about. Because you
 19 say -- it seems you're saying two things, and I'm kind
 20 of curious as to -- I want a -- I want a clarification
 21 of that.
 22 A Okay.
 23 Q Who made the decision to arrest them?
 24 A Mr. Lamoureux did. I did not place these people under
 25 arrest. They were placed under citizen's arrest.

1 ahold of their mirror and being dragged by it.
 2 You know, but I also know that, you know, while
 3 this is going on, some guys in the back of their truck
 4 brace and -- you know, breaking open people's windows.
 5 So, I mean, you have to look at all the
 6 circumstances combined in this whole mess, and
 7 that's -- you know, the decision was made based upon
 8 everybody's statements and all the evidence that was at
 9 the scene.
 10 Q But who made that decision?
 11 A All of us as a group, we made that decision. I mean,
 12 there's several times where I would have spoken with
 13 Officer Welborn and said, Hey, you know, what are these
 14 people saying? Here's what these people are saying.
 15 You know, look at the evidence.
 16 Q So all the officers would have made that decision as to
 17 what to do?
 18 A Yeah, it would have been -- it was my case eventually,
 19 but, yes, I would have spoken with Officer Welborn
 20 probably at the scene there and -- and -- you know,
 21 because -- I didn't have long conversations with the
 22 other people at the restaurant and he did.
 23 So I just asked him what did these people tell
 24 you? What are they saying? You know, here's what
 25 these other people are saying.

1 Q Okay.
 2 A If he had not signed that citizen's arrest form, if he
 3 had not done that, then no arrest would have been made
 4 in this case.
 5 Now, a case could have been sent over to the
 6 DA's office, but if they had not wanted to pursue that,
 7 then it probably would have been dropped, because I
 8 could not physically make an arrest in the case.
 9 Q Why didn't you do that instead? Why didn't you just
 10 say, I'm not going to; I don't think an arrest is
 11 appropriate here; this sounds like a civil matter?
 12 A Because I thought an arrest was appropriate. I mean,
 13 there was a vehicle that was damaged, there was windows
 14 getting knocked out, people were hysterical out there.
 15 Q Uh-huh.
 16 A You know, that seemed appropriate, but it was not my
 17 decision to make. I just present the facts and present
 18 the forms to them. If they want to sign a citizen's
 19 arrest, they sign a citizen's arrest.
 20 Q Let me give you another hypothetical as a police
 21 officer.
 22 A Sure. Can I get one of those apple juice things over
 23 there.
 24 Q Sure. If you want to take a break, we could.
 25 A Oh, no. I just -- my mouth gets dry when I talk a lot.

1 Q Yeah.

2 MR. EWERS: Is that water over there?

3 COURT REPORTER: Do you want some?

4 MR. EWERS: Yes, please.

5 COURT REPORTER: If you want to take a break

6 real quick.

7 MR. WALLERI: Let's take a quick break.

8 (Off record)

9 (On record)

10 Q Okay. From your experience and training, let's say --

11 I want to give you a hypothetical, a guy breaks into a

12 house at night.

13 A Okay.

14 Q He's going to burglarize it. And he -- the owner wakes

15 up and the burglar is spooked and runs out the door and

16 the guy chases him, hopefully in the summer, in his

17 bare feet, outside, apprehends him -- tackles him,

18 apprehends him and ties him up, has that guy committed

19 a crime as a land.....

20 A Which guy?

21 Qas the owner? Well, that is a good question.

22 Who -- who's committed the crime?

23 A Well, certainly the crime we would focus on is the guy

24 breaking into the other guy's house? Certainly.

25 Q Why would you focus on the guy who is -- who -- the one

1 A Depending on what the crime was and depending on the

2 amount of force that was use and -- like in your last

3 scenario.....

4 Q Uh-huh.

5 Ayes. Under these circumstances, no, I don't

6 believe that scenario applies to this at all.

7 Q Well, what happens if the burglar jumps in a car in my

8 scenario? If your burglar jumps in a car.....

9 A Okay. Well.....

10 Qand is driving away?

11 A Well, first of all, you're talking about a burglary.

12 Q Yeah.

13 A First of all, in this case, this -- this wouldn't be a

14 burglary in this case. So you're talking about a

15 felony versus my breaking a lock on a door to go in and

16 take a liquor license for -- you know, dealing with

17 management and civil issues with these other people.

18 So you're talking about two totally different

19 scenarios. I mean, you're talking about somebody might

20 break in somebody's house at night, you know,

21 committing a serious felony and jeopardize somebody's

22 family versus, you know, somebody going into this

23 place, try to get a liquor license out and apparently

24 breaking the lock when they go in to do that and

25 putting papers up on this place. It's two totally

1 that apprehended the burglar?

2 A Well, in the situation that you presented, I guess my

3 call would be that he used an appropriate amount of

4 force based upon the seriousness of the crime that was

5 committed, breaking in somebody's house at night, your

6 family is inside, he chased him down and tied him up

7 and waited for the police. I think that's an

8 appropriate amount of force based upon the crime that

9 was committed.

10 Q Well, under Alaska, if you break into the middle of

11 a -- in the middle of the night, you break into a

12 residence where somebody is in there, they actually can

13 use deadly force, can't they?

14 A Depending on the circumstances, yes, sir. Sure.

15 Q So what told -- what was it that suggested that that

16 was not the case here, where these people had told at

17 least Officer Welborn -- well, that's good question.

18 Did Officer Welborn tell you that the Yang --

19 the Yis were alleging that Mr. Lamoureux had broken

20 into -- Mr. Lamoureux and Mr. Lee had broken into the

21 restaurant?

22 A I'm sure he did at some point.

23 Q Okay. Now, if they thought that they were -- that they

24 were -- that a crime had been committed, did they have

25 a right to stop Mr. Lamoureux from leaving the premises?

1 different scenarios.

2 Q You're assuming that they went in for the liquor

3 license?

4 A Yes.

5 Q Okay. Do people break into businesses for other.....

6 A And, in fact -- I mean, and -- and, in fact, these

7 people at that restaurant, you know, were told, I

8 believe, by dispatch not to confront these people, not

9 to go over there and speak with these people. It --

10 it's my understanding. So we're talking about two

11 totally different scenarios. I mean, it's kind of

12 hard.....

13 Q Well, I.....

14 Abetween apples and oranges.

15 QI grant that that's the case. They told not to go

16 into the rest -- to the motel.....

17 A Okay.

18 Qwhile they were in there, right? And you don't

19 know that they ever went into the motel?

20 MR. EWERS: I'm going to object to the

21 representation of facts that Mr. Walleri just stated is

22 inaccurate according to the record.

23 Q Okay. Well, let's just break it up. You testified

24 just now that you knew that dispatch had told one or

25 more of the Yis that they were not to confront -- not

1 to go into the motel, or to....
 2 MR. EWERS: I'll object -- I'll object again.
 3 MR. WALLERI: Okay.
 4 MR. EWERS: Same basis.
 5 MS. HOZUBIN: I'll object to that information.
 6 Q What is it that you understood, then? Let's put it
 7 that way. What is it that you understood dispatch told
 8 the Yis not to do?
 9 A Words to the effect of don't go contact them. They had
 10 called 911. Don't go try to speak with -- whatever
 11 they said. Don't go try to contact these people.
 12 Q Because at that time.....
 13 A Basically wait for the police to get there.
 14 Q And at that time, the Yis were reporting that this --
 15 the per- -- the suspected burglars or the sus- -- what
 16 they -- the person that they suspected had broken and
 17 entered there, they were in the motel, that's what Yis
 18 told the dispatcher, right?
 19 A I don't know if that's exactly what they told them.
 20 Q Is that your understanding of what.....
 21 A Or words to that effect, yes, sir. Something like
 22 that.
 23 Q Okay.
 24 A They had called and wanted police assistance, something
 25 about them having gone in there and they were told not

1 to go in.
 2 Q So -- and to your understanding, the Yis never -- the
 3 Yis never went -- never attempted to go into the motel?
 4 Did anybody ever report to you that the Yis ever
 5 attempted to go into the motel?
 6 A No. They just attacked them in their truck. No, I
 7 don't think they ever went in the hotel. Not that I
 8 recall.
 9 Q So at the point that they approached Lamoureaux, from
 10 what you understood, Lamoureaux had left the motel,
 11 right?
 12 A You mean, like, in the parking lot or.....
 13 Q Yeah. Lamoureaux had left the confines of the motel --
 14 he had left the office.....
 15 A He was in.....
 16 Qthe motel office.
 17 A He was in the parking lot.
 18 Q Okay.
 19 A Yes, sir.
 20 Q He had left the motel office and had gotten into a
 21 car.....
 22 A Yes.
 23 Qor a truck.....
 24 A Yes.
 25 Qand was attempting to leave?

1 A That's my understanding, yes.
 2 Q Okay. And the Yis knew that the police were on their
 3 way?
 4 A I would assume so. They had called 911. Or called the
 5 police department.
 6 Q Okay. What were they supposed to do, just watch
 7 Mister -- in your mind? They were just supposed to let
 8 Mr. Lamoureaux leave and wander -- and go away?
 9 A In this case, yes, absolutely.
 10 Q And why is that?
 11 A Well, like I said, you have to look at -- I mean, what
 12 else are they supposed to do? You have to look at the
 13 circumstances surrounding this incident.
 14 MS. TINKER BRAY: I'm going to object. I think
 15 we're assuming facts not in evidence.
 16 MR. WALLERI: Noted.
 17 A I mean, you have to look at the facts surrounding this
 18 incident. They had thought somebody had -- you know,
 19 apparently had broken in there and they were trying to
 20 take this liquor license out of this place.
 21 Q Uh-huh.
 22 A You know, they take the license plate number of the
 23 truck, they can call the police back. Hey, they're
 24 going this way down this street. Okay. And there's a
 25 lot of different things that you can do in this case.

1 Certainly the use of force that was exhibited in this
 2 case is -- is outrageous. I mean.....
 3 Q And why -- you didn't see the force, did you?
 4 A Well, I saw the results of it. I did not see the
 5 force.
 6 Q Okay. So what you saw were the broken windshields,
 7 right?
 8 A I did.
 9 Q Okay. And that told you that the force was outrageous?
 10 A Based upon the statements of everybody involved,
 11 including the Yis, including the people at the hotel,
 12 the evidence at the scene, yes.
 13 Q Okay.
 14 A Absolutely.
 15 Q What level of force could have they used that would
 16 have not been outrageous in your mind?
 17 A Calling 911 back and telling them that the people were
 18 leaving and the direction that they were going.
 19 Q Uh-huh. Okay. Now, the arrest -- if Mr. Lamoureaux
 20 did not actually place the Yis under arrest, they were
 21 not -- you did not have the power to arrest them,
 22 correct?
 23 MR. EWERS: Objection. Calls for fact --
 24 relies on facts not in evidence.
 25 Q Go ahead. You can answer.