



State of North Carolina
General Court of Justice
Twenty-Sixth Prosecutorial District
MECKLENBURG COUNTY

SPENCER B. MERRIWEATHER III
DISTRICT ATTORNEY

700 EAST TRADE STREET
CHARLOTTE, NC 28202
TELEPHONE: 704-686-0700
FAX: 704-686-0716

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Chief Kerr Putney
Charlotte-Mecklenburg Police Department
601 East Trade Street, 3rd floor
Charlotte, NC 28202

Re: Donald Janvier Death Investigation

Dear Chief Putney:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Donald Janvier on August 25, 2018. The case was investigated by the Charlotte-Mecklenburg Police Department under complaint number 20180825015501. The purpose of this review was to examine whether the actions of Homeland Security Investigations Special Agent Jose Dugger were unlawful when he shot and killed the decedent, Donald Janvier.

As you know, this letter specifically does not address issues relating to tactics, or whether the involved agents followed agency procedures or directives.

Two senior Assistant District Attorneys (ADAs) monitored this investigation by personally responding to the scene and monitoring the interviews of key witnesses. I reviewed the investigative file as provided by CMPD. Finally, consistent with the District Attorney's Office Officer-Involved Shooting Protocol, this case was presented to the District Attorney's Homicide Team, which is comprised of the office's most experienced prosecutors.

A. The role of the District Attorney under North Carolina law

The District Attorney (DA) for the 26th Prosecutorial District is a state official and, as such, does not answer to city or county governments within the prosecutorial district. The District Attorney is the chief law enforcement official of the 26th Judicial District, the boundaries of which are the same as the County of Mecklenburg. The District Attorney has no administrative authority or control over the personnel of Homeland Security Investigations, Alcohol Law Enforcement (ALE), CMPD or other police agencies within the jurisdiction. That authority and control resides within federal, state, city and county governments.

Pursuant to North Carolina statute, one of the District Attorney's obligations is to advise law enforcement agencies within the prosecutorial district. The DA does not arrest people or charge people with crimes. When the police charge a person with a crime, the DA decides whether or not to prosecute the charged crime. Generally, the DA does not review police

decisions not to charge an individual with a crime. However, in officer-involved shooting cases, the DA reviews the complete investigative file of the investigating agency. The DA then decides whether he agrees or disagrees with the charging decision made by the police. If the DA concludes that uncharged conduct should be prosecuted, the case will be submitted to a Grand Jury.

If no criminal charges are filed, that does not mean the District Attorney's Office believes the matter was in all respects handled appropriately from an administrative or tactical viewpoint. It is simply a determination that there is not a reasonable likelihood of proving criminal charges beyond a reasonable doubt unanimously to a jury. This is the limit of the DA's statutory authority in these matters. The fact that a shooting may be controversial does not mean that criminal prosecution is warranted. Even if the DA believes a shooting was avoidable or an agent did not follow expected procedures or norms, this does not necessarily amount to a violation of criminal law. In these circumstances, remedies (if any are appropriate) may be pursued by administrative or civil means. The DA has no administrative or civil authority in these matters. Those remedies are primarily in the purview of federal, state, city and county governments, police departments and private civil attorneys.

B. Legal standards

The law recognizes an inherent right to use deadly force to protect oneself or others from death or great bodily harm. This core legal principle is referred to as the right to "self-defense." A law enforcement officer does not lose the right to self-defense by virtue of becoming a law enforcement officer. Officers are entitled to the same protections of the law as every other individual. An imminent threat to the life of a law enforcement officer entitles the officer to respond in such a way as to stop that threat.

Under North Carolina law, the burden of proof is on the State to prove beyond a reasonable doubt that a defendant did not act in self-defense. The Supreme Court of North Carolina defined the law of self-defense in State v. Norris, 303 N.C. 526 (1981). A killing is justified under North Carolina law if it appeared to a person that it was necessary to kill in order to save himself or another from death or great bodily harm. The law requires that the belief in the necessity to kill must be reasonable under the circumstances. Id. at 530.

C. Use of deadly force by a law enforcement officer

The same legal standards apply to law enforcement officers and private citizens alike. However, officers fulfilling their sworn duty to enforce the laws of this State are often placed in situations in which they are required to confront rather than avoid potentially dangerous people and situations.

The United States Supreme Court stated, "[t]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." Graham v. Connor, 490 U.S. 386, 396 (1989). The Court further explained that "[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." Id. at 396–97. A situation in which an officer is confronting an armed person with

uncertain motives is by definition dangerous, and such a circumstance will almost always be tense, uncertain and rapidly evolving. In these circumstances, we are not deciding whether the officer's belief in the need to use deadly force was correct but only whether his belief in the necessity of such force was reasonable.

In conducting a legal analysis, this office must take its guidance from the law, and a decision must not be based upon public sentiment or outcry. The obligation of a District Attorney is clear; he must simply apply the law to the known facts.

What the law demands is an evaluation of the reasonableness of the officer's decision at the moment he fired the shot. The Supreme Court of the United States has provided guidance on what is objectively reasonable and how such an analysis should be conducted. That guidance indicates that it is inappropriate to employ "the 20/20 vision of hindsight," and an analysis must make "allowance for the fact that police officers are often forced to make split-second judgments." See Graham v. Connor, 490 U.S. at 396. The Court suggests that when reviewing use of force cases, caution should be used to avoid analysis "more reflective of the 'peace of a judge's chambers' than of a dangerous and threatening situation on the street." Elliot v. Leavitt, 99 F.3d. 640, 643 (4th Cir. 1996).

D. The officer-involved shooting of Donald Janvier

On the evening of August 25, 2018, Alcohol Law Enforcement (ALE) and Homeland Security Investigations (HSI) were conducting operations at various on-site and off-site alcohol venues in Mecklenburg County. Shortly after 1 a.m., the operation moved its enforcement operation to Tropix Bar and Lounge ("Tropix") located at 4701 N. Tryon St. based on information that two artists with known gang ties were performing at the venue.

According to civilian witnesses, shortly before the agents arrived on the scene, an altercation occurred in the club which led to the decedent, Donald Janvier, exiting the club, walking through the parking lot to a white Chrysler 300, retrieving a firearm and returning to the club. Agents participating in the operation arrived for their operation and were walking toward Tropix as the decedent re-approached the club with the firearm in his pants or waistband. As agents approached the club, the owner informed the agents that the decedent had a gun. Agents attempted to make contact with the decedent, who turned and walked back to the white Chrysler 300 while refusing to obey the agents' commands to stop. The decedent entered the vehicle. As HSI Special Agent Dugger was crossing in front of the vehicle, the decedent accelerated and moved approximately half the length of the parking space, striking Special Agent Dugger. Special Agent Dugger fired through the windshield of the vehicle one time, striking the decedent in the right neck.

Eyewitnesses to the shooting were Alcohol Law Enforcement Assistant Special Agent in Charge Logan Shoaf and Special Agent Christopher Klutz. Other Special Agents participating in the operation included Special Agents Leslie Torgow and Daryle Parker and an undercover Special Agent acting only in a video surveillance capacity ("surveillance agent"). A summary of each witness' account follows.

Homeland Security Investigations Special Agent Jose Dugger

Special Agent Jose Dugger was interviewed on August 29, 2018, at the CMPD Law Enforcement Center. Special Agent Dugger stated that on the evening of August 25, 2018, he was acting in his capacity as a Special Agent and a member of the gang unit with Homeland Security providing support to the operation being conducted by Alcohol Law Enforcement.¹

Special Agent Dugger reported that those participating in the operation were briefed at approximately 5 p.m. on intelligence that two gang-affiliated rappers were going to be performing at Tropix, and a high concentration of gang members would be expected at the establishment.² Special Agent Dugger recalled that they arrived at Tropix at approximately 1:40 a.m.³ Upon arriving, agents could smell a strong odor of marijuana but could not tell whence the odor was coming.⁴ When they arrived, the plan was for agents to enter the front door of the club and for two other ALE agents to “see what comes out the back.”⁵ Special Agent Dugger was with Assistant Special Agent In Charge (“ASAC”) Logan Shoaf and ALE Special Agent Christopher Klutz. ASAC Shoaf, and Special Agents Dugger and Klutz were waiting for three more ALE agents before taking any action.⁶ Special Agent Dugger stated that people began coming out of the club and ASAC Shoaf decided that the agents were going to go ahead and enter the club to make their presence known.⁷

Special Agent Dugger was dressed in black tactical pants, brown boots and a long sleeve shirt with “POLICE” in black lettering down both arms.⁸ He was also wearing a green vest with “POLICE” in white lettering on the front and rear.⁹ Special Agent Dugger stated that he does not usually wear his badge because the other “POLICE” markings are more than enough.¹⁰ When the agents exited their vehicles, patrons in the parking lot began yelling out, “Po-Po,” and announcing the police presence.¹¹

Special Agent Dugger stated that as he was approaching the club, he saw a security guard standing near the front door.¹² There was also a man later identified to be the club owner or manager who was standing next to the door and yelling down the parking lot, “I have a gun too and I’ll use it!”¹³ Special Agent Dugger stated that he took his baton out, but left it collapsed when he heard the owner say he had a gun. Special Agent Dugger observed the owner with a gun pointed down at his side.¹⁴ When the owner saw Special Agent Dugger, the owner holstered the weapon and put his hands up.¹⁵ Special Agent Dugger overheard someone say, “Thank God you

¹ Dugger Transcript pp.7, 41

² Dugger Transcript p.40.

³ Dugger Transcript p.11.

⁴ Dugger Transcript p.13.

⁵ Dugger Transcript p.13.

⁶ Dugger Transcript p.14.

⁷ Dugger Transcript p.14.

⁸ Dugger Transcript p.7

⁹ Dugger Transcript p.8.

¹⁰ Dugger Transcript p.55.

¹¹ Dugger Transcript p.14

¹² Dugger Transcript p.14.

¹³ Dugger Transcript pp.14, 16, 42.

¹⁴ Dugger Transcript p.16.

¹⁵ Dugger Transcript p.16.

guys are here because we were about to call 9-1-1.”¹⁶ Special Agent Dugger stated that the owner then pointed to the decedent and informed Special Agent Dugger that the decedent had a gun.¹⁷ Special Agent Dugger described the decedent as “a big guy,” approximately 6’5” or 6’6” and 260-280 pounds.¹⁸

Special Agent Dugger stated that the decedent was walking away, and he yelled out for him to “come back.” The decedent turned back and then continued walking away.¹⁹ While the decedent was walking away, Special Agent Dugger could see his hands.²⁰ Special Agent Dugger did not see the decedent with a weapon.²¹ The decedent was walking fast toward a white four-door sedan.²² ASAC Shoaf and Special Agents Dugger and Kluttz followed.²³ Special Agent Dugger stated that he told the decedent to stop and told him not to get into the car, but the decedent still got into the car.²⁴

Special Agent Dugger recounted that when the decedent got into the car, Special Agent Dugger drew his weapon because he could no longer see the decedent’s hands.²⁵ He recalled that ASAC Shoaf drew his weapon before Special Agent Dugger drew his.²⁶ Special Agent Dugger told the decedent not to move.²⁷ He stated that he walked in front of the car going from the passenger side toward the driver’s side.²⁸ He said ASAC Shoaf was on the passenger side of the vehicle and Special Agent Kluttz was directly behind him moving simultaneously with him toward the driver’s side of the vehicle.²⁹ As Special Agent Dugger passed in front of the car, he saw the decedent’s right hand drop and Special Agent Dugger pointed his weapon toward the decedent.³⁰ He stated that he did not hear the decedent start the car because of background noise.³¹ Special Agent Dugger recalled that as he stepped approximately 2 feet in front of the car, the decedent accelerated forward and drove into his left upper knee while he was walking.³² Special Agent Dugger stated that once the decedent struck him, the car continued forward and forced him onto the hood of the vehicle.³³ He could feel his feet sliding and he could not gain any traction.³⁴ At this point, Special Agent Dugger lost his baton.³⁵ Special Agent Dugger said the car was now “bedded up against” him, and he was trying to gather himself off the hood and get his footing so that he could move out of the way of the car when the decedent accelerated

¹⁶ Dugger Transcript p.17.

¹⁷ Dugger Transcript p.17.

¹⁸ Dugger Transcript p.22

¹⁹ Dugger Transcript p.17.

²⁰ Dugger Transcript p.18.

²¹ Dugger Transcript pp.20-21

²² Dugger Transcript pp.21, 26.

²³ Dugger Transcript p.36.

²⁴ Dugger Transcript pp.22-23

²⁵ Dugger Transcript p.18.

²⁶ Dugger Transcript p.18.

²⁷ Dugger Transcript p.23.

²⁸ Dugger Transcript pp.23-24.

²⁹ Dugger Transcript pp.18, 36.

³⁰ Dugger Transcript pp.24-25.

³¹ Dugger Transcript p.25.

³² Dugger Transcript pp.27, 31.

³³ Dugger Transcript p.31.

³⁴ Dugger Transcript p.19.

³⁵ Dugger Transcript p.29.

again.³⁶ Special Agent Dugger stated that his hands were on the vehicle and that he was trying to push back.³⁷ He still had control of his weapon. After this second impact, he fired his gun one time into the windshield.³⁸ After he fired his weapon, the car came to an abrupt stop and threw him off the hood and into Special Agent Kluttz behind him.³⁹

Special Agent Dugger stated that the decedent then exited the car and began yelling and cursing at officers for five to seven seconds.⁴⁰ Based on this behavior, Special Agent Dugger initially believed he had missed the decedent.⁴¹ The decedent then fell to his knees and Special Agent Dugger saw that he was bleeding.⁴² Special Agents Dugger and Kluttz called 911 and began to administer first aid to the decedent.⁴³ After CMPD arrived, Special Agent Dugger was transported to the hospital by paramedics for treatment.⁴⁴ Special Agent Dugger reported that he was informed his femur was fractured and that he might have a torn anterior cruciate ligament or meniscus.⁴⁵

A round count was conducted on Special Agent Dugger's service weapon that showed one round to be missing from his weapon. Special Agent Dugger stated that when he fired the shot, he was scared and believed that the decedent was going to run him over.⁴⁶ He believed the decedent had every opportunity to put the vehicle into park after the first impact.⁴⁷ He stated that he fired to protect himself and his partners, as well as civilians in the parking lot.⁴⁸ He noted that Special Agent Kluttz was directly behind him and would have been run over as well.⁴⁹ Special Agent Dugger further expressed his belief that if the decedent was not concerned about running over a police officer, he would not have cared about also running over civilians.⁵⁰

ALE Assistant Special Agent in Charge Logan Shoaf

Assistant Special Agent in Charge Logan Shoaf was interviewed on September 12, 2018, at the CMPD Law Enforcement Center. ASAC Shoaf reported that the Violent Outlet Task Force decided to visit Tropix shortly after 1 a.m. based on information regarding potential gang activity and an odor of marijuana coming from the venue.⁵¹ HSI Special Agent Dugger was riding with ASAC Shoaf.⁵² After arriving at location, ASAC Shoaf surveilled the entrance to the club for approximately 10-20 minutes.⁵³ Two agents, Special Agents Torgow and Parker, were to go to

³⁶ Dugger Transcript pp.30, 32.

³⁷ Dugger Transcript p.32.

³⁸ Dugger Transcript pp.19, 32.

³⁹ Dugger Transcript p.19.

⁴⁰ Dugger Transcript p.19.

⁴¹ Dugger Transcript p.46.

⁴² Dugger Transcript p.19.

⁴³ Dugger Transcript p.20.

⁴⁴ Dugger Transcript p.38.

⁴⁵ Dugger Transcript p.39.

⁴⁶ Dugger Transcript p.33.

⁴⁷ Dugger Transcript p.34.

⁴⁸ Dugger Transcript p.34.

⁴⁹ Dugger Transcript p.49.

⁵⁰ Dugger Transcript p.34.

⁵¹ Shoaf Transcript p.13.

⁵² Shoaf Transcript p.11.

⁵³ Shoaf Transcript p.15.

the back side of the club while another agent, Special Agent Chris Kluttz, was to accompany ASAC Shoaf and Special Agent Dugger to the front of the club.⁵⁴

As agents were preparing their entrance into the club, patrons began hurriedly exiting the club.⁵⁵ ASAC Shoaf described the patrons as “worked up instead of just casually leaving the club.”⁵⁶ The agents decided to go ahead and enter the club at that time.⁵⁷ ASAC Shoaf and Special Agents Kluttz and Dugger approached the club. All three of them were identifiable as law enforcement. ASAC Shoaf was wearing a tactical vest with an outside green armor carrier. His carrier said POLICE on the front and ALE AGENT on the rear and he was also wearing his badge on his belt.⁵⁸ Special Agent Dugger was wearing an exterior plate carrier with “Police” markings.⁵⁹ While agents were approaching the club, some of the patrons who were exiting the club began making comments about police being on site.⁶⁰

ASAC Shoaf stated that as they approached the front door of the club, the agents encountered a man who referenced a gun, saying something to the effect of “he can get his because he’s already got his.”⁶¹ ASAC Shoaf could see a semi-automatic firearm in this male’s hand.⁶² The male then holstered his weapon, identified himself as either an employee, manager or owner, and he started giving agents direction about the other individual.⁶³ This male pointed the agents to the decedent, who was walking away, and referenced the decedent having a gun or going to get a gun.⁶⁴ ASAC Shoaf believed they needed to detain the decedent to determine what was occurring.⁶⁵ ASAC Shoaf said the male described the decedent as wearing blue and red, and there was no question the male was pointing at the decedent.⁶⁶ ASAC Shoaf estimated the decedent to be 6’4” and more than 220 pounds.

ASAC Shoaf reported that he and Special Agents Kluttz and Dugger began walking toward the decedent in reference to the gun the decedent either had on him or was going to get. ASAC Shoaf did not see the decedent with the gun.⁶⁷ ASAC Shoaf said the three of them identified themselves as police and told the decedent to stop, but the decedent ignored them and did not stop.⁶⁸ ASAC Shoaf recounted they were approximately 20 feet away from the decedent at this time, there was no one in between agents and the decedent and there were no specific loud sounds, so agents believed the decedent could hear them identifying themselves.⁶⁹ According to ASAC Shoaf, the decedent continued to walk away from the agents and toward a white Chrysler

⁵⁴ Shoaf Transcript p.15.

⁵⁵ Shoaf Transcript p.15.

⁵⁶ Shoaf Transcript p.26.

⁵⁷ Shoaf Transcript p.16.

⁵⁸ Shoaf Transcript p.18

⁵⁹ Shoaf Transcript p.47.

⁶⁰ Shoaf Transcript p.18.

⁶¹ Shoaf Transcript p.20.

⁶² Shoaf Transcript p.20.

⁶³ Shoaf transcript p21-22.

⁶⁴ Shoaf Transcript p.23

⁶⁵ Shoaf Transcript p.42.

⁶⁶ Shoaf Transcript p.24.

⁶⁷ Shoaf Transcript p.26.

⁶⁸ Shoaf Transcript p.25.

⁶⁹ Shoaf Transcript p.27.

300 while they continued to give him commands to stop.⁷⁰ The agents were “not necessarily running” toward the decedent and the decedent was “not necessarily picking up speed,” but they were gaining ground on the decedent.⁷¹ ASAC Shoaf stated that the decedent then got into a white Chrysler 300 that was backed into a parking space.⁷² The passenger side of the vehicle was the side closest to the club. The car was not running when the decedent entered the vehicle.⁷³ ASAC Shoaf did not see the decedent in possession of any firearms or weapons prior to his entering the Chrysler 300.⁷⁴

ASAC Shoaf reported that, as the decedent was entering the Chrysler 300, ASAC Shoaf was approaching the front passenger tire.⁷⁵ Agents continued to identify themselves as law enforcement.⁷⁶ ASAC Shoaf said he drew his weapon as the decedent was getting into the car because of the information he had heard and the risk of the decedent getting a gun.⁷⁷ ASAC Shoaf recounted that the side windows on the Chrysler 300 were tinted, so he was trying to see into the driver’s seat at an angle through the windshield across the hood. ASAC Shoaf stated that the decedent got into the car, started it, apparently put it into drive and started driving forward.⁷⁸ ASAC Shoaf stated that the car drove past him to the point at which he was standing next to the passenger door.⁷⁹ Special Agent Dugger was standing directly in front of the driver’s seat of the vehicle.⁸⁰ ASAC Shoaf reported that the front bumper of the Chrysler 300 made contact with Special Agent Dugger, who doubled over the hood of the car.⁸¹ The car struck Special Agent Dugger’s legs.⁸² ASAC Shoaf reported that the decedent was not attempting to avoid Special Agent Dugger.⁸³ ASAC Shoaf then heard Special Agent Dugger fire his weapon through the windshield into the car where the driver was sitting.⁸⁴ ASAC Shoaf believed he observed Special Agent Dugger with the gun in his hand, but he is certain that he heard one shot.⁸⁵ Once the shot was fired, the vehicle stopped.⁸⁶

ASAC Shoaf recounted that he and Special Agents Kluttz and Dugger then made their way around to the driver’s side of the car. As they were making their way around, the decedent exited the car and began cussing and yelling. ASAC Shoaf stated that the decedent was bleeding

⁷⁰ Shoaf Transcript p.27.

⁷¹ Shoaf Transcript p.27.

⁷² Shoaf Transcript p.27.

⁷³ Shoaf Transcript p.28.

⁷⁴ Shoaf Transcript p.28.

⁷⁵ Shoaf Transcript p.29.

⁷⁶ Shoaf Transcript p.31.

⁷⁷ Shoaf Transcript p.29.

⁷⁸ Shoaf Transcript p.30.

⁷⁹ Shoaf Transcript p.32.

⁸⁰ Shoaf Transcript p.37.

⁸¹ Shoaf Transcript p.30.

⁸² Shoaf Transcript p.33.

⁸³ Shoaf Transcript p.36.

⁸⁴ Shoaf Transcript p.32.

⁸⁵ Shoaf Transcript p.33.

⁸⁶ Shoaf Transcript p.34.

from his neck.⁸⁷ After a few seconds, the decedent collapsed and Special Agent Kluttz began to provide aid.⁸⁸ ASAC Shoaf and Special Agent Kluttz both called 911.⁸⁹

Agent Shoaf reported that he did not fire his weapon during the incident.⁹⁰ A round count conducted on ASAC Shoaf's Glock 19 service weapon on scene by CMPD showed that the weapon was full with 15 rounds in the magazine and one round in the chamber of the weapon. ASAC Shoaf was not equipped with a body-worn camera.⁹¹

ALE Special Agent Christopher Kluttz

Special Agent Christopher Kluttz was interviewed on September 6, 2018, at the CMPD Law Enforcement Center. Special Agent Kluttz reported that he was participating in the operation at Tropix and that after arriving on scene, smelling marijuana and seeing people starting to exit the club, the group decided to make entry to deter violence.⁹² Special Agent Kluttz stated that Special Agents Torgow and Parker went to the back side of the club.⁹³

Special Agent Kluttz stated that he, ASAC Shoaf and Special Agent Dugger were all readily identifiable as police officers.⁹⁴ Special Agent Kluttz said he was wearing tactical gear labelling himself as a police officer.⁹⁵ He does not carry a Taser or wear a body-worn camera.⁹⁶ As ASAC Shoaf and Special Agents Kluttz and Dugger approached the club, the crowd immediately started identifying them as police.⁹⁷ Special Agent Kluttz stated that, as he approached the club, a person he believed to be the ABC permittee or owner pointed out the decedent and informed them that the male has a gun and "he's going to kill everybody."⁹⁸ Special Agent Kluttz stated that he, ASAC Shoaf and Special Agent Dugger walked after the decedent and identified themselves as police.⁹⁹ Special Agent Kluttz reported that he did not see the decedent with a weapon.¹⁰⁰ He saw the decedent holding his hat in his hand at one point before putting it back on his head.¹⁰¹ They were attempting to stop the decedent because he had been identified as a person who had a gun or was going to get a gun and had stated that he was going to kill or harm people.¹⁰² They also thought he might be going to get a gun from the car.¹⁰³ The decedent motioned for them to get away from him.¹⁰⁴ Special Agent Kluttz did not recall whether the decedent was saying anything to him.¹⁰⁵ He said he and the other agents were not

⁸⁷ Shoaf Transcript p.34.

⁸⁸ Shoaf Transcript p.34.

⁸⁹ Shoaf Transcript p.42.

⁹⁰ Shoaf Transcript p.38.

⁹¹ Shoaf Transcript p.31.

⁹² Kluttz Transcript pp.24-26.

⁹³ Kluttz Transcript p.32.

⁹⁴ Kluttz Transcript p.26.

⁹⁵ Kluttz Transcript p.26.

⁹⁶ Kluttz Transcript pp.29-30, 57

⁹⁷ Kluttz Transcript p.33.

⁹⁸ Kluttz Transcript pp.34, 35, 38.

⁹⁹ Kluttz transcript p.35.

¹⁰⁰ Kluttz Transcript pp.38, 40.

¹⁰¹ Kluttz Transcript p.40.

¹⁰² Kluttz Transcript p.41.

¹⁰³ Kluttz Transcript p.37.

¹⁰⁴ Kluttz Transcript pp.35-36.

¹⁰⁵ Kluttz Transcript p.50.

running but were trying to close the gap between themselves and the decedent while he was hurrying away.¹⁰⁶ While the decedent was approaching the car, Special Agent Kluttz repeatedly told the decedent to “come here.” He believed the decedent absolutely knew they were law enforcement officers.¹⁰⁷

Special Agent Kluttz recounted that the decedent walked to a white four-door car.¹⁰⁸ Special Agent Kluttz stated that, if necessary, he was going to be the person to make physical contact with the decedent.¹⁰⁹ ASAC Shoaf was at the passenger side of the vehicle and Special Agent Kluttz was behind Special Agent Dugger.¹¹⁰ Special Agents Kluttz and Dugger were coming around the front hood of the car as the decedent was getting into the car.¹¹¹ Special Agent Kluttz did not believe he gave the decedent commands once the decedent got into the car because the events happened too quickly.¹¹² Special Agent Kluttz believed that at this point Special Agent Dugger had his handgun or asp (baton) out.¹¹³ As Special Agents Kluttz and Dugger were walking around the front of the car, the driver accelerated and hit Special Agent Dugger at the knee level and hyperextended his knee backward. This pinned Special Agent Dugger’s lower body and slammed him onto the front hood of the vehicle.¹¹⁴ Special Agent Kluttz recounted that at this point, the decedent either accelerated again or “traction caught” and pushed Special Agent Dugger so hard that it started to flail him off of the hood.¹¹⁵ While the car was pushing Special Agent Dugger backward, Special Agent Kluttz heard a gunshot.¹¹⁶ Special Agent Kluttz said he did not fire his weapon.¹¹⁷ A round count was conducted on Special Agent Kluttz’ service weapon by ALE Assistant Special Agent in Charge Meredith S. Shoaf at Novant Health in Matthews, NC. Both his primary and spare magazines were full with 18 rounds each, as well as an additional round in the chamber of his weapon.

Special Agent Kluttz stated that after the gunshot, the decedent got out of the car in an “offensive” rather than a “defensive” posture and began yelling expletives at the agents.¹¹⁸ Special Agent Kluttz did not recall whether he had had his own gun out at this point, but he did recall giving the decedent commands to get on the ground.¹¹⁹ The decedent then slumped over.¹²⁰ Special Agent Kluttz noted that the decedent had arterial bleeding and he attempted to stop it, but noted that they did not perform CPR as that would have hastened the bleeding.¹²¹ Special Agent Kluttz believed Special Agent Dugger called 911.¹²² The fire department attempted aid and

¹⁰⁶ Kluttz Transcript p.41.

¹⁰⁷ Kluttz Transcript pp.60-61.

¹⁰⁸ Kluttz Transcript p.42.

¹⁰⁹ Kluttz Transcript p.42.

¹¹⁰ Kluttz Transcript p.42.

¹¹¹ Kluttz Transcript p.43.

¹¹² Kluttz Transcript p.60.

¹¹³ Kluttz Transcript p.44.

¹¹⁴ Kluttz Transcript p.45.

¹¹⁵ Kluttz Transcript p.48.

¹¹⁶ Kluttz Transcript p.48.

¹¹⁷ Kluttz Transcript p.65.

¹¹⁸ Kluttz Transcript p.50.

¹¹⁹ Kluttz Transcript p.51.

¹²⁰ Kluttz Transcript p.51.

¹²¹ Kluttz Transcript p.54.

¹²² Kluttz Transcript p.64.

MEDIC pronounced the decedent.¹²³ Special Agent Dugger informed Special Agent Kluttz that he needed to go to the hospital for the pain in his knees. Special Agent Kluttz accompanied him to the hospital.¹²⁴

Special Agent Kluttz noted that at no time did he see the decedent with a gun. He believed the lethal threat to be the decedent's vehicle.¹²⁵ At the time Special Agent Dugger fired his weapon, Special Agent Kluttz believed that the decedent intended to run them over and that Special Agent Dugger saved his life by firing when he did.¹²⁶

ALE Special Agent Leslie Torgow

Special Agent Leslie Torgow was interviewed on September 4, 2018, at the CMPD Law Enforcement Center. Special Agent Torgow reported that those participating in the ALE operation started toward Tropix at approximately 1:20 a.m. or 1:30 a.m.¹²⁷ The operation had information that there would be gang activity at the establishment.¹²⁸ An agent with Homeland Security Investigations was assisting ALE in the operation.¹²⁹ Upon their arrival, agents participating in the operation formulated their operation plan.¹³⁰ Special Agent Torgow reported that she and Special Agent Parker positioned themselves on the back side of Tropix.¹³¹ The initial plan was to address the marijuana smoke coming from the business, but as agents were waiting outside of the establishment, patrons quickly began exiting the club. Special Agent Torgow stated that 10-20 people started coming out of the club and she could hear cursing and a loud commotion on the back deck.¹³² She believed that a fight might be occurring inside the establishment.¹³³ At that point, ASAC Shoaf directed agents to go ahead and make entry into the club.¹³⁴

Special Agent Torgow said she and Special Agent Parker were able to take approximately two steps before she heard a single shot.¹³⁵ She did not see the shot or what led up to the shot.¹³⁶ She also stated that she never drew her weapon.¹³⁷ Special Agent Torgow ran partially back to her car to retrieve her rifle before realizing there was not time to do so.¹³⁸ She then saw Special Agent Parker at the front of the club with his gun drawn, giving the club manager commands to drop his gun.¹³⁹ At this time, she could also see ASAC Shoaf, Special Agent Kluttz, and the agent from Homeland Security Investigations dealing with something in

¹²³ Kluttz Transcript pp.54-55.

¹²⁴ Kluttz Transcript p.55.

¹²⁵ Kluttz Transcript p.58.

¹²⁶ Kluttz Transcript p.49

¹²⁷ Torgow Transcript p.16.

¹²⁸ Torgow Transcript p.23.

¹²⁹ Torgow Transcript p. 24.

¹³⁰ Torgow Transcript p.17.

¹³¹ Torgow Transcript pp.20, 31.

¹³² Torgow Transcript p.31.

¹³³ Torgow Transcript pp.27, 29.

¹³⁴ Torgow Transcript p.29.

¹³⁵ Torgow Transcript p.32, 41, 48.

¹³⁶ Torgow Transcript pp.33, 41.

¹³⁷ Torgow Transcript p.35.

¹³⁸ Torgow Transcript p.32.

¹³⁹ Torgow Transcript p.32.

the parking lot.¹⁴⁰ She could also see a white Chrysler 300 with its headlights on pulled 5 to 8 feet out of a parking space at approximately a 45 degree angle.¹⁴¹ The car appeared to Special Agent Torgow to have been backed into the parking space.¹⁴² The Homeland Security Investigations agent was standing near the car and Special Agent Kluttz was on one knee providing aid to the decedent.¹⁴³

Special Agent Torgow said she interviewed the owner of the club. The owner told her that the club DJ had asked the decedent to leave and that he saw the decedent go to his car, return and try to re-enter the club with a gun, which is why the owner has his gun out when agents arrived.¹⁴⁴ The owner informed Special Agent Torgow that, as agents were coming toward the club, he pointed out the decedent and told agents the decedent had a firearm.¹⁴⁵

ALE Special Agent Daryle Parker

ALE Special Agent Daryle Parker was interviewed by telephone on January 29, 2019. Special Agent Parker recalled that on the evening of August 25, 2018, he was participating in an operation at Tropix. Members of the ALE Violent Outlet Task Force and one Homeland Security Investigations Agent were participating in the operation.¹⁴⁶ Special Agent Parker stated that he was wearing his black tactical vest, which had white "POLICE" markings on the front and back. He was also wearing his ALE badge on his drop leg holster.¹⁴⁷ He was carrying his duty weapon, which is a Glock 19.¹⁴⁸

Special Agent Parker drove separately to Tropix.¹⁴⁹ Special Agent Parker recalled that he arrived at Tropix at approximately 1:40 a.m. or 1:50 a.m.¹⁵⁰ He parked behind the business on the road.¹⁵¹ Special Agent Parker stated that he could smell marijuana coming from the club.¹⁵² Special Agent Parker understood that ASAC Shoaf and two other agents were going to the front of the business. He stated that ASAC Shoaf directed him and Special Agent Torgow to go to the back of Tropix to intercept and talk to anyone who came out of the back of the club after agents went in the front.¹⁵³ Special Agent Parker stated that he and Special Agent Torgow then stood at the rear of the club and talked to patrons who were coming out. He believed one of the patrons might have mentioned a fight inside the club. Special Agent Parker recalled that ASAC Shoaf said something over the radio in reference to someone inside the building with a gun and he and Special Agent Torgow then began walking toward the front.

¹⁴⁰ Torgow Transcript p.36.

¹⁴¹ Torgow Transcript pp.38-39.

¹⁴² Torgow Transcript p.39.

¹⁴³ Torgow Transcript p.40.

¹⁴⁴ Torgow Transcript pp.45, 47.

¹⁴⁵ Torgow Transcript p.47.

¹⁴⁶ Parker Transcript p.16.

¹⁴⁷ Parker Transcript p.7.

¹⁴⁸ Parker Transcript p.8.

¹⁴⁹ Parker Transcript p.12.

¹⁵⁰ Parker Transcript p.12.

¹⁵¹ Parker Transcript p.13.

¹⁵² Parker Transcript p.15.

¹⁵³ Parker Transcript p.14.

While still at the back of the business, Special Agent Parker recalled hearing a single shot.¹⁵⁴ He did not witness the shot.¹⁵⁵ He said he ducked behind a car in case there were more follow-up shots, but he did not hear any.¹⁵⁶ Special Agents Parker and Torgow then moved up beside the building, where they found the business owner with a gun in his hand. Special Agent Parker instructed the owner to put the gun away, and he complied. Special Agent Parker recalled that the owner said something about someone inside with a gun.¹⁵⁷ Special Agent Parker did not recall seeing anyone inside with a gun, and he and Special Agent Torgow eventually let patrons out of the club.¹⁵⁸ While Special Agents Parker and Torgow were dealing with this, ASAC Shoaf and the others were on the other side of the parking lot.¹⁵⁹ Special Agent Parker recalled ASAC Shoaf saying something over the radio, but he could not understand him.¹⁶⁰

Once the situation began calming down at the entrance to the club, Special Agent Parker saw ASAC Shoaf, Special Agents Klutz and Dugger and a CMPD officer on the other side of the parking lot telling people to get back.¹⁶¹ Special Agent Parker walked to the other side of the parking lot and saw the agents providing aid to the decedent until firefighters arrived and took over.¹⁶²

ALE surveillance agent

An ALE surveillance agent was interviewed on August, 25, 2018, at the CMPD North Tryon Division Office. The agent is not named in this report due to the undercover nature of his work. Publicly identifying him could jeopardize informants, sources and fellow agents. The surveillance agent was participating in the operation by operating a vehicle equipped with surveillance equipment.¹⁶³ Due to limited parking options, the surveillance agent was required to park the surveillance platform closer than the optimal range for the camera system.¹⁶⁴ The surveillance agent was directed to direct the camera to the front door of the club to watch for guns going in or out of the establishment.¹⁶⁵ At that point, the surveillance agent heard audio from outside where an unidentified person was saying that someone wearing either a blue or red hat had a gun. Shortly thereafter, the surveillance agent heard a single gunshot.¹⁶⁶ A crowd then formed around the surveillance vehicle and began banging on and shaking the vehicle.¹⁶⁷ Due to his covert nature, the surveillance agent did not exit the surveillance platform at that time.¹⁶⁸ The

¹⁵⁴ Parker Transcript p.18.

¹⁵⁵ Parker Transcript p.19.

¹⁵⁶ Parker Transcript p.18.

¹⁵⁷ Parker Transcript p.18.

¹⁵⁸ Parker Transcript p.18.

¹⁵⁹ Parker Transcript p.18.

¹⁶⁰ Parker Transcript p.19.

¹⁶¹ Parker Transcript p.20.

¹⁶² Parker Transcript p.20.

¹⁶³ Surveillance Agent Transcript p.1.

¹⁶⁴ Surveillance Agent Transcript p.2.

¹⁶⁵ Surveillance Agent Transcript pp.2-3.

¹⁶⁶ Surveillance Agent Transcript p.3.

¹⁶⁷ Surveillance Agent Transcript p.4.

¹⁶⁸ Surveillance Agent Transcript p.3.

surveillance agent was able to exit the vehicle only after CMPD extended the crime scene to a point where he could safely exit.¹⁶⁹

The surveillance agent reported that he set the camera to record the front door of the club.¹⁷⁰ He said he was not recording on the perimeter surveillance system and that, even if he had been recording, the incident would not have been recorded on the perimeter system because it would have been out of range due to the position of the surveillance vehicle and cameras.¹⁷¹ CMPD Detective Luke Peden reviewed the video in the surveillance vehicle and noted that the surveillance video of the front door of the business did not capture the actual incident, but the recording showed someone matching the decedent's description exit the club, walk out of the camera view, re-enter the camera view while standing near the entrance of the club and then again walk out of the camera view.

Tropix Bar and Lounge owner

The owner of Tropix was interviewed on August 25, 2018, at the CMPD Law Enforcement Center. The owner stated that, prior to the shooting, there was an incident inside the club in which a performer jumped on the bar and was instructed by security to get down. The performer then got "rowdy" with the DJ, and the music in the club was turned off. The owner said at this point, the decedent left to go to his car, and club security informed the owner that the decedent was going to his car and was not to be let back into the club. The owner followed the decedent outside and saw him reach into his car, get a gun, and begin walking back toward the club. The owner stated that he heard the decedent cock the gun and the owner called 911. The owner recounted that it was at this point that ALE agents wearing vests labeling them as police came around the corner, and he told the agents the decedent had a gun.

The owner's recollection was that two agents stayed with him and two ran after the decedent. The owner recalled that when the decedent saw the agents, he turned and went the other way. The owner stated that agents identified themselves to the decedent as police and were telling the decedent to stop. He did not see whether the decedent went back to his car because officers told him to go back inside the club. The owner estimated that he was approximately 150 feet away from the incident but was certain he heard two gunshots.

Tropix Bar and Lounge DJ

The DJ for Tropix was interviewed on August 25, 2018, at the CMPD Law Enforcement Center. The DJ stated that one of the artists performing at the club got into the DJ booth, demanding that he play the artist's music. The club owner shut off the music and stopped the show early. The DJ stated that he went to his car to put some equipment away and, while standing in the middle of the parking lot, saw four ALE officers in tactical gear labeled with "POLICE" running toward a white Chrysler 300. The DJ said he heard an officer give loud verbal commands to drop the gun approximately two times. The DJ did not see the decedent with a firearm because he was too far away.

¹⁶⁹ Surveillance Agent Transcript p.4.

¹⁷⁰ Surveillance Agent Transcript p.3.

¹⁷¹ Surveillance Agent Transcript p.3.

The DJ stated that the white Chrysler 300 was backed in and he saw it move forward. The DJ stated that it appeared the vehicle was attempting to veer around officers that were surrounding the vehicle. The DJ believed he heard three shots in quick succession but could not advise which officers shot their weapons.

Club security employee

A club security employee was interviewed on the scene by CMPD detectives. The employee stated that the decedent left the bar during an altercation. The employee kept an eye on the decedent and saw him walk to a white Chrysler 300 and then return to the front door of the club gripping what appeared to be a heavy object in his waistband. The employee believed the item to be a firearm. When the decedent returned to the club, the club owner brandished a gun to deter the decedent from getting back into the club. At that point, ALE agents pulled into the parking lot and the decedent ran toward his car. The employee saw agents also run toward the white Chrysler 300. The employee heard the agents giving the decedent verbal commands to stop. The employee first recalled hearing three gunshots spaced out strategically, but then stated it was either two or three shots and that it happened very quickly. The employee noted that the Chrysler 300 was originally backed in the parking spot and moved forward approximately half a spot.

E. Physical evidence

A loaded 9mm Taurus Model PT111 was located in the right pant leg of the decedent.¹⁷² The firearm was loaded with a live Win 9mm Luger round in the chamber and live rounds in the magazine. Special Agent Dugger's baton was located next to the decedent.¹⁷³ Responding officers found the white Chrysler 300 running with the headlights on. They noted that the nose of the vehicle was pulled partially out of the parking space and the wheels were turned [slightly to the left](#). A single spent Speer [cartridge case](#) was located on the ground near the front right bumper of the Chrysler 300. There was a single projectile hole in the windshield of the Chrysler 300.

Inside the Chrysler 300, officers located a bag from a gun shop containing 50 rounds of CCI Stinger 22lf ammunition, a box containing 20 rounds of PMC Remington .223 ammunition and five rounds of 12 gauge shotgun shells. Officers also located a black digital scale, marijuana in the center console and a marijuana grinder under the dashboard compartment.

None of the agents involved in the operation were equipped with body-worn cameras.

F. Forensic evidence

Autopsy report

A senior ADA spoke with the Medical Examiner about the injuries suffered by the decedent. The Medical Examiner observed a gunshot wound, which entered on the right side of the neck, travelled into the chest cavity, and lacerated a major artery in the decedent's shoulder. The trajectory of the wound was from the front of the body to the back of the body and

¹⁷² Due to the graphic nature of this photograph, it is not included in this report.

¹⁷³ Due to the graphic nature of this photograph, it is not included in this report.

downward. The Medical Examiner stated it was not a close range wound and noted no soot or stippling around the wound. The decedent also had a laceration of the right upper chest/shoulder. The Medical Examiner stated this was not a gunshot wound or a graze wound and that it was likely the result of the initial bullet fragmenting as it passed through the windshield of the vehicle. A single, deformed projectile was recovered from the decedent's chest.

A copy of the Medical Examiner's report is attached as Exhibit 1.

G. Conclusion

It is clear that Special Agent Dugger fired his weapon, striking the decedent. Special Agent Dugger reported firing a single shot. While the club owner, DJ, and security guard recalled hearing two, three, and two or three gunshots, respectively, all of the law enforcement officers present at or near the scene, including ASAC Shoaf and Special Agents Kluttz, Torgow and Parker and the ALE surveillance agent reported hearing a single gunshot. ASAC Shoaf and Special Agent Kluttz were the law enforcement officers present for the shooting, and round counts conducted on their service weapons indicated they had not fired their weapons. Similarly, the physical evidence, including a single spent casing, a single projectile hole in the windshield, and a single gunshot wound to the decedent, indicate Special Agent Dugger fired a single round at the decedent.

Therefore, the central issue in this review is whether or not Special Agent Dugger was justified under North Carolina law in using deadly force. A police officer – or any other person – is justified in using deadly force if he in fact believed that he or another person was in imminent danger of great bodily harm or death from the actions of the person who was shot and if his belief was reasonable. The evidence supports the conclusion that when Special Agent Dugger fired his weapon at Mr. Janvier, he was standing in front of the decedent's moving vehicle, had already been struck and injured by the vehicle and was unable to otherwise extricate himself from the situation. As such, it would be impossible for the State to prove that Special Agent Dugger did not act in self-defense when he fired at the decedent. Consequently, I will not be seeking charges related to the death of Mr. Janvier.

If you have any questions, please contact me directly.

Sincerely,



Spencer B. Merriweather III
District Attorney

Exhibits:

The entrance to Tropix Bar and Lounge.

[Return.](#)



The Chrysler 300 at the end of the parking lot. The entrance to Tropix is left of the photo. [Return](#).



The final position of the white Chrysler 300.

[Return.](#)



Loaded Taurus Model PT111 recovered from within the decedent's right pant leg.

[Return](#)



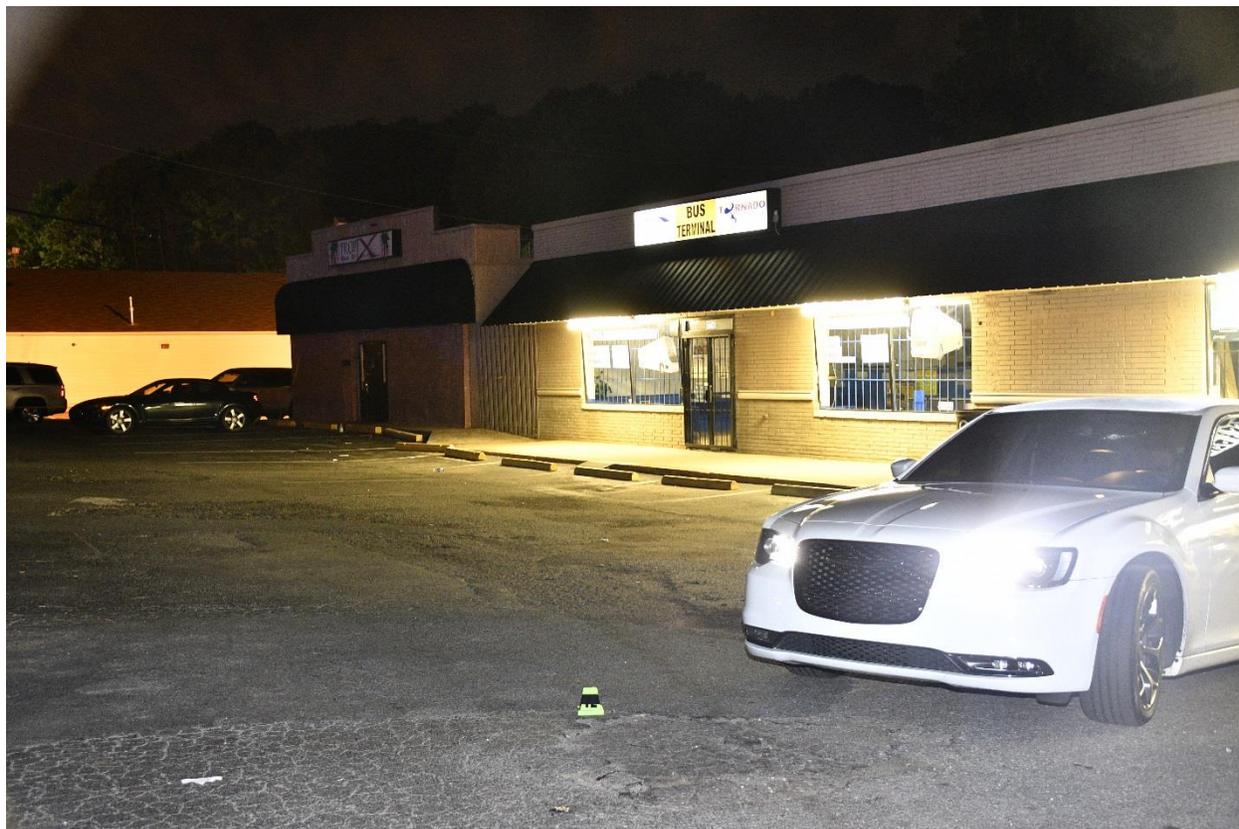
A single projectile hole in the windshield of the Chrysler 300.

[Return.](#)



The wheels of the Chrysler 300 were turned slightly to the left.

[Return.](#)



A single spent cartridge case marked with placard A.

[Return.](#)

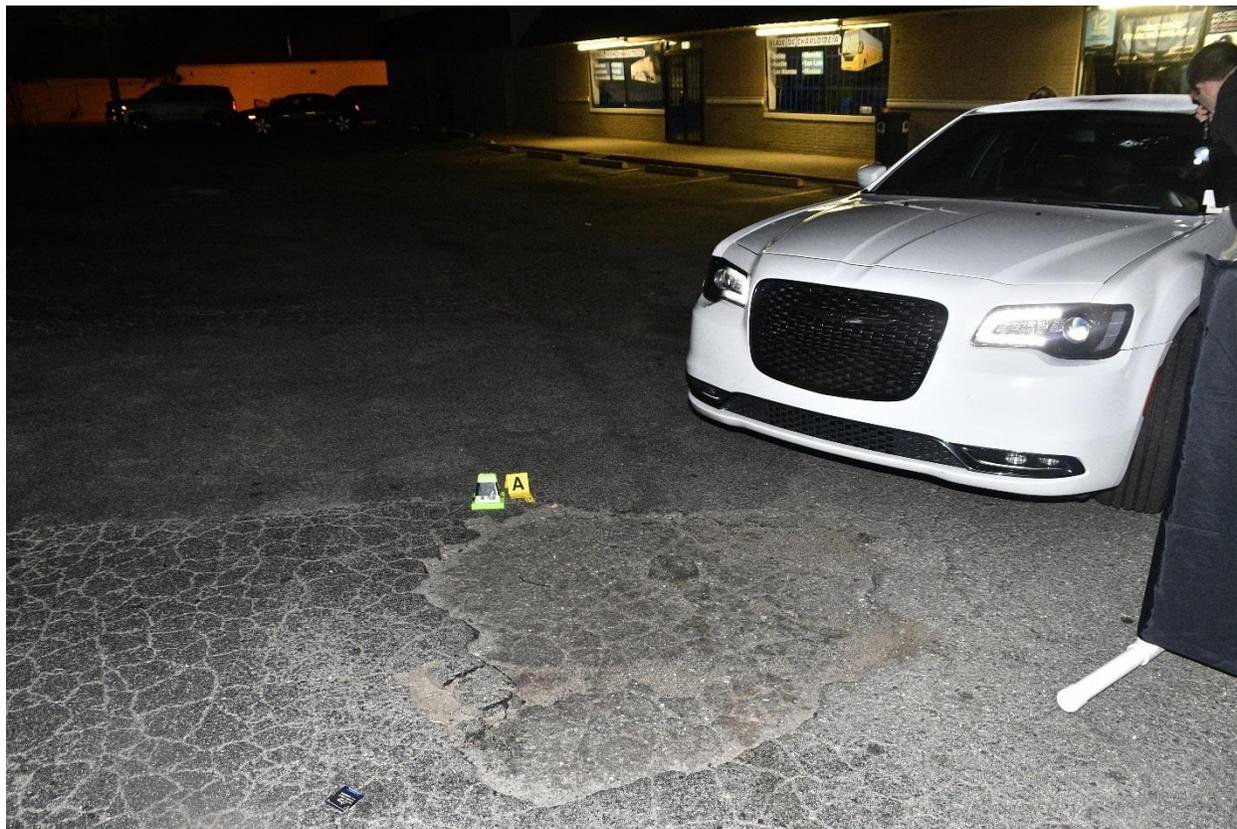


Exhibit A

Charlotte Mecklenburg Police Department			COMPLAINT NUMBER	Page #
Supplement Report @			20180825015501	1 of 56
2. Victim Name Donald Janvier		3. Original Offense / Charge Homicide		
4. Location Of Offense 4701 N. Tryon St.		5. Arrest Number	6. C.R. Number	
7. Original Report Date 9/26/2018	8. Supplement Date	9. Correct Incident Classification		
10. Juvenile Case Yes No	11. Multiple Case Clearance Yes No	12. Supplement Confidential No Yes	13. Purpose Of Supplement Interview with Jose Dugger	

REVIEWED BY DETECTIVE B. SINNOTT ON 11/9/2018.

THIS IS DETECTIVE BRANDON SINNOTT WITH THE CHARLOTTE-MECKLENBURG, CHARLOTTE-MECKLENBURG POLICE DEPARTMENT. TODAY'S DATE IS AUGUST 29TH, 2018; TIME IS 1:25 P.M. IT'S GONNA BE IN REFERENCE TO COMPLAINT NUMBERS 2018-0-8-2-5-0-1-5-5-0-1 [S/C] FOR INCIDENT, SHOOTING INCIDENT THAT OCCURRED AT 47-0-1 NORTH TRYON STREEET. IN THE ROOM WITH ME IS SERGEANT WINTERHALTER; ALSO IN THE ROOM IS JOSE DUGGER ...

SINNOTT: That correct?

... AND HIS ATTORNEY, DAVID FREEDMAN.

SINNOTT: Okay, Mr. Dugger ... can you tell me, well first actually for the recorder, for the recording, can you give me your, your full name and date of birth?

DUGGER: Yeah, Jose M. Dugger, date of birth is [REDACTED]

SINNOTT: Okay. And, how long have you been, uh, employed, uh, with, uh, Homeland Security?

DUGGER: Ten years.

SINNOTT: Ten years? You have any previous, uh, law enforcement experience, uh, before?

DUGGER: No sir.

SINNOTT: Okay. What about military experience?

21. UCR Clearance Status <input type="checkbox"/> Open <input type="checkbox"/> By Arrest <input type="checkbox"/> Exceptional <input type="checkbox"/> Unfounded		23. Reporting Officer B. Sinnott	Code 4826 Homicide	Assignment 9/26/2018	Date
22. Investigative Status <input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Closed <input type="checkbox"/> Administrative		25. Case Referred To	26. Reviewing Supervisor, Code, Date		

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DUGGER: No, sir.

SINNOTT: No military. And what kind of, what kind of training have you, um, have you been to, or do you currently do, or continuous training that you, that you had to do for, um?

DUGGER: Besides, uh, academy for 6 months, uh, we had quarterly, uh, uh, firearms drills.

SINNOTT: Uh-huh.

DUGGER: Uh, to qualify with our weapon, and I'm also part of a U-C rescue team, uh, and we have constant training, uh, on, on that.

SINNOTT: Okay.

DUGGER: With a specialized team.

SINNOTT: Alright.

DUGGER: And I'm a part of that team.

SINNOTT: Okay. And, do you guys, in terms of, like, your quarterly uh, do you maybe, uh, elaborate a little bit more about, um, your qualifications, firearms qualifications; do you have to reach a certain, uh, percentage in your firearms?

DUGGER: That's correct, yeah, yeah, so it's a certain percentage that's, uh, you know, 50 rounds and, you know, you have to make sure from different distances you're, you're qualifying from each distance.

21. UCR Clearance Status <input type="checkbox"/> Open <input type="checkbox"/> By Arrest <input type="checkbox"/> Exceptional <input type="checkbox"/> Unfounded		23. Reporting Officer B. Sinnott	Code Assignment 4826 Homicide	Date 9/26/2018
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SINNOTT: What's the qualifying mark line, the cutoff, what's the?

DUGGER: Uh, 200, uh, 250.

SINNOTT: Okay. And that's the, in terms of percentage wise, what's the percentage of that; is it?

DUGGER: I don't even, you have to get a calculator out.

SINNOTT: <chuckles> That's fine. That's good enough for me.

DUGGER: <chuckles>

SINNOTT: Um ...

DUGGER: I think that's 80%.

SINNOTT: Okay, 80%, okay.

DUGGER: Yeah, that's, yeah. I'm usually good at math.

SINNOTT: No, that's okay. Um, so at this time, so on August 25th, which is the day of the incident, were you ... were you, uh, acting out as a Homeland Security?

DUGGER: That's correct.

SINNOTT: Okay. And, do you have a call sign or anything like that, um?

DUGGER: I do, but it's not really used.

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SINNOTT: Okay. Did you guys have a, uh, an ops plan?

DUGGER: Yes.

SINNOTT: Or, like, uh, uh, uh, a briefing? Okay.

DUGGER: Yes, we have both.

SINNOTT: Oh, you, you have both? Okay.

DUGGER: Yeah, a [sic] ops plan and a briefing.

SINNOTT: Okay, and briefing? You know where I would be able to get a copy of the ops plan?

DUGGER: Uh, yeah, yeah, ALE will have a copy of ops plan. I have a copy of a ...

SINNOTT: ALE does?

DUGGER: ... ops plan because it's anytime we are doing anything with a state agency ...

SINNOTT: Okay.

DUGGER: Um, we usually require ops plan given and it's shot up to, uh, our supervisor so their aware of what's going on.

SINNOTT: Okay. And who was your supervisor that night?

DUGGER: Uh ... he was unavailable but Tom Justice knew about the ops.

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SINNOTT: Uh-huh.

DUGGER: Uh, and so did, uh, my rack, Maria Pouin.

SINNOTT: Okay, alright. And, that night when you guys were doing the, were out there?

DUGGER: Uh-huh.

SINNOTT: Um, is that your typical, like, shift or is it, like, adjusted hours or?

DUGGER: No, it's adjusted hours.

SINNOTT: Okay.

DUGGER: Yeah.

SINNOTT: Um, so what time did you start, what time is your duty day?

DUGGER: Uh, the ... the briefing was at 5, uh, from 5 to, like, 5:45, 6.

SINNOTT: Uh-huh.

DUGGER: And then from 6, uh, we did the first part of the ops plan.

SINNOTT: Uh-huh.

DUGGER: Uh, from there, um, when we finished from about ... I wanna say 9:30 to maybe 10:30?

SINNOTT: Uh-huh.

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DUGGER: We had dinner, and then from 10:30, um, we kind of briefed up before we started going out and, uh, cause we went to two separate areas.

SINNOTT: Uh-huh.

DUGGER: Um, so we were just talking about that and, uh, before we went to one bar.

SINNOTT: Okay.

DUGGER: And sat there and found that there was no activity or minimal activity.

SINNOTT: Which bar, I'm sorry, which bar was that?

DUGGER: I wanna say it was Club Dubai.

SINNOTT: Dubai, okay. Was it in the area, it, it, in that area, North Tryon Street on the other side?

DUGGER: No, no, that's, that's off ... 74, I think somewhere.

SINNOTT: Uh-huh.

DUGGER: And then TropiX is probably maybe ... 8 miles from there.

SINNOTT: Okay. So you guys, um, let me, let me backtrack a little bit; so you guys briefed around 5:00 or so?

DUGGER: Yeah.

21. UCR Clearance Status <input type="checkbox"/> Open <input type="checkbox"/> By Arrest <input type="checkbox"/> Exceptional <input type="checkbox"/> Unfounded	23. Reporting Officer B. Sinnott	Code Assignment 4826 Homicide	Date 9/26/2018
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SINNOTT: And then ...

DUGGER: At 5:00 we did talk about TropiX bar.

SINNOTT: Okay.

DUGGER: And then, because we knew that there was a, um, two rappers that were known Blood gang members that were gonna be there. Uh, and it was briefed upon about, you know, their affiliation of being Bloods and, you know, who their label was with and, uh, so we knew that there was gonna be a high concentration of, uh, gang members at that, and I'm in the gang unit for, uh, HSI.

SINNOTT: Okay. Tell me, uh, that night, what was your, uh, your uniform clothing or what were you wearing that night?

DUGGER: Uh, black tactical pants, brown boots, um, I had a long sleeve khaki, like a compression shirt almost kind, uh, it had black lettering down the side.

SINNOTT: You, what color was it, your shirt, you said?

DUGGER: Khaki.

SINNOTT: Khaki, uh, khaki color?

DUGGER: Yeah. It had black lettering that said 'POLICE' all the way down on both arms.

SINNOTT: On both arms?

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DUGGER: Yeah.

SINNOTT: Okay. And a long sleeve shirt?

DUGGER: Yeah, it was a long sleeve shirt, yeah.

SINNOTT: What about on your carrier?

DUGGER: So my carrier is a O-D green carrier ... and on the front it's, uh, reflective, it says 'POLICE' on the front and then there's a reflective, uh, patch on the back that says 'POLICE.'

SINNOTT: Okay. Is that in white lettering?

DUGGER: Yes.

SINNOTT: And your, uh, what kind of veh-, do, I mean, what kind of vehicle were you driving that night?

DUGGER: I wasn't driving.

SINNOTT: Okay.

DUGGER: Uh, because I don't have the authority of pulling anybody over.

SINNOTT: Uh-huh.

DUGGER: Uh, so I usually ride with; the state agency do have the authority, so I was just in the passenger with, uh, another L-E agent.

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SINNOTT: Do you know what kind of vehicle it was?

DUGGER: Yeah, it was a black Ford extended cab truck... or 4 door truck I'm sorry.

SINNOTT: Uh-huh. Also you I want to, I'll backtrack real quick, too; you said you've been with H-S-I for about 10 years?

DUGGER: Uh-huh.

SINNOTT: And, do you normally do, uh, joint, like, task force operations with, uh, other agencies?

DUGGER: Uh-huh, all the time.

SINNOTT: Okay, um, <talkover> ...

DUGGER: There's other police departments other sheriff's office, yes.

SINNOTT: Okay. Your duty weapon, can you describe your, your duty weapon?

DUGGER: Yeah, it's a Glock .9 mm.

SINNOTT: Okay.

DUGGER: A 17, the medium one ... like, it's the regular one; it's a Glock 19.

SINNOTT: I'll have to read up on it, believe it was the 17?

DUGGER: It's the same one I have in ... <unintelligible>.

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SINNOTT: Okay. And, and what, uh, what color is it?

DUGGER: Black.

SINNOTT: Okay.

DUGGER: I always get it confused.

SINNOTT: No that's fine.

WINTERHALTER: It's a full time or it's in the evening?

DUGGER: Medi-, medium frame.

SINNOTT: Okay. Okay. Alright, um ...

DUGGER: Nineteen.

SINNOTT: Before, uh, before your, um ... before, uh, your duty day, at least, what, you started around 5:00?

DUGGER: Uh-huh.

SINNOTT: Um, did you get a good night's sleep right before or, uh, did, can you kind of go back about, like, you know what ...

DUGGER: Yeah, I knew I was gonna work that afternoon so, um, you know, just regular sleep at night and then, uh, that was around 2:30 I just, uh, took a nap.

SINNOTT: Uh-huh.

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DUGGER: Um, slept to almost 4 cause I knew my son was gonna be home so I just wanted to make sure I was up, you know, talk to him and see how his day was before I took off, so.

SINNOTT: Okay. So that's pretty, pretty typical if you know you're gonna be working late you'll ...

DUGGER: Take a nap.

SINNOTT: Yeah, take a nap and then prepare for, you know, the rest of the night, okay. Um, important terms of background information, do you have anything else?

WINTERHALTER: No, I think it's good, uh, <unintelligible>.

SINNOTT: Okay. Um, if you could, um, Mr. Dugger, just go through, uh, the events that led up to when you guys went to, to TropiX and, uh, we will just listen to what you have to say?

DUGGER: Okay.

DUGGER: So it was approximately around ... I'd say 1:40 in the morning? Um ... we arrived at the, the establishment. We saw that it was really bad, uh, so we went down a side street. Uh, I don't, I don't know the street name, but ...

SINNOTT: Uh, would a map help you?

DUGGER: Yes.

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SINNOTT: There's, uh, TropiX, uh, 47-0-1?

DUGGER: Yeah, yeah.

SINNOTT: Okay.

DUGGER: Oh, sorry.

SINNOTT: No problem.

DUGGER: If you have another one, um.

SINNOTT: I do, actually I got one that'll probably be a little bit closer, like, a little bit easier for you to.

DUGGER: No, no, I can, this is perfect.

SINNOTT: Okay, alright, so.

DUGGER: Um, that way you can look at it, you can follow.

SINNOTT: Yeah, yeah, go head.

DUGGER: Um.

SINNOTT: Let me borrow your pen.

DUGGER: Um, so we come down, we come down the road, uh, Mellow Drive.

SINNOTT: Okay.

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DUGGER: Um, so we come down just to see what, how much activity is here in the parking lot and how much activity is here in the parking lot.

SINNOTT: Uh-huh.

DUGGER: Uh, as we drive down we can see that these gates are open here and then you can see people kinna [*sic*] in and out a little bit, maybe one or two or three people. So we know that this ... <tapping sound> ... this back door is open, right?

SINNOTT: Uh-huh.

DUGGER: Back here. So we come down and as we're coming down you can smell a strong odor of marijuana. Um, have no clue if it's coming from the car, from the club, cause at this point we just don't know. So we come down ... we do the U turn, and we come back up and we come in this parking lot here and we back into a spot <tapping sound> right here. So now we have eyes to the front door, okay, and this whole parking lot. So we're able to, to see all the activity coming in and out of the club. Um, we have, uh, two more, three more vehicles come down, uh, they're also ALE agents, and they're down here; so our plan is for two of the ALE agents to see what kinna [*sic*], uh, when we enter the club, to see what comes back out, right?

SINNOTT: Okay, uh-huh.

DUGGER: So we wanted to have at least two more back here, um, and we have myself, uh, Logan, and another L-E agent, Chris Kluttz. It's about 1, it's almost getting about 1:50 in the morning, and

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we see, like, a bunch of people kinna [sic] starting piling out for some reason cause it's not even 2:00 yet.

SINNOTT: Uh-huh.

WINTERHALTER: Uh-huh.

DUGGER: Um, right now we're also waiting for three more ALE agents to work the parking lot, meaning to walk around and work the parking lot to see what, what they can see. Um, so ... Logan decides that, says okay, well, let's go ahead and go in because, you know, there's a lot of people coming out, so let's just kinna [sic] make our presence known. And these guys are probably, man, they're just, like, minutes away. So as we exit the vehicle you can see some people coming out of here, then I see Chris, start to kinna [sic] walk up this way, then I hear individuals yell out, it's the Po-Po, it's the Po-Po. Um, so as we're walking here I see a, uh, black male, well, let me back up because before that I see a tall, white, uh, guy, pretty big, man, 6-4, 6-6 guy; um, and he appears to be the security guy cause he keeps walking in and he's, like, guarding the door almost.

SINNOTT: Uh-huh.

WINTERHALTER: Uh-huh.

DUGGER: Right, so when people come in he looks like he's checking I-D or, you know, doing, patting down, or some'um like that. So, uh, we identified him as, as a security guy, so when we're coming in the door I see a black male standing next, uh, to the door and he's yelling in this direction, saying that I, that I have a gun, too, and, uh, I'll use it.

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SINNOTT: Oh, okay, um, let me, um ...

DUGGER: At the door of the TropiX.

SINNOTT: Uh, okay, let me, um, switch up a little bit here. I got, uh, a zoomed in version.

DUGGER: Okay.

SINNOTT: With that probably would be able to follow that a little bit.

DUGGER: Sure.

SINNOTT: So here's TropiX and there's the front door of TropiX.

DUGGER: Is that where the front door is?

SINNOTT: Yep.

DUGGER: Okay.

SINNOTT: The front door is right here.

DUGGER: So we're walking ... we're, like, right here so I'm walking here, so he's yelling at someone this way and I'm walking in a [sic] angle this way.

SINNOTT: Okay.

DUGGER: I can see him from the top up, he's wearing a gray shirt, right? And as soon as I clear this, so I tell Logan, I said, Logan, that

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guy just said he had a gun, and I was, like, he affirms, okay, check. Uh, so as I clear the veh-, the vehicle where I can see everything, so I see this guy in a gray shirt, he does indeed have a gun and it's pointed down at the side, like, on the ground, right?

SINNOTT: Okay.

DUGGER: Um, and ...

SINNOTT: Can you, can you describe the guy that had the gun?

DUGGER: Yeah, he's a shorter, black male, gray shirt ... he was kinna [sic], I wanna say, like, he's a little bit, uh, fluffy, I guess.

SINNOTT: Okay.

DUGGER: Um, chunky.

SINNOTT: Yeah.

DUGGER: Right? And so, um, he turns and as soon as he sees me, he puts his hand up and he holsters his weapon. He has, like, a holster on.

SINNOTT: Uh-huh.

DUGGER: Right? And so I can see a gun and I can see him holster it because his shirt is, like, kinna [sic], like, tucked like this, so I can see everything right here, right?

SINNOTT: Okay, uh-huh.

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DUGGER: So everything is visible to me. So he's yelling, he says, that guy's got a gun, that guy's got a gun, and he's pointing to a guy with teal shirt, red hat.

SINNOTT: And he's telling you this as your walking up?

DUGGER: He's telling, yeah.

SINNOTT: Okay.

DUGGER: And, uh ... so I kinna [sic], kinna [sic] straight from the door and I see Logan, he's kinna [sic] walking by me and I overhear someone say, hey, thank God you guys were here because we were about to call 9-1-1. And so, so I'm, like, okay, so those people in the parking lot, man, there's a lot of people in the parking lot; they're just, like, kinna [sic] scattered out. So as I'm walking, these, these people are almost, like, tryna [sic], like, just beat feet, you know what I mean? Um, and so I'm yelling at the guy to come back and he, he turns back and he, he just keeps walking and I'm telling the guy come back, come back. Um ... and so he finally gets into his car and so, um, he's back ...

WINTERHALTER: And when you say 'the guy' you're referencing the guy in the a teal shirt and, <talkover>?

DUGGER: Teal shirt, red hat, right. So he gets in his car, right, it's noisy cause there's a lot of people yelling, there's a lot of things going on at the same time. So if this is his car, right ... <clears throat>, I see Logan come through here. Oh, I forgot to tell you, let me back up.

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SINNOTT: Okay

DUGGER: When I get out of my vehicle and I come across and I hear the guy that states he has a gun?

SINNOTT: Uh-huh.

DUGGER: I take off my baton. So now I have my baton in my hand; I forgot that I had my baton the whole time, right? So here's the door, right? So, I see Logan coming on the left side, Chris Kluttz is behind me, um, so I see him inside the car, but I see his hands drop, right?

SINNOTT: Uh-huh.

DUGGER: So as soon as I get about here, I draw my weapon.

SINNOTT: Okay.

DUGGER: Right? Because now I, I have no visibi-, cause the whole time he's walking ... I can see his hands, right? Until he gets in the car and I lose visibility, that's when I draw.

SINNOTT: Okay, mm.

DUGGER: Right? And then, uh, Logan drew first, I remember him drawing because I was, like, focused on trying to see what he was doing, uh, and that kinna [sic] <snap finger sound> clicked on me and says, oh, shit, let me draw my weapon. So as I come and I hit the threshold of the car, I probably take one step and he accelerates forward <slam sound>, right? And I'm probably

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maybe two feet away from the car and he hits me on my right leg, and I kinna [sic] <knock sound> come against the hood and I remember I dropped my baton. And, uh, and then when he, uh, and I'm trying to get back off over, like, I'm tryna [sic] just get back and he accelerates again, and then I fire one round into the, into the windshield. And when he comes to an abrupt stop again, it throws me back off the hood and I hit Chris Kluttz from behind me.

SINNOTT: Uh-huh.

DUGGER: My only thing was, like, to try to, um, move off, offline to the right because I'm, I'm still right in the middle of that vehicle, and I was losing my balance, uh, during that first acceleration <chuckles> and then the second acceleration, I could feel my feet sliding and I couldn't get any traction. So when I went offline, um, I was unaware if he was hit or whatever, so, um, the suspect comes out of the car and he's yelling and cursing, uh, like, hey, what the fuck you want, why are you, I can't believe you fucking shot me, fuck y'all, motherfuckers, and he was, like, like, enraged and pissed. And it must've been, like, he must've been yelling at least to me it seemed, like, 5 seconds, 7 seconds. I mean he was verbal confrontational and I still had my weapon drawn, but I was looking for anything, and all of a sudden you see it just a large arterial spray come out of his neck. And then I'm still looking around, I see the spray and then as soon as he's, he comes down to his knees, I holster, and we tried to give first aid. So Kluttz grabs him by his arms and pulls him straight because he's kinna [sic] slumped over and he's, uh, he's next to this other car, um, because he's almost pulled out; it seems like he's almost pulled out of the whole parking lot, uh, the parking spot, I'm sorry.

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SINNOTT: Uh-huh.

DUGGER: So, I grab his arms, uh, Klutz grabs his arms and he pulls him forward and, um, and we're trying to look for the, the, the wound because we can't see it, and then all of a sudden we, we find the neck, the wound and we're trying to see if there's an exit wound. At the same time, um, officer, I don't even know who dropped the medpac, but all I remember is grabbing the gauze and opening the medpac, um, the gauze while I'm trying to call 9-1-1 and Klutz is applying pressure cause he's the one that's got gloves on now.

SINNOTT: Uh-huh.

DUGGER: So he's applying pressure to the, uh, individual, I'm on the phone with 9-1-1 trying to get 9-1-1 here as soon as possible and it was Chris and Klutz and I's decision not to give chest compressions because we felt like chest compressions might exacerbate the, the blood flow through his neck, and we were just hoping the ambulance is gonna get there on time.

SINNOTT: Okay. So, just a couple, um, questions in terms of cause I'm, I'm more kind of interested in when you approach the vehicle.

DUGGER: Uh-huh.

SINNOTT: Um, you said initially you couldn't see anything in his hands, correct?

DUGGER: Well, when he was walking, right?

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SINNOTT: Right.

DUGGER: I'm looking for, because right now all I know is there's threat, there's a guy with a gun.

SINNOTT: Uh-huh.

DUGGER: Right? I'm just taking the information and processing right now and then I'm just looking to make sure that that guy doesn't have a gun in his hands or anything because I can't see him, in his front waistband or anything, so he's walking and he gets in the car.

SINNOTT: How is he walk, and, so can you describe, like, how he was walking, was he?

DUGGER: He was walking fast, like ...

SINNOTT: Okay

DUGGER: He was tryna [sic], like, he saw me.

SINNOTT: Uh-huh.

DUGGER: I mean, there's my, my vest is clearly marked, you can tell that I'm the police.

SINNOTT: Uh-huh.

DUGGER: Right? And people are yelling the police is here, like, let's go. You know, it's not like it's a secret.

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SINNOTT: Right.

DUGGER: So, um, when he gets in the car and I can't see his hands anymore that, you know, any, any police officer's gonna, you know <knock sound> draw their weapon to make sure that, hey, you know, uh-huh.

SINNOTT: Um, can you describe him in terms of, like, what he, his appearance, uh, in terms of height, weight, you know?

DUGGER: Man, that guy was a big guy, man; he must've been 6-5, 6-6, about 2-60, 2-80. He was a big, he was a big guy.

SINNOTT: Did ...

DUGGER: I remember he was tall, he was just wearing, uh, shorts, kinna [sic] sagging shorts and a blue teal shirt and a red hat. Black male, of course.

SINNOTT: So as he's walking away is, did he say anything to you or, or do you?

DUGGER: No.

SINNOTT: Okay. Did you say anything to him?

DUGGER: Yeah, I told him to stop.

SINNOTT: You told him to stop, how many times ...

DUGGER: Yeah.

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SINNOTT: ... you tell him to stop?

DUGGER: Yeah, that I just kept, and I even told him don't get in the car. I said do not get in the car and he still got in the car.

SINNOTT: When he got in the car, uh, did you, uh, make any command, verbal commands when he got into the car?

DUGGER: Yeah, I mean I told him don't move, like, just yelling out don't move cause I can't see his hands anymore.

SINNOTT: So when he got into the car, which this is gonna be the car, uh ...

DUGGER: Uh-huh.

SINNOTT: ... the diagram that you drew, um, where, can you describe to me where at, where you were at when you were giving these commands, where, where you're at positioned in front of the car?

DUGGER: Uh, man, I, it was, it's one continuous movement.

SINNOTT: Okay.

DUGGER: You know, I'm not, like, stopping because ... I'm already committed here.

SINNOTT: Uh-huh.

DUGGER: So my thing is I'm not <chuckles> standing here.

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SINNOTT: Uh-huh.

DUGGER: My thing is to come over here. My whole intention was to come offline to be here.

SINNOTT: Okay.

DUGGER: Right?

Winterhalter: Right, the driver's side?

DUGGER: Yes. And then wait for my partner to come with me.

SINNOTT: Okay. So as you're moving across the front of the vehicle, what's happ-, what's happening then?

DUGGER: I'm watching his hands.

SINNOTT: Okay.

DUGGER: Because I see another hand, his, his right hand drop again.

SINNOTT: Okay. His hands drop, are you pointed out at him at that moment?

DUGGER: What do you mean?

SINNOTT: With your, with your firearm, are you pointed out at him at that moment?

DUGGER: Am I point, like, is my weapon pointed at him?

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SINNOTT: You're punched, you're punched out?

DUGGER: Oh, of course, yes, yes.

SINNOTT: Okay, alright, so you're in front of this vehicle; I'm, I'm just trying to reenact, like, the scenario; I'm trying to just go through the scenario. So you're moving, do ...

DUGGER: My gun is pointed towards the threat.

SINNOTT: Okay. And at that time as you're moving ...

DUGGER: Uh-huh.

SINNOTT: Um, is the car turned on at that point?

DUGGER: That I, I never heard it.

SINNOTT: Okay.

DUGGER: I, I, like I told you, there's a lot of noise. I didn't even know the car was on. I thought he just, you know how sometimes you get in, you press on the brake, you know, and then the front lights come on?

SINNOTT: Uh-huh.

DUGGER: You know, and the whole inside was lit up.

SINNOTT: Okay. And actually, too, what's, um, the vehicle, can you describe the vehicle for me?

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DUGGER: All I remember it's a white 4-door sedan.

SINNOTT: A four door?

DUGGER: I, I think it had South Carolina plates on it cause when I sat down after the fact, I think I was looking at the back and I think I remember South Carolina plates.

SINNOTT: Okay. So at this point when you're in front, in front of the vehicle, tell, and you're, and you're pointed out, you're punched out at him ...

DUGGER: Uh-huh.

SINNOTT: Um, tell me what happens from that point.

DUGGER: What do you mean, like, when he started?

SINNOTT: Just, just, you, just your, your version when you're in front of that vehicle ...

DUGGER: Uh-huh.

SINNOTT: ... and you're punched out just tell me what, what happens next; I, I just wanna go step by step through it.

DUGGER: So as I'm punched out and I told him several times not to get in the car and several times not to go anywhere and several times to stop, when I hit the threshold, like I told you, my body's bladed towards him with one hand and I still had my nightstick in one hand. But, you know how you're walking and you just

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kinna [sic] turn because I'm still making a forward momentum to get to the other side of the vehicle.

SINNOTT: Uh-huh.

DUGGER: So when he hit me, he accelerated and he hit me and I must've been, like, two feet away from the vehicle.

SINNOTT: So he hit you as you were walking?

DUGGER: Correct.

SINNOTT: Um, to try to get to the driver's side?

DUGGER: Correct.

SINNOTT: Okay. So you're, where, and the terms of the, the right bumper or the left bumper, where do you think that he hit you at?

DUGGER: Man, right in the middle.

SINNOTT: Alright. So you're probably somewhere, you mind if I mark it right here?

DUGGER: Sure.

WINTERHALTER: Hold on for one second.

SINNOTT: Okay.

WINTERHALTER: Um ... so put, um ... what I wanna try to do is mark it with maybe, like, a 1 as to where you were as you first approached

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the car, okay, the angle with which you approached it, and then, um, a 2 and circle as to where you were when he first impacted you.

DUGGER: Uh-huh.

WINTERHALTER: Um, and then if there was any change in your position, um, then mark it again, okay? Does that make sense?

DUGGER: Uh-huh.

WINTERHALTER: So you're approaching from the left passenger ...

DUGGER: Correct.

WINTERHALTER: ... corner?

DUGGER: Yep.

WINTERHALTER: So ...

DUGGER: I'm going left to right.

WINTERHALTER: Right, so somewhere in here, is that good?

DUGGER: Yeah.

WINTERHALTER: Um, you know, and you guesstimated your, you're going left to right, um, and you think you're somewhere about maybe two feet from the vehicle as you're crossing?

DUGGER: So I'm here, right?

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WINTERHALTER: And that's, okay.

DUGGER: And this is the first impact.

SINNOTT: First impact, okay.

WINTERHALTER: And make note of, one, two, and ...

DUGGER: Uh-huh.

SINNOTT: And that's going to be left to right.

WINTERHALTER: And I think the way you described it on first impact this is when you lost your baton?

DUGGER: Yeah.

WINTERHALTER: Right? But we ...

DUGGER: Uh, to be honest, I don't even know where that baton is.

WINTERHALTER: Yeah, we collected it, I believe, that night.

SINNOTT: We didn't know, we didn't know whose it was.

DUGGER: Oh, that's mine.

SINNOTT: Okay, that's fine.

WINTERHALTER: So you lose it here?

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DUGGER: Yeah.

WINTERHALTER: And then coming, what happens after that?

DUGGER: Yeah. So I don't know how the baton came out, all I know is I lost it. I don't know if it flung.

WINTERHALTER: Uh-huh.

DUGGER: I, to be honest, I had no idea where that baton was. All I know is it's in my hand and then I didn't have it anymore and my hand <knock sound> was on the car.

WINTERHALTER: Okay.

DUGGER: Right? So the car is now, it's bedded up against me.

WINTERHALTER: Right, has come forward.

DUGGER: And after it hit me, um, I'm still at the same spot and I'm trying to gather, uh, back up and it takes off again.

WINTERHALTER: Okay.

DUGGER: And when it takes off that second time I fire.

SINNOTT: So on the first, so on the, we marked it 2 on the first impact when you initially got hit, um, which, where did it hit you at on your body?

DUGGER: On my right, like, right upper ...

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FREEDMAN: It's your left

DUGGER: I mean, I'm sorry, my left upper, um, right above my knee.

SINNOTT: And when the, the vehicle hit you?

DUGGER: Uh-huh.

SINNOTT: Did it, uh, roll back or was it kinda still, still stationary, um, from where you got hit, did it roll back at all or did it?

DUGGER: No.

SINNOTT: Was pretty much stop [*sic*], okay, so it kinda pushed you back?

DUGGER: No, it hit me, we went forward.

SINNOTT: Okay.

DUGGER: Well, I went forward, that, that's why I went ...

SINNOTT: Onto the hood?

DUGGER: Yeah.

SINNOTT: Okay. And then if you can describe the, the, um, number three that you wrote down, that's gonna be what, your second impact, that ...

DUGGER: Yeah.

SINNOTT: Okay. Can you describe that?

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DUGGER: So on, uh, so as I was trying to gather myself off the hood and, um, like, get my footing to keep moving offline, he accelerated.

SINNOTT: Okay. He acceler-, are you still on the vehicle at that point?

DUGGER: Yeah, I mean my hands are on the vehicle.

SINNOTT: Okay.

DUGGER: Like, I'm trying to push back and I'm coming up, right?

SINNOTT: Yeah.

DUGGER: I still have, I think when my hands hit I'm still maintaining, I, I can <unintelligible>, I still have control.

SINNOTT: Uh-huh.

DUGGER: Right? Of my weapon, so as I'm leaning up, um, I'm still looking at him and I can just see him looking at me and then the car just goes.

<DEAD AIR SPACE>

SINNOTT: And is that second ... that second impact ... um, what'd you do next from that second impact?

DUGGER: I fired my duty weapon, one round.

SINNOTT: Okay. And you, you said you fired it one time?

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DUGGER: One time.

<DEAD AIR SPACE>

SINNOTT: At that moment ... during the first, well, during that series of events from when you approach the vehicle or being in front of the vehicle and the, the impacts, um ... what were you feeling at that moment?

DUGGER: Was I feeling?

SINNOTT: Yeah.

DUGGER: Scared. You know, fearful.

<DEAD AIR SPACE>

SINNOTT: What do you think the, the intentions of, uh, the subject in the vehicle, what do you think his intentions were?

DUGGER: To get out of there.

SINNOTT: Mm.

FREEDMAN: In terms of you.

SINNOTT: Yea.

DUGGER: Oh, he was definitely gonna run me over.

SINNOTT: You, so you ...

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DUGGER: I feel like he was gonna run me over. I mean the first time ... okay, he hit me.

SINNOTT: Uh-huh.

DUGGER: He had every opportunity to do, put it in park and not go anywhere because I hadn't fired anything. I haven't done anything at that point.

SINNOTT: Uh-huh.

DUGGER: So when he accelerated that second time and I still hadn't been able to keep my balance, I don't know what would've happened to me.

SINNOTT: Uh-huh.

DUGGER: You know, then the only thing I could think of is, you know, protect myself, protect my partners, and fire that weapon.

SINNOTT: Okay ... people in the park, other people in the parking lot.

DUGGER: Man, there was a lot of people in the parking lot, you know? If he was trying to escape, it, for, for some reason he ran over me, he would've ran over somebody else cause if he has, if he has no ill will about running over a police officer, he is not gonna care about running over citizens trying to get away.

SINNOTT: Uh-huh.

<DEAD AIR SPACE>

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SINNOTT: You mentioned, um, there's a couple of other people out on the scene, I think you mentioned, um, Kluttz, cause of Chris Kluttz?

DUGGER: Uh-huh.

SINNOTT: He was there, um ... wh, was he positioned behind you ...

DUGGER: Yes.

SINNOTT: At that point? Okay.

WINTERHALTER: Did, um, did Kluttz and was it Logan?

DUGGER: Logan Shoaf.

WINTERHALTER: Okay, that's his first name? So ...

DUGGER: Logan is his first name, Shoaf is his last name.

WINTERHALTER: Okay, Logan Shoaf and, um, Kluttz, and they were on ...

DUGGER: Chris Kluttz is his, his name.

WINTERHALTER: And they were the one [sic] that was in, that were in your vehicle with you, right?

DUGGER: No, Chris Kluttz was in another vehicle.

WINTERHALTER: Okay.

DUGGER: Chris Kluttz parked his vehicle right here.

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WINTERHALTER: Okay. But they approached on Chris' side?

DUGGER: Chris came from this side, yeah, we're all together.

WINTERHALTER: Right, how many were approaching on foot initially?

DUGGER: Three.

WINTERHALTER: Just the three of you?

DUGGER: To the door, two to the back.

WINTERHALTER: Did ...

DUGGER: And then three were coming to the parking lot.

WINTERHALTER: Did all three of you make it to this area?

DUGGER: Yeah.

WINTERHALTER: Okay.

DUGGER: When we came ...

WINTERHALTER: Can you put a, um, maybe an, an 'X' where you think the other ones were, um, at the time?

DUGGER: When I was here ... Logan was here. And when I was here, Chris is right behind me.

WINTERHALTER: Okay. So it's fair to say that he, you two were moving to position towards the driver's side simultaneously?

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DUGGER: Yes.

WINTERHALTER: And you just happened to be closer to the vehicle?

DUGGER: That's correct.

WINTERHALTER: Yeah.

SINNOTT: What was gonna be your goal in terms of moving to the driver's side; what was, uh, what, what was your <unintelligible, talkover>?

DUGGER: Well, number one, to get away from the front of the vehicle.

SINNOTT: Okay.

DUGGER: Okay? Number two, to try to, um, you know, determine what he had, if he, it was, if there's anything in the vehicle and then bring him out.

SINNOTT: Okay.

<DEAD AIR SPACE>

SINNOTT: And, so afterwards, um, after the, the, the incident that happened, uh, can you just describe to me the events that took place afterwards, like where did you go, were you transported to the, the hospital? I understand that you were transported to the hospital.

DUGGER: Uh-huh.

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SINNOTT: Can you describe the events that aft- afterwards that took place?

DUGGER: What do you mean?

SINNOTT: Just what happened afterwards, like, could you ...

DUGGER: Like, <unintelligible, talkover> to the hospital, the x-rays?

SINNOTT: Yeah, just, yeah, what happened?

DUGGER: You know, I just went to the hospital and got x-rays, uh, Chris came ...

FREEDMAN: What, what were your injuries?

DUGGER: Oh, is that what you mean?

SINNOTT: Yeah.

DUGGER: I'm sorry.

SINNOTT: That's okay, that's fine, I, I just had to clarify that, that's all.

DUGGER: <sigh> So I'm, I'm seeing when there was enough people on scene, um ... and cleared pretty much everybody out finally, um, that's when I realized <chuckles> that my leg was, like, um, like, bothering me, like, pretty bad. So, uh, paramedics picked me up and took me to, um ... um, the hospital. From there they did a series of tests and, uh, did a X-ray and they saw that

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there, my leg was broken, the femur side, um, and they put me in a, uh, like a straight leg ...

SINNOTT: Uh-huh.

DUGGER: ... um, brace, um, because they said that type of break is not gonna, you really can't cast you, so I had to go to the orthopedic, um, on Monday; they wanted me to schedule for ortho.

SINNOTT: Do you remember which hospital, uh, you were transported to?

DUGGER: Pineville-Matthews.

SINNOTT: Pineville-Matthews. And so they, best of your knowledge, you said that, uh, you broke your left femur?

DUGGER: Yeah.

SINNOTT: Okay.

<DEAD AIR SPACE>

SINNOTT: And, obviously, you had to go see a specialist?

DUGGER: Yeah, I went to go see the specialist on Monday and they said that my A-C-L might be torn and my meniscus might be torn in my leg.

SINNOTT: So ligament damage, as well?

DUGGER: Yeah.

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SINNOTT: Okay.

<DEAD AIR SPACE>

SINNOTT: You have any?

WINTERHALTER: Yeah, just let me know when you're done.

SINNOTT: Yeah, go ahead.

WINTERHALTER: Um, I just wanna backtrack to the beginning.

DUGGER: Uh-huh.

WINTERHALTER: And go couple of follow-up questions, um, I know you had an ops plan and a briefing, what was the intelligence that you had, um ... about the event itself and what, um ... what function were you to serve that night, um, in terms of in your capacity or at least capacity, what were you guys specifically doing; was it inspections, was it an ongoing investigation, what was the nature of it?

DUGGER: So, let me answer your first question; the, uh, Intel was that it was supposed to be a, um, rap off between two rappers who were, um, Bloods affiliated.

WINTERHALTER: Mm.

DUGGER: Like D-O-C and, um, determined they were Blood members. Um, so we knew that there was gonna be a high concentration of Blood gang members at that bar that evening. So A-L-E

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determined that, you know, they were gonna do an inspection on the bar and I'm always there in a support role; so I always go with their direction.

WINTERHALTER: Uh-huh.

DUGGER: Um ... and usually if there's anything that happens and we can tie it into a federal criminal investigation, then at least I'm there and we can kind of ensure that, uh, the investigative piece of whatever happens can move forward, uh, based on the criteria for the <unintelligible>.

WINTERHALTER: Yeah. Okay. Um ... and had you worked that similar operations like this before?

DUGGER: Oh, several times.

WINTERHALTER: And, what type of federal investigations may have come out of those?

DUGGER: Uh, usually they're aggravated felons with guns.

WINTERHALTER: And you participated in arrests of those folks, that these folks before gang members, whatever?

DUGGER: That's correct.

WINTERHALTER: Um ... did you learn who the, um ... the guy in the gray shirt with the gun, the, the fluffy guy you called him; did you learn his, who he was prior to you leaving the scene that night or have you, you have any knowledge of that? Okay. Um ...

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DUGGER: You're talking about now or then?

WINTERHALTER: Now.

DUGGER: Now I do.

WINTERHALTER: Okay.

DUGGER: Yeah. Somebody mentioned that he was, like, the club owner ...

WINTERHALTER: Uh-huh.

DUGGER: ... club manager.

WINTERHALTER: Okay. Um, and he specifically told you as you came across the street, um, you saw that he had a gun but he informed you that the other guy who was walking away had it?

DUGGER: Correct.

WINTERHALTER: And he was specific about the individual walking off?

DUGGER: Yes, very specific.

WINTERHALTER: Um ... you said that he indicated that he had, that the subject walking away had a gun.

DUGGER: Uh-huh.

WINTERHALTER: But yet you had your baton out?

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DUGGER: Yeah.

WINTERHALTER: Was that already out or why would you deploy ...

DUGGER: Um, my baton was ...

WINTERHALTER: ... your baton if he was ...

DUGGER: My baton was already out.

WINTERHALTER: Okay.

DUGGER: Yeah.

WINTERHALTER: So ...

DUGGER: Because I took it out as soon as I heard that guy had, he says, I have a gun, too, but a lot of people just ...

WINTERHALTER: Right.

DUGGER: ... talk, you know? And if I'm coming out in a large crowd with a gun and, you know, that's not gonna make for a very good scene.

WINTERHALTER: Right.

DUGGER: In my opinion.

WINTERHALTER: So you ...

DUGGER: So I just deployed my baton, I didn't deploy, I just had it.

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WINTERHALTER: You had it.

DUGGER: Like, it was still, it was collapsed.

WINTERHALTER: Okay, okay.

DUGGER: Does that make sense?

WINTERHALTER: Yep, it was ...

DUGGER: So I just had it, but it's not like I'm wielding it up high, you know, it's just down low, nobody can see it so nobody knows I really have it, so.

WINTERHALTER: Right. What I was trying to get at was it, um, now you have it as a less lethal option until you identify that there's a ...?

DUGGER: Threat, a, a [sic] actual threat.

WINTERHALTER: Right, okay. Um, and you touched on it earlier about telling him, well, not to get in the car or anything like, like that in terms of your verbal commands, um, do you remember if after he struck you through the first acceleration if you verbalized anything else to him?

DUGGER: No.

WINTERHALTER: Before firing? Do you remember either, um, Shoaf or Klutz giving any verbal commands?

DUGGER: Before he hit?

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WINTERHALTER: During the, during this ex-, event.

DUGGER: Yeah.

WINTERHALTER: Either approaching the car or during, do you remember what those were by any chance?

DUGGER: Yeah, they were telling him to stop, as well.

WINTERHALTER: Just stop the car <unintelligible, talkover>?

DUGGER: No-no-no, just stop, like, stop getting in, don't get in the car.

WINTERHALTER: Okay.

DUGGER: Yeah.

WINTERHALTER: And once in the car did anybody give any ...

DUGGER: Man I.

WINTERHALTER: ... specific direction?

DUGGER: Honestly, I couldn't.

WINTERHALTER: Okay. And what, you know, what, obviously we'll have the opportunity to talk to them. Um ... wh-, you said once he accelerated at you a second time, you know, you had, you already tried to brace yourself, you, you came up, you felt like you had to fire, why'd you not shoot more than once?

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DUGGER: Um, because when I fired the first shot, um, he was still coming forward and I kinna [sic] lost my balance, so there wasn't, I don't know that I felt comfortable with the second shot because it was too crowded. Um, but when I did fire that first shot, he abruptly stopped <knock sound>. And so when he abruptly stopped and I, it kinna [sic], cause it was pushing me, pushing me, so when you have that much weight ...

WINTERHALTER: Uh-huh.

DUGGER: ... pushing you forward and you come to an abrupt stop, it kinna [sic] flung me back ... and I hit, I'm assuming I hit Kluttz.

WINTERHALTER: Uh-huh.

DUGGER: Because that's what kinna [sic] stopped my momentum, and then I just came back offline to the right.

WINTERHALTER: Okay. So, would you say that when you fired that shot ... um ... it was des-, desired effect?

DUGGER: When I fired the, yeah, he stops.

WINTERHALTER: And then when you moved offline and around to the driver's side, um, that's when he exited the vehicle and was cursing and whatnot?

DUGGER: Yeah. I thought I missed him.

WINTERHALTER: And then you observed, um, so he comes to an abrupt stop, you move offline, the car stops, he gets out, he's cursing, you

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don't even realize necessarily that he's injured until you see the bleeding?

DUGGER: That's right.

WINTERHALTER: And then you guys immediately move in to ...

DUGGER: Give his ...

WINTERHALTER: ... first, first aid?

DUGGER: First aid.

WINTERHALTER: Okay. Is that something that you guys are trained on either through the ...

DUGGER: For first aid?

WINTERHALTER: ... through your agency or on your own?

DUGGER: Yeah.

WINTERHALTER: Do you have <talkover>?

DUGGER: Okay, no, our agency has ...

WINTERHALTER: ... Something about a med kit?

DUGGER: Yeah, I, um, I wasn't driving so my med kit was in my truck.

WINTERHALTER: Uh-huh.

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DUGGER: And I didn't have my truck, so somebody else had their med kit, so we, we <unintelligible, talkover> ...

WINTERHALTER: Rendered aid immediately.

DUGGER: Yeah.

WINTERHALTER: Okay. Um ...

SINNOTT: If I could, uh, just interject with a quick question; um, the lighting out there, how would you describe the lighting?

DUGGER: Uh, not like dark but it was kinna [sic], it was ... think there's lights in that parking lot, if I remember right. I mean, I can see decent enough from the, uh, lights from the building.

SINNOTT: Okay.

<DEAD AIR SPACE>

WINTERHALTER: You have any specific questions you wanna follow up on?

FREEDMAN: Oh ... just again, um ... about the reason you discharged the gun was because ... why?

DUGGER: I thought that guy was gonna run me over. You know, one time I understand, you know, maybe that was a panic, and then he decided to accelerate that second time; I don't think he was gonna stop and I wasn't in a position to get out of the way yet.

FREEDMAN: And who was, um, closest right behind you?

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DUGGER: Yeah.

FREEDMAN: So ...

DUGGER: And so if he would've ran over me, he would've definitely ran over Kluttz.

FREEDMAN: And it was a very crowded parking lot with other people, correct?

DUGGER: Yeah, cause everybody's spilling out of the club.

FREEDMAN: And, and I, I think you just answered though, you, you stopped after one shot ...

DUGGER: Correct.

FREEDMAN: ... because why?

DUGGER: He stopped ... the threat, to my opinion, was done.

FREEDMAN: The threat, the threat ceased, right?

DUGGER: Yeah.

SINNOTT: Would you be, uh ... your medical release form, would you be willing to consent to, um, allowing us access to your medical records?

DUGGER: Uh-huh.

SINNOTT: Okay.

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DUGGER: Obviously, all that's gonna be private, right?

SINNOTT: Yes.

WINTERHALTER: And that would be part of the confidential case file that <unintelligible, talkover>.

DUGGER: I, I think my biggest concern is making sure my, like, my personal information is not ...

SINNOTT: Uh-huh.

DUGGER: ... released.

FREEDMAN: Well, only thing, and the only thing you want is medical records for that evening, right?

SINNOTT: Correct.

FREEDMAN: Okay.

SINNOTT: Right, right.

WINTERHALTER: For your visit to Presby-Matthews.

SINNOTT: Yeah.

WINTERHALTER: That's the only, that's the only reason I'm gonna be ...

DUGGER: <unintelligible, talkover>

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SINNOTT: And I've actually dated it from that, from that date, so not, uh, 0-8-25-2018, and then, um, your, like, I'm guessing when were you released from the hospital?

DUGGER: Uh, like, that morning.

SINNOTT: So, okay, so, so the next day, so I'll just put, uh ...

DUGGER: Well, it's the same, they said it was all same day treatment.

SINNOTT: Oh, that's right, I was, I'm getting my, I'm getting my days confused; so the twenty-fifth, as well, okay.

<DEAD AIR SPACE>

DUGGER: Once again, I apologize.

SINNOTT: Oh, the 29th.

DUGGER: Oh, crab ass.

SINNOTT: Just draw a line through there.

DUGGER: <unintelligible> ... alright.

SINNOTT: And then, if you could, since we, you drew the diagram ...

DUGGER: Uh-huh.

SINNOTT: Um, if you could just, um ...

DUGGER: Yeah.

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SINNOTT: ... just sign your name anywhere, today's date, twent- [sic], August 29th.

WINTERHALTER: And I'll do one more thing on the front side, okay; um ... can you put, can you draw, um, where your vehicle was, you know, when you first ...

DUGGER: In relation to?

WINTERHALTER: Yeah, where you were ...

DUGGER: Where we parked?

WINTERHALTER: Where you were parked? You can just draw a rectangle.

DUGGER: I mean, yes.

WINTERHALTER: You know, guesstimate ... um, and then I want you to put where, did you see the guy in the teal in the front of the building at all or was it not until you approached on foot to where you saw him?

DUGGER: No, I approached him on foot, I saw him about right here.

WINTERHALTER: Okay. And, do you know or can you guesstimate about where you think his vehicle was parked?

DUGGER: About right here.

WINTERHALTER: Okay. And, put a, um, a triangle.

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DUGGER: <unintelligible, talkover>, okay, he might've been a little bit farther than.

WINTERHALTER: Can you put a triangle, you know, facing the front of where you came on the front of the vehicle?

DUGGER: This is front of the building.

WINTERHALTER: Okay. Everything's buzzing and going off, I wanna be make sure I'm not <unintelligible, chuckles>.

DUGGER: That's <inaudible>.

WINTERHALTER: <chuckles> Okay, um ... yeah, and then, you know, that way we have kind of the overhead and then, then now you get to the vehicle and that's the ...

DUGGER: Gotcha.

WINTERHALTER: ... the close up of ...

DUGGER: Yeah.

WINTERHALTER: Um, and if you'll do the same thing on the sheet here.

DUGGER: Right.

WINTERHALTER: Just in terms of sign and date and ...

DUGGER: Yea.

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WINTERHALTER: It's somewhere on there, and the purpose of this is, you know, that ...

DUGGER: I understand.

WINTERHALTER: ... we're, we're saying these are the actual maps that we used, and I don't think we made any, um ...

DUGGER: Did you make a mark on that one?

WINTERHALTER: ... marks on those.

SINNOTT: No, I didn't make any marks on this one.

DUGGER: Okay.

WINTERHALTER: Um, one other thing.

DUGGER: No, <unintelligible, talkover>, that's fine.

SINNOTT: Okay.

WINTERHALTER: You described, you described, um, what you were wearing that night.

DUGGER: Yes, sir.

WINTERHALTER: B-D-U long sleeve at least?

FREEDMAN: You got <unintelligible>, you got the shirt with you, right?

DUGGER: I got ...

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SINNOTT: Uh-huh.

DUGGER: Yeah, the shirt.

WINTERHALTER: And we're gonna photograph those items. Do you carry a badge, um, with H-S-I, I mean, do you have a, do you have a badge that you are either issued or do you carry one?

DUGGER: Yeah.

WINTERHALTER: Did you have it on that night?

DUGGER: No.

WINTERHALTER: Does it go onto your vest, is it?

DUGGER: Huh-huh.

WINTERHALTER: Okay.

DUGGER: No.

WINTERHALTER: Um, was it or did you have it with you, is it on your belt or anything like that, just ...

DUGGER: No.

WINTERHALTER: Is that something that you'll typically carry or you just didn't have it that particular night or?

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DUGGER: No, I, I usually don't carry it cause the markings are more than enough.

WINTERHALTER: Okay.

<DEAD AIR SPACE>

WINTERHALTER: Okay. Anything else from your point?

SINNOTT: No, I think that's, uh, think that's it. You have any, any questions for us or?

WINTERHALTER: So I explained to him, um ...

SINNOTT: Explained to <unintelligible, talkover>; so that's gonna be the conclusion of the interview. The time is 14-16 hours.

BMS/SPW/DF/olw

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Exhibit B

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REVIEWED BY DETECTIVE B. SINNOTT ON 9/26/2018.

THIS IS DETECTIVE BRANDON SINNOTT WITH THE CHARLOTTE MECKLENBURG POLICE DEPARTMENT, TODAY'S DATE IS SEPTEMBER 12TH 2018; TIME IS 0959 HOURS. IT'S GONNA BE IN REFERENCE TO COMPLAINT NUMBERS 20180825015501. WE'RE GONNA BE AT THE LAW ENFORCEMENT CENTER LOCATED AT 601 EAST TRADE STREET, WE'RE GONNA BE IN INTERVIEW ROOM 2005. ALSO IN THE ROOM WITH ME IS DETECTIVE BRYAN OVERMAN AND ATTORNEY GEORGE LAUGHRUN. ALSO...

B. Sinnott: Your name sir?

Shoaf: Logan Shoaf.

B. Sinnott: Logan Shoaf? Okay. Mr. Shoaf can you tell me how long you've been uh with ALE.

Shoaf: June of 06.

B. Sinnott: Okay and is that your only law enforcement experience?

Shoaf: It is.

B. Sinnott: Okay. And also while you've been with ALE where were you district at?

Shoaf: Started in Greensboro for a short period of time, came up here to Charlotte did a training section for about six months and now I'm essentially out of our headquarters is my duty station but I'm... I don't work out a headquarters but that's where I'm assigned.

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B. Sinnott: Okay and the headquarters is...?

Shoaf: Raleigh...Raleigh.

B. Sinnott: In Raleigh? Okay got ya. And...so let's go...let's go to the uh...the actual incident date...

Shoaf: <Talkover - inaudible>

B. Sinnott: ...so that day uh were you also in Raleigh, assigned to Raleigh?

Shoaf: Yes.

B. Sinnott: Okay and that day um did you guys have a operation planned or can you describe that?

Shoaf: Okay so my title is an assistant supervisor or <Inaudible>...assistant Special Agent in charge. Uh there's a Violent Outlet Task Force, we've had for a few months now uh but there was a state wide operation with ALE so each district had some type a enforcement operation going on that night...

B. Sinnott: Uh huh.

Shoaf: ...and so the District 6, Harrisburg office, had an enforcement operation in the Charlotte area that night and some of our guys were there to assist with that operation and then kind a split off after that and do our own thing.

B. Sinnott: Okay. And then also too um...could you spell your last name for me?

Shoaf: S-H-O-A-F.

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B. Sinnott: What's your date of birth?

Shoaf: [REDACTED]

B. Sinnott: And what's a good phone number to reach you at?

Shoaf: Uh let's do [REDACTED]

B. Sinnott: So what time did you all...did you guys meet for this uh operation?

Shoaf: In the evening 5, 6 o'clock somewhere in there was the briefing so...

B. Sinnott: Okay and where ...where was that at?

Shoaf: At uh ...what place uh...was it Pineville Police Department? Uh not Pineville, hold on... Oh shoot... I'm sure it's Pineville. I have a horrible memory with stuff like that, I could look it up <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>

Shoaf: ...tell you when that was.

B. Sinnott: That's fine. So there was an Op's plan that you guys had?

Shoaf: So the district had an Op's plan and then our team had a separate Op's plan.

B. Sinnott: Okay. Do you remember if uh you guy...if you briefed in Charlotte or somewhere nearby in Charlotte?

Shoaf: Right <Talkover - inaudible>

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B. Sinnott: It was somewhere...? Okay. And you said that was around what time?

Shoaf: 5, 6... somewhere in there.

B. Sinnott: Okay. And can...start describing, I guess, describe in terms of the operation like what...what was the goal <Inaudible>...goal with this...the operation?

Shoaf: I mean we focus on ABC outlets and the district was going to go work some off premise locations in Charlotte or sell alcohol to go and just work those parking lots and the activity that's going on there. We were gonna have a guy set up watching some of the outlets calling stuff out that was being seen and then we'd go stop the cars and go with them. That was kind a the first phase of it, if you will, then there was gonna be a dinner break at some point and then transition to more on premise places and that's...we were...the team guys were gonna work with the district guys for the first half um just teaming up, stopping cars basically and then after dinner we were going to go check out a couple clubs and see what was going on.

B. Sinnott: Okay so...is that common in terms of you...I mean in terms of doing joint operations is it...

Shoaf: The team and the district?

B. Sinnott: Uh huh.

Shoaf: I wouldn't say common because we haven't been doing it like the... the team just got created.

B. Sinnott: Okay.

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Shoaf: But I mean the idea of... The ALE agents that are on the team the...the...the work is the same I mean the...the...we travel from district to district, help different districts so I mean the idea is the same, the...the Violent Outlet Task Force has not been created that long so we haven't assisted other districts in that capacity as far as these joint operations, we've kind a been doing our own thing working with separate outlets that they have issues with.

B. Sinnott: Now do you utilize... when you do like these operations, do you utilize other agencies um uh during these operations?

Shoaf: As far as ALE operations yes...

B. Sinnott: Okay.

Shoaf: ...just depending on who's area it is, whether it's DEA, HSI, ATF whoever I mean if they...if you got a working relationship with a federal agency or local department, whomever, if you put together an enforcement operation or any surveil...whatever kind a operation then we'll partner with those folks and...and go work.

B. Sinnott: Okay and I know you say...you guys started up this task force that was pretty...<Inaudible> pretty recent...

Shoaf: Right.

B. Sinnott: ...um before an also during like this task force was brought up is there any kind a specialized training that you guys do?

Shoaf: Starting it, yeah so we've had some CQB training, some firearms and different things but I mean that's...

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B. Sinnott: You say CQB, can you elaborate on CQB?

Shoaf: Close quarters battle so like...

B. Sinnott: <Talkover - inaudible>

Shoaf: ...room clearing, search warrant training.

B. Sinnott: Okay.

Shoaf: Right.

B. Sinnott: <Talkover - inaudible>

Shoaf: <Talkover - inaudible>...brief, we're in the early stages so yeah that...that's to come but that...

B. Sinnott: Okay.

Shoaf: Yeah.

B. Sinnott: Alright. Um okay so, with that being said, you guys briefed in the Charlotte area um and who all was present during the briefing in terms of like agency wise like was it ALE, is it...was there anybody else that was present for the briefing?

Shoaf: ALE and HSI.

B. Sinnott: And HSI? Okay and with that um...actually let's go back to some of the hours that you worked so uh that day was obviously gonna be a late night for you guys...

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Shoaf: Right.

B. Sinnott: ...right cause you guys briefed at 5 um and I guess you were expecting to work till what time?

Shoaf: A typical shift is if you start at 5 it usually it goes to 2a.

B. Sinnott: Okay.

Shoaf: I mean but, again, we're flexible with that I mean that's just...if there's something going on after that we press on.

B. Sinnott: Okay and would you say that's pretty...pretty typical in...in your line of work in terms of those, I guess it was, uh late hours or... <Talkover - inaudible>

Shoaf: Yeah uh...uh...uh 5p to 2a or 6p to 3a is a typical shift if you will but there's often times you have to come out in the morning and handle something and then you still work an enforcement op or uh whatever investigation that you're part of takes you till 7, 8 o'clock the next morning I mean it...

B. Sinnott: Okay.

Shoaf: ...just depends but uh...uh 5p to 2a, 6p to 3a would be a... something I may put on my agenda as far ...itinerary as far as I what I plan to work.

B. Sinnott: Alright and that day um did you get a good nights sleep, did you get... <Talkover - inaudible>

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Shoaf: I slept the night before...

B. Sinnott: Uh huh.

Shoaf: ...<Inaudible>... training day, training uh up in Asheville so I'd slept a full eight hours or uh whatever a full night that night before cause we had training starting that morning and then I came on out after that...

B. Sinnott: <Talkover - inaudible>

Shoaf: ...so it's like 8 o'clock in the morning then we left early and...and came back to Charlotte.

B. Sinnott: So you weren't like over tired or...

Shoaf: Nah <Talkover - inaudible>

B. Sinnott: ...anything like that? Okay. Uh so you guys, you talk about...do you remember any of the places that you went to um on this <Inaudible>...you...you mentioned it was the first day <Inaudible>...

Shoaf: <Inaudible>

B. Sinnott: ... you remember any of the...the places you <Inaudible>

Shoaf: Trying to think of the name of the store um...I've been out a Charlotte for a little while. I've worked it a...a number of times, I can't think of the name of the store.

B. Sinnott: Well how many places... let me ask you this, how many places did you guys go?

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Shoaf: We started at an intersection and it'll come to me probably here in a little bit um there's ABC outlet, actually there's multiples if you consider the drug store and there's a grocery store but there's a couple right there adjacent from each other opposite corners and we started working those outlets first and those are just two...one's a gas station the other ones just a convenience store and we started working those first and then we went over and checked out another store somewhere else so probably a total of oh three, four or five stores that we were looking at before dinner.

B. Sinnott: Did you take any enforcement action at any of these?

Shoaf: Yes actually as soon as I pulled up to the first spot I was in the...I was in a...a drive lane, somebody else was sitting...already set up watching and then we actually saw hand to hand transaction occur in front of this business and that was the first event that happened. I'm...I was able to actually see, they start calling <Inaudible> radio and I was able to see it and I was able to pull in the parking lot and get that guy but...

B. Sinnott: Okay.

Shoaf: Yeah.

B. Sinnott: So then after the first phase...

Shoaf: Uh huh.

B. Sinnott: ...uh what'd you guys do after the first phase <Talkover - inaudible>

Shoaf: Just went and ate dinner.

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B. Sinnott: Went and ate... Where'd you guys eat at?

Shoaf: <Inaudible>...um... we should a done this interview earlier um...Ruby Tuesdays.

B. Sinnott: You all...

Shoaf: ...<Talkover - inaudible>...something, I...I...<Talkover - inaudible>

B. Sinnott: ...you...you...you...you all went out to eat?

Shoaf: Yeah.

B. Sinnott: Okay.

Shoaf: <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>...do you remember what time that was at you think?

Shoaf: Somewhere, let's say nineish maybe.

B. Sinnott: Okay so after dinner, uh did you guys meet up again to brie...to brief or ...or anything or...?

Shoaf: In...informally, ya know, like parking lot okay we're gonna go ahead and we got together, we went and consolidated cars, anybody that was riding with the district folks that had to go back and we had some of guys riding with the district guys so when we were gonna split from them we got back in our cars and went back out to work.

B. Sinnott: Did you have anybody riding with you?

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Shoaf: Monty Dugger.

B. Sinnott: <Talkover - inaudible>...okay. Uh so Agent Dugger's riding with you...

Shoaf: Correct.

B. Sinnott: ...and this is...well so this...this would be considered the second phase after dinner?

Shoaf: Right.

B. Sinnott: Alright, how many places did you go during the second phase?

Shoaf: We went to Dubai first which is...

B. Sinnott: Do you remember where that's at?

Shoaf: Beside what, Crazy Horse so is that...is that Eastway, Dubai, uh...

B. Sinnott: That Crazy Horse, is that Independence?

Overman: <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>

Shoaf: Independence? Okay. Okay <Talkover - inaudible>

B. Sinnott: <Inaudible>

Shoaf: Yes.

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B. Sinnott: Okay.

<Talkover - inaudible>

B. Sinnott: So you went there and then about how long...how long were you there for?

Shoaf: Mm...maybe an hour or better um not that long, we...went expecting there to be more of a crowd there, there wasn't so we ended up just pulling into the parking lot and watching the crowd...maybe an hour and just noticed that there was not a lot of people in the parking lot, there wasn't a lot of folks coming and going, didn't see much activity outside and that's about the time I reached out to some of the district guys that were close to the club Tropix to have one of them ride over and just see what the crowd was like over there.

B. Sinnott: Okay so when that person went over to Tropix what kind a information did you...receive?

Shoaf: Said that the parking lot was packed and uh they actually pushed out that whenever they went through the parking lot and...and of course I wasn't with them so I don't know if they drove through the PVA itself or the street that was...that kind a pulls between the parking lots but they said that they could smell an odor of marijuana whenever they pulled through that area beside the bar and so a lot a people an a odor of marijuana is basically until I got back.

B. Sinnott: Uh so with that information what was uh...what was the next step?

Shoaf: Just push out over the radio to the guys that were with me that we were gonna go to Tropix and check that place out.

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B. Sinnott: Okay what time was that around?

Shoaf: Let's say close to 1 or maybe a little after that.

B. Sinnott: So the main thing that drew you to Club Tropix was ya know the...the assessment that was made by one of the agents in terms of, ya know, it was...it's a packed place and then there was the odor of marijuana coming from...

Shoaf: That and prior to that um during the briefing there was pushed out some information about uh gang members either being patrons and/or entertainment that night that were gonna be there present uh so we...we knew that was a possibility for the night um but didn't know yet and we hadn't gone but that was...that was the information that we'd received so whenever, again, Dubai was dead we decided to go check out Tropix and see what's going on with the odor of marijuana, the lot of people and potential gang activity there.

B. Sinnott: So you guys...so you drive, you and Agent Dugger...

Shoaf: <Talkover - inaudible>

B. Sinnott: ...drive to Club Tropix um and what was your assessment once you got the...got there?

Shoaf: <Inaudible>...same information I got it was packed like as far as...I've not...it'd been years since I've been to that place, I don't even know if it was Tropix when I was there but I remember it being a small place and the number of cars was just...the parking lot was full, parking lot across from it had a lot a cars in it parking uh...cars parked on the street uh so it...ya know felt like there was a lot a people obviously inside with that many cars outside and then with my windows up

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whenever I pulled down the street I could smell marijuana coming from that area and I didn't see people in cars or anything so I assumed it was coming from inside the business.

B. Sinnott: Okay. And at that point what was uh... Did you park anywhere or were you set up anywhere to...

Shoaf: Yeah.

B. Sinnott: ...to watch?

Shoaf: I...I think I kind a pulled down, pulled around, and I found a parking spot just across the street from Tropix.

B. Sinnott: Okay. If I show you on a map you think you'd be able to remember...

Shoaf: Yeah.

B. Sinnott: ...where it'd be at? Alright so this is Club Tropix...

Shoaf: Uh huh.

B. Sinnott: ...this building right here <Inaudible>...and its kind a tough to...to write on with that <Talkover - inaudible>

Shoaf: No worries. I backed into a...one a these spots here along the front so, again, there was car...this whole parking lot was full, lot a cars in this parking lot as well but I was able to see backed in the front door of Tropix. There was cars but I could see...I could see the front door.

B. Sinnott: Okay so this business right across the street here...

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Shoaf: Right.

B. Sinnott: ...and then you could see the front door?

Shoaf: Correct.

B. Sinnott: Bout how long did you surveil the front door?

Shoaf: Fifteen... <Inaudible> between ten and twenty minutes.

B. Sinnott: So at that point um what happened next?

Shoaf: Kind a just checking in with everybody uh that was there and I'd given direction to two of the other guys on the team, we noticed there was an open gate at the back and the idea was we were gonna go inside of the business and we had a surveillance vehicle watching the front door, I was able to watch the front door with Monty and then we had... I had three other members at the time that were there in three separate vehicles so I had two that were gonna go to the back and the other one was gonna come with me and Monty to go in the front.

B. Sinnott: Okay. So once everybody had their assignments um can you talk about what...what happened then?

Shoaf: Well in a...in addition to those assignments, I had reached out to the districts guys, again, we're too far away. Um we have assigned areas, if you will, so one of the guys had this area uh with the odor of marijuana with the people that were there I felt like we'd probably find some, at least, regulatory violation that was happening there. Um... so I reached out to them to get them pulling that way. I started seeing people coming out um and it was getting close to 2 which is typically closing time. I don't know if this place was supposed to be staying

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open later than that, some folks do, but it was getting close to the typical closing time and we were gonna go in so I had the district guys, the specifically one that had that area and the guy that he was <Inaudible>...supposed to be headed toward us. So now they're enroute and these guys are getting ready, ya know, getting set up to go in and I start seeing more people start coming out more hurriedly and they're just kind a...kind a the typical lights cut on people are...are starting to file out so we go ahead and say he lets go on in.

B. Sinnott: So you say um...before you say there's two people that went to the back...

Shoaf: Right.

B. Sinnott: ...did they...do you know where they <Talkover - inaudible>

Shoaf: One was... I'm...I'm fairly confident one was parked in this parking lot where I couldn't tell ya.

B. Sinnott: Okay.

Shoaf: I know that one was parked somewhere on the street here...

B. Sinnott: Okay.

Shoaf: ...but again I'm not...I couldn't give ya an exact...in relationship to the building but it was on this side street. I think it was on that side and the other one was parked in this parking lot and...

B. Sinnott: Was anybody parked inside this lot?

Shoaf: We had our surveillance platform in this lot.

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B. Sinnott: Okay.

Shoaf: Uh Chris Klutz that was also with me, I don't know where he got to as far as parked or where he was coming from and we'll get to it but he ended up marrying up with Monty and I in this...in the parking lot on foot. I don't know where was parked.

B. Sinnott: Okay so pretty much you guys had almost 360 coverage of this...<Talkover - inaudible>

Shoaf: More of an L if you will...

B. Sinnott: Yeah.

Shoaf: Right.

B. Sinnott: Right, yeah so pretty much you had everything covered except for on this side?

Shoaf: Correct.

B. Sinnott: Okay um on that point you guys, from...once you guys have your assignments and everybody starts to exit...

Shoaf: Yep.

B. Sinnott: ...uh what happens then?

Shoaf: So Monty and I get out and these guys are getting out going toward the back and as we're getting out walking through the parking lot the patrons are coming out uh they start making comments about our

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presence, ya know <Inaudible>...some of the slang terms, Po Po and this, that...<Talkover - inaudible>

B. Sinnott: So with that... oh and I don't mean to interrupt you <Talkover - inaudible>

Shoaf: <Talkover - inaudible>

B. Sinnott: ...um with that being said, what was your uniform at that point?

Shoaf: Tact vest so uh an outside carrier.

B. Sinnott: What color was your carrier?

Shoaf: Uh green.

B. Sinnott: Green carrier?

Shoaf: <Inaudible>... um Police marking or Police on the front um ALE Agent on the back.

B. Sinnott: Uh what color was...was the Police on the front and then also the...on the back <Talkover - inaudible>

Shoaf: So it's green with white writing or an off white or it's...it's a...

B. Sinnott: <Talkover - inaudible>

Shoaf: ...green with white. And also my badge on my belt.

B. Sinnott: What color uh... what color shirt did you have on?

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Shoaf: <Inaudible>... I don't recall.

B. Sinnott: Um what <Talkover - inaudible>

Shoaf: No I do, yes I do... I was wearing this shirt right here.

B. Sinnott: Oh <Talkover - inaudible>

Shoaf: Yeah, matter of fact, yeah <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>...so black uh...I guess be a Polo shirt?

Shoaf: Correct.

B. Sinnott: Okay uh do you remember uh your pants?

Shoaf: I believe it's the pants that I'm wearing <Inaudible>

B. Sinnott: Yeah? <Inaudible> grey <Talkover - inaudible>

Shoaf: Yep grey... grey 511 style.

B. Sinnott: Any other Police markings that...that you can recall other than the like carrier and your badge?

Shoaf: No other than ya know the equipment but nothing else <Inaudible>...badge and patch.

B. Sinnott: Okay you had a...a duty belt um...?

Shoaf: Uh no it would a been this typical kind a set up, I didn't have...

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B. Sinnott: Okay.

Shoaf: ...I...I say duty belt it's <Inaudible>...and let me clarify, we don't have a...like the...with keepers and all it would a been this style set up.

B. Sinnott: Okay.

Shoaf: Yeah.

B. Sinnott: So...

Laughrun: <Inaudible>...handcuffs and firearm?

Shoaf: Handcuffs, firearm...badge uh magazine, spare magazine.

B. Sinnott: Alright uh so with that you guys approach the front...uh... and I didn't mean to cut you off, so you guys went to the front door?

Shoaf: Yep.

B. Sinnott: Okay.

Shoaf: Walk...started walking toward the front door, people are coming <Inaudible>...coming out um there's an individual standing at the front stoop if you will um shorter, heavier set uh black male, yep he's...he's standing uh just out front and he is shouting back and forth with somebody in the parking lot off this direction. Um as I'm approaching I can't see his hands but he's making statements in reference to a gun and so obviously I hear the word gun and I'm trying to dial in on what it is that he's...he's saying um and not a specific quote but it's something along the lines of he can get his because he's already got his and he...so it sounds to me like he's telling somebody else that

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they're getting one, he's already got his and the closer I get to him I can see that the...this guy up front has a handgun in his hand.

B. Sinnott: Uh can you describe that gentleman that you saw the handgun...who had a handgun?

Shoaf: Yes uh again it was I say shorter, shorter than me, uh black male um kind of a...bigger belly, gray shirt, I don't remember pants what color pants or shorts um short hair.

B. Sinnott: Was he older, younger?

Shoaf: Older.

Overman: Did he know yall were there?

Shoaf: We started as soon as I got close enough to where I could see the gun in his hands, we identified ourselves to him and he immediately uh complied if you will, he...he...he seemed to want to make sure we knew he wasn't an issue so he holstered his weapon and started giving us directions about another individual here or information.

B. Sinnott: And do you remember what...what the gun looked like that was in his hands?

Shoaf: Semi automatic so hand gun <Talkover - inaudible>

B. Sinnott: You know what color?

Shoaf: I wanna say silver but I don't wanna <Talkover - inaudible>

B. Sinnott: <Inaudible>...to the best of your knowledge it was a semi auto?

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Shoaf: Right.

B. Sinnott: And you're...you're um...I guess you're...you're brief, um interaction with him you gave him ver...did you give him commands or did you talk to him at all <Talkover - inaudible>

Shoaf: It...it was more of a real quick identification to him and him letting us know that he was ...I don't remember how he identified himself as an employee or owner or manager but he...he said that... I immediately took it that he worked there and he was doing a job and he was referencing somebody else being an issue so I kind a de-escalated him being a threat to me at that point.

B. Sinnott: So what specifically did he say to you and after... after you de-escalate that situation uh what did he say that drew your attention away from him and to...

Shoaf: He was pointing at a gentleman in the parking lot that was walking away and um...

B. Sinnott: Actually let me show ya...

Shoaf: <Talkover - inaudible>

B. Sinnott: And before actually I show you this one can you initial there and then just sign somewhere around this, your name and then <Inaudible> sign it <Inaudible>...and then 9/12/18. Thank you. Okay so then here we have Tropix is zoomed in here...

Shoaf: Right.

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B. Sinnott: Alright this is the front door and you...you originally were parked here?

Shoaf: Yeah...some...somewhere over here.

B. Sinnott: Okay.

Shoaf: One...one of these spots.

B. Sinnott: And you make contact with... (Ringtone in background) Sorry.

Shoaf: No worries.

B. Sinnott: Go ahead, I'm sorry, alright. You made contact with somebody here that you thought was an employee or...

Shoaf: Right.

B. Sinnott: ...or ...or of some sorts?

Shoaf: Right.

B. Sinnott: Alright and then you said that you got your attention diverted to somebody walking...

Shoaf: Yeah he's pointing at a guy that's in the parking lot right in here and he's referencing him having a gun or getting a gun but he's pointing at him talking about a gun.

B. Sinnott: If you wouldn't mind...

Shoaf: Yep.

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B. Sinnott: ...can you make an X of where you were standing and then where you saw that gentleman?

Shoaf: Uh somewhere in there and then this... You want another X or...?

B. Sinnott: Yeah or ...or a circle or...

Shoaf: Okay.

B. Sinnott: ...just something that identifies you. Okay. Um and then just put your initial right there. So you see this gentleman here, can you describe him?

Shoaf: So...I'm mixed up between it's blue and red, blue hat or blue shirt, red hat or red shirt I'm...I wanna say it was a blue hat red shirt um and what I can...I guess what I can tell ya today is that the descriptor he gave me that night were clear as far as there was no question whenever he pointed at him, him being somewhat by himself here in the parking lot um where he was standing and the descriptors with the hat and the shirt and uh since then I'm just mixed up which color was which but he...the descriptors he gave me that night, that gentleman was the only one that fit that description that he provided me whenever I initially met with <Talkover - inaudible>

B. Sinnott: And do you remember the colors that...that...that...uh...

Shoaf: Yeah.

B. Sinnott: ...<Inaudible>...most prominent that he said?

Shoaf: Yeah like blue and red.

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B. Sinnott: Blue and red colors?

Shoaf: Yeah...yeah. I'm leaning toward the blue hat but...

B. Sinnott: Um how bout in terms of physical features um can you describe?

Shoaf: He was tall, he was taller than me, now we're at a distance ultimately so...

B. Sinnott: Uh huh.

Shoaf: ...kind a hard to gauge but I can tell he's a big dude. Um...I'm 6'2, 220 and I'd give him at...at my distance initially I'd say 6'4, 220 plus.

B. Sinnott: So at that moment that you saw him walking...

Shoaf: Uh huh.

B. Sinnott: ...uh what did you decide to do next?

Shoaf: Uh we were walking toward him in reference to the...the potential gun that he either had on him or the gun that he was going to get uh and we're identifying ourselves to him as Police and telling him stop and when I say we, at this point, uh it's...Monty Dugger, Chris Kluttz and myself that are behind him walking toward him. And so we're telling him to stop and he's not stopping. Um I don't remember any statements that he makes coming through the parking lot...

B. Sinnott: Uh huh.

Shoaf: ...um but he's ignoring us, if you will, he...he...he's not stopping.

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B. Sinnott: Uh so let's...let's back track real quick.

Shoaf: Okay.

B. Sinnott: What made you believe that he was armed?

Shoaf: The individual at the front telling me that he was...

B. Sinnott: Okay.

Shoaf: ...or was going to be.

B. Sinnott: Okay so off his information?

Shoaf: Right.

B. Sinnott: You determined that he was...

Shoaf: Yeah I didn't see him with a gun I...I... ya know I had no knowledge that he had a gun other than this manager, owner, whomever stating that that's what was going on with him.

B. Sinnott: So your goal was to detain him in terms of a...

Shoaf: Yeah find out whether or not he had a gun and there were any issues and the crowd was coming out there, the...the folks were excited, there was um...I...I can...I don't wanna make assumptions on what was going on cause it was brief but they were...they seemed to be...they seemed to be more worked up instead of just casually leaving the club.

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B. Sinnott: Do you believe that you're at a distance when you gave those commands that he could hear you and...<Talkover - inaudible>

Shoaf: Absolutely. Yeah I mean there...there was...there was no persons between us, there was not any specific loud sounds uh and I would give us twenty feet or so that...and I'm...shouting, ya know, <Inaudible> myself, Monty and Klutz are all shouting to him.

B. Sinnott: Now are you walking ...are...are you following him at that point?

Shoaf: Essentially, right...

B. Sinnott: Okay.

Shoaf: ...yeah so I mean we...we've kind a worked our way up into this aisle here, he's continuing to walk, we're continuing to walk behind him and I would argue kind a pacing at that point because we're not necessarily running toward him he's not necessarily picking up speed so we just continue to, ya know, follow him gaining a little bit a ground because now he's starting to walk toward a vehicle that looks like he's gonna get into so we...we tighten it up uh...so we...we...we gain ground on him a little but uh we're continuously giving him commands throughout this initial contact to where he ultimately gets into his vehicle...<Inaudible>

B. Sinnott: Okay. And you remember what kind a vehicle it was?

Shoaf: Um Chrysler 300, white...four door.

Laughrun: Logan what was the lighting out there?

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Shoaf: Uh it was well litted um...in this area. I remember seeing him clearly, I remember seeing the cars clearly.

B. Sinnott: Was...how was the car positioned?

Shoaf: It was backed in to one of these spots on the front.

B. Sinnott: Do you remember if the...the vehicle was on when he got into it?

Shoaf: Initially no.

B. Sinnott: And before he got into the vehicle you did not see an uh...any uh weapons or anything like that, any...

Shoaf: I didn't see <Talkover - inaudible>

B. Sinnott: ...firearms in his hands or anything like that or his...? Okay.

Shoaf: No.

B. Sinnott: So he gets into the car right, and where are you...so can you...do you know exactly I mean obviously it's a...

Shoaf: Exactly no, I could use this car as a reference.

B. Sinnott: Okay.

Shoaf: Um...<Inaudible>...pulled in instead a backed in but I'm gonna use that car as a reference <Inaudible>...I would...I would put it between here and here.

B. Sinnott: Okay so somewhere in front of this business here um you approach...

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Shoaf: Uh huh.

B. Sinnott: ...and said he's getting into his car?

Shoaf: Correct.

B. Sinnott: Where at that...at that point when he's getting into his car where are you exactly?

Shoaf: So obviously I'm approaching the passenger side if it's backed in...

B. Sinnott: Uh huh.

Shoaf: ...so um if...if this...if this is a car and it's backed in I'm...I'm approaching toward that front passenger uh driver's tire, or not driver's tire, front passenger tire.

B. Sinnott: Okay. And at that point is your...is your weapon out?

Shoaf: Uh initially no um not...not on that immediate approach here <Inaudible>... time he gets...is opening the door and getting in my weapons coming out and ...and...arguably I couldn't tell ya if it's a foot away from the car or three feet as I'm walking but whenever he's going and getting into the car the risk of him getting a gun if he hadn't gotten one yet it's there and...and...and so my weapon came out at some point close to approaching that car.

B. Sinnott: Okay.

Shoaf: So then what happened...what happened next once he got into the car?

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Shoaf: So he gets in and he starts it the...the...the uh side windows are tinted on the car so I'm trying to uh see into the driver's seat from that angle across the hood and in...in through the windshield so that's...that's kind a my angle of what I'm looking at I'm trying to see him uh from that vantage point. Um...he gets in, he starts the car and apparently puts it in drive and starts driving forward.

B. Sinnott: So you're...you're looking into the um ...the front passenger window when you're...

Shoaf: Front windshield, I'm looking...I'm...I'm looking through the windshield.

B. Sinnott: So you're in front so you're...

Shoaf: I'm on the side of the car...

B. Sinnott: <Inaudible>...okay.

Shoaf: ...but I'm...I'm...I'm standing right ...right at a tire...

B. Sinnott: Okay.

Shoaf: ...looking diagonal across into the...into the windshield.

B. Sinnott: And you actually remember him starting up the car?

Shoaf: Uh huh.

Laughrun: Guys still giving commands?

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Shoaf: Yep, yep this...this whole time is Police, stop and...uh continuously identifying ourselves.

Laughrun: Would that be you and Monty and Chris?

Shoaf: Yeah uh I'm hearing...I...I don't know who's saying it in what order but the three of us shouting commands to him.

B. Sinnott: Okay do...do you remember what kind a commands you're <Inaudible>...

Shoaf: Police, stop...I know that's what I was saying...

B. Sinnott: Okay.

Shoaf: ...ya know whenever... that gets a little bit <Inaudible> and I don't know that I'm...can recall what...what they were saying but we were all shouting commands at him and it was all consistent identification and for him to stop.

B. Sinnott: Okay do you have any body...body worn cameras do...

Shoaf: <Talkover - inaudible>

B. Sinnott: Are you guy's assigned body worn cameras?

Shoaf: No.

B. Sinnott: Okay. Uh so what happen...so he turns the car around what...what happens then?

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Shoaf: So he's...he starts driving the car out of the parking lot or out of the parking space and my...my view of him is changing as the cars moving um and as soon as that cars moving out a the parking spot um, at some point I can look over and I can see Monty, he makes contact with Monty with the front bumper of the car and Monty's kind a doubled over the front hood of the car and I hear a shot um and <Inaudible>... see Monty shoot in through the windshield into uh where the driver's sitting.

B. Sinnott: Um when you saw Agent Dugger get hit...

Shoaf: Uh huh.

B. Sinnott: ...where were you at exactly?

Shoaf: So I started at the front tire...

B. Sinnott: Uh huh.

Shoaf: ...but whenever he ...he's moving forward the cars kind a going past me, if you will.

B. Sinnott: Uh huh. So the car is going past you...

Shoaf: So I'm moving... From my recollection I'm moving more from that front tire to more of the passenger door as it's...it's going past me right.

B. Sinnott: Okay so the vehicle...the vehicle miss your...I guess your...where you were standing and you...

Shoaf: Yeah I'm not...I'm not where...I'm not standing where if he drives straight forward he's gonna hit me I'm on the side of the car.

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B. Sinnott: Okay.

Shoaf: Right.

B. Sinnott: So you witnessed the vehicle hit Agent Dugger?

Shoaf: Correct.

B. Sinnott: Okay do you know where it hit him at?

Shoaf: Um just...his height and the... the height of the car, it was his legs I mean he... it was...it struck him and I just...I know he kind a looked like he doubled over but it was ...it would a been his legs.

B. Sinnott: Okay.

Shoaf: Right.

B. Sinnott: Alright and then at that...at that moment you said you actually saw him fire into the vehicle?

Shoaf: Yeah I think I can remember seeing the gun kind a in his hand and...and...and see the...the windshield and I could see that shot. I know I remember hearing it but I...I wanna say I can remember seeing that...that gun out.

B. Sinnott: Okay and uh from what you previously stated you heard one shot and saw one shot?

Shoaf: Just one yeah...

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B. Sinnott: Okay <Talkover - inaudible>

Shoaf: <Talkover - inaudible>

B. Sinnott: Okay. Um after that did the vehicle continue to travel at all?

Shoaf: No, once the shot was fired the vehicle stopped and I started making... all three of us made our way around to the driver's side and as we're making our way around the drivers door comes open and he stands up out a the car.

B. Sinnott: Okay is he saying anything to you?

Shoaf: Yeah he's...he's cussing, he's loud, I don't remember what he was saying its something about being shot, you shot me, something he...he...he's cussing and yelling, he's ...he appears to be angry um but immediately I can see blood coming from his neck.

B. Sinnott: <Inaudible> Did anybody provide any uh...rendering aide to him?

Shoaf: Yeah so as soon as... as soon as he stands up and...and shouts whatever he shouts um seconds go by and he collapses. Um Special Agent Kluttz grabs him and pulls him and turns him to his back uh to try to find where he's shot. Um I pull my...my <Inaudible> kit, my medical pouch with gloves and uh gauze out and throw that to Kluttz basically, he's on the ground there with him. I give that to him and I start trying to maintain there's a...there's a guy, another patron that comes up real close to us shouting and I'm trying to get him back away from us.

B. Sinnott: Let's uh... <Inaudible> one more uh other clarifying question.

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Shoaf: Okay.

B. Sinnott: Um when you're at the side of the vehicle and he's pulling forward...

Shoaf: Uh huh.

B. Sinnott: ...uh what do you ...I...and I know you're not a mind reader...

Shoaf: Right.

B. Sinnott: ...what do you think his intention was uh for Agent Dugger?

Shoaf: Yeah so not being a mind reader and just based on my training experience whenever somebody's ...he's failing to follow our commands through the parking lot um so he's ignoring us um...he's getting into his car and my thoughts at that time is he's going to drive that car no matter what and he's going to leave and with the crowded parking lot he...he's complete disregard for safety just driving and obviously with agents in front of him that he doesn't care who's in his way if you will.

B. Sinnott: Okay. Do you think he was trying to avoid...

Shoaf: Nah.

B. Sinnott: ...a...a...avoid uh you guys or...?

Shoaf: No.

B. Sinnott: No?

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Shoaf: Nah. <Inaudible>...let me...let me...avoid us in what way, do you mean avoid by driving the car, avoiding us with the car or you mean avoid make...dealing with us?

B. Sinnott: No <Inaudible>...

Shoaf: <Talkover - inaudible>

B. Sinnott: ...and let...yeah... and yeah let me clarify, in terms of avoiding you was he trying to drive I guess...

Shoaf: Try not to hit us?

B. Sinnott: <Talkover - inaudible>

Shoaf: No...no...no he was avoiding us in the parking lot but he was not trying to avoid us with how he's maneuvering his car.

B. Sinnott: Okay.

Shoaf: Okay.

B. Sinnott: And at that time Agent Dugger uh do you recall exactly his position <Inaudible>...at the vehicle?

Shoaf: Yeah.

B. Sinnott: Was he in front or was he ...

Shoaf: <Talkover - inaudible>

B. Sinnott: ...off...offset to the left or offset to the right?

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Shoaf: He... he looked to be in line with the driver in front of the car but if you're to cut the car in half he looked to be at the drive...right straight in front of the driver.

B. Sinnott: Okay. So after... after the shooting uh what...what's some of the next steps that you took?

Shoaf: Um one...so...I guess af...after the initial shooting is ya know this guys still a potential threat with a gun and the vehicle so...so I worked my way around to that drivers side to see if he's coming out with a weapon or anything else. Uh once I don't see a weapon in his hands and he falls to the ground uh then the...the next immediate thing is providing care to him and then immediately after that is maintaining the crowd that's growing and the initial guy that's really close to us shouting and yelling and then people start continuing just get closer and closer and shouting at us so I'm trying to get those people back and also get on uh the radio channel that I'm on with these other guys and tell them that we've had shots fired up here and to come help us.

Laughrun: Logan what was your call sign that night <Inaudible>

Shoaf: Uh my call sign that night's Nora Victor 22...NV22.

B. Sinnott: <Inaudible>...uh your radio system, do you guys have recorded channels?

Shoaf: Recorded uh I think upon request I don't think that they are recorded. We have a lot a channels that we utilize for I guess group talking to each other as in there's no ...there's no dispatch we're...we're just communicating, some of which are repeated some are not uh that

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would've been a repeated channel but uh wouldn't have been monitored for any particular reason.

B. Sinnott: Okay. So afterwards you...you were calling for additional resources to...to assist you at the...

Shoaf: <Inaudible>

B. Sinnott: ...at the scene?

Shoaf: Right.

B. Sinnott: Um afterwards did you...during the incident um did you overheard anything, what people were saying or...maybe anything that you may have missed that...

Shoaf: Yeah I mean they were... ya know fuck yall, why'd ya have to shoot him or ya know you shot him I mean just...a...a...a lot of obscenities, shouting...cursing us um...referencing us shooting him. It's... the whole crowd was just very agitated and ...and...mad at us <Inaudible>

B. Sinnott: Uh after...afterwards <Inaudible>...did you locate any firearms uh in the vehicle or on his person?

Shoaf: I never...I never searched his person and I never searched the vehicle so I did not.

B. Sinnott: You got anything?

Overman: Um you didn't fire your weapon <Talkover - inaudible>

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Shoaf: I did not.

Overman: <Inaudible>...we didn't ask that, just wanna make sure we covered that.

B. Sinnott: Uh huh.

Overman: Um did anybody at uh any point do a round count for you?

Shoaf: Yes.

Overman: Was it <Talkover - inaudible>

Shoaf: It was, it was ...I got in the back <Inaudible> the Crime Scene box truck.

Overman: Okay so...<Talkover - inaudible>

Shoaf: Took photos and did a round count.

Overman: Okay. Um that night you were armed with ...

Shoaf: A Glock 19.

Overman: Your service weapon <Talkover - inaudible>

Shoaf: Service weapon.

Overman: <Talkover - inaudible>...that's it, no other...

Shoaf: No.

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Overman: ...no other guns?

Shoaf: No other.

Overman: Um...as it relates to ABC establishments, is there rules governing how they can be armed inside the club, patrons or...or...or uh employees?

Shoaf: Yeah so an employee can like a...an owner can possess a firearm and employee's that given the permission of the owner they can possess a firearm but patrons are not allowed to have firearms in there.

Overman: Regardless of how it's posted, regardless I mean... like I know some stores ...like you can come in with a concealed weapon unless it's posted otherwise but in a ABC establishment <Talkover - inaudible>

Shoaf: You know they changed it what from...mm... it was...one was concealed and one was where you could carry it, you couldn't carry it concealed, it had to be open as long as you weren't consuming but you can't consume alcohol and carry it um but patrons um ...I don't wanna misquote it with the change...in reference to this, this is gonna be a private club <Talkover - inaudible>

Overman: <Talkover - inaudible>...percent.

Shoaf: Yeah.

Overman: I was just curious if you knew off the top of your head <Inaudible>

Shoaf: Yeah patrons aren't supposed to have weapons in there and they're especially not supposed to have it if they're drinking. Employees are basically the only ones that can have the weapons in there. Um...

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Overman: So they don't need any...so the...as far as the employee's go they don't need any specific permitting or...or um...or training or anything like to...<Talkover - inaudible>

Shoaf: To <Talkover - inaudible>

Overman: Yeah <Talkover - inaudible>

Shoaf: The security does, like a security...any licensed security or folks performing as security have to be licensed through the state to be ...to be armed.

Laughrun: Like G-Force?

Shoaf: Right.

Laughrun: <Talkover - inaudible>...G-Force <Talkover - inaudible>

Shoaf: Yeah you...you can't...you can't perform security functions armed unlicensed.

Overman: Got a have a private protective license or whatever it is?

Shoaf: Yes.

Overman: Yeah. Um...so when you...when you guys are um out there and you're seeing the...the parking lot empty out um or...or closing down or whatever, this guy when he say's hey he's got a gun or he...he...he directs you towards this fella that is possess... could you um...what kind of, I guess what I'm trying to figure out is by his mannerisms, did

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you think that there was...had been some sort of scuffle or I mean how was he...?

Shoaf: I...I...I took it that he was threatened by this guy either having a gun or getting a gun, that...that was my concern that he was ...he was concerned that this guy either having one or getting one was gonna be a threat to him.

Overman: So you...so I mean so I mean logically you felt like you needed to at least detain the parties and find out what was going on?

Shoaf: Right.

Overman: Okay um...yeah there's something else. Um did you...who had... who calls 911 or are you...are you familiar <Talkover - inaudible>

Shoaf: Yeah I actually I called 911 just to find out that there was a phone laying there where uh Klutz or Monty one had called 911 so I'm...as I'm talking to dispatch it's loud but I can hear that they know what I'm talking about and then I look down I see a phone face up with 911 on it and Klutz is talking to the person on the phone so I end...I end my phone call because they had already...

Overman: Okay.

Shoaf: ...called.

Overman: So you guys get 911 called as quickly as...as it is...as quickly as it was safe you guys ...

Shoaf: Right.

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Overman: ...call for 911...

Shoaf: Well it's never...

Overman: ...or called 911 for...

Shoaf: ...never safe but we called 'em anyways yeah.

Overman: Yeah well I mean as quickly as you, ya know, could.

Shoaf: Right.

Overman: Okay. Um...see if there's anything else. <Talkover - inaudible>

B. Sinnott: You have any <Talkover - inaudible>

Overman: Had you done uh...had you done any uh... you said you're familiar with that establishment?

Shoaf: I've been there long time ago so the way ABC establishments change I couldn't say that my...I wouldn't...if five years ago it was good or bad I wouldn't say it's good or bad today. Um...you can typically know that if a location has as history of being bad then it's probably gonna be bad regardless of who's there but it had been so long I wasn't sure what the crowd was like until I got updated information about it.

Overman: Okay. Uh did you guys...when you said that you guys did...had a um...a briefing about entertainment or...or some event going on at the club.

Shoaf: Right.

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Overman: Do you remember...what else do you remember about that I mean just other than they were having some sort of...<Talkover - inaudible>

Shoaf: It was reference to Bloods um members, Blood gang members that were gonna be present there uh it was just a verbal overview of uh the folks that were gonna be there were gonna be associated with the Blood gang.

B. Sinnott: Typically when uh you get information in terms of gang relations uh gang related ya know parties and stuff like that, is that a uh...I guess a focal point of interest in terms of enforcement?

Shoaf: Correct, typically that...that...the results of uh investigating ABC outlets with gang activity results in drugs and uh violent acts and guns and weapons and fights. Uh any time we work a place that's known to have high gang activity, patrons, we...we often deal with felony arrest and seized guns.

Overman: As a...as a part of your uh duties out there that night you guys are um ...you guys can go in and...and do a check on the establishment at...at any time?

Shoaf: Correct, any time somebody appears to be present yeah if it's closed and the doors are locked and it doesn't appear anybody's in there that's the only time that we can't just break the door and go <Talkover - inaudible>

Overman: Otherwise you guys have the right to go in and...

Shoaf: <Talkover - inaudible>

Overman: ...inspect them for any kind a um regulatory violation or whatever?

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Shoaf: Correct.

Overman: So you don't have to have a warrant to be there?

Shoaf: Do not.

Overman: You can enter...you can...you can enter through the door that ya know just like any other person?

Shoaf: Yes sir.

Overman: What...what ramifications are there if they don't allow you access?

Shoaf: Uh they could be...there...there's criminal and civil penalties for not allowing us access to conduct an inspection of the premises.

Overman: So it's not un...I mean so when you're operating <Inaudible> uh...uh...an establishment like this it's not um...they know, I mean most...I mean they...they're advised that you have that right to be on their property...

Shoaf: Right.

Overman: ...to do those inspections?

Shoaf: Right. Yeah they...they know from the initial application process, the rules, and then um as agents periodically go into inspect then they're answered quite...their questions are answered as far as, ya know, what the rules are and then they're also advised of what we do and how we do it so they're...they're well aware.

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Overman: There's no time restrictions of when you can go to that business...

Shoaf: <Inaudible>

Overman: <Talkover - inaudible>

Shoaf: <Talkover - inaudible>

Overman: <Inaudible>...opening hours that's it?

Shoaf: Well it doesn't have to be during open hours if...if somebody ...if somebody's there, if we...if I were to ride by this place at 5 o'clock in the morning when their hours of operation are closed and I can see that there's somebody inside that business I can identify myself as an ALE agent and they have to allow me to go in.

Overman: That's all I got.

Laughrun: <Inaudible>... When you guys had the debrief, did anybody mention a flyer about there being a party there <Talkover - inaudible>

Shoaf: Yeah...yeah there was...there was some...I don't know what it was...

Laughrun: <Talkover - inaudible>

Shoaf: ...but there was some...some... promoter type situation which was going to bring a larger crowd. It's typically if uh we...we see a flyer, we hear gang activity, we hear about a promoter, anything like that, that's typically...uh and with promoters in particular uh my history, my experience with promoters are... They bring a lot a people to the place um...the owner will get the sell of alcohol, the patrons or the...the promoter will get the door uh fee that's there.

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B. Sinnott: Cover charge?

Shoaf: And again, my experience is the promoters end up kind a running the show because uh the...the owners are making money and they kind a step out a the way, the promoters bring all these people in and the promoters kind a let people in and out whether or not if typically their normal nights they say we don't allow, ya know, any kind a weapons or we're gonna check and ...and...and we're gonna...we're gonna scan everybody, the promoters, when they bring they're people they'll run the door and they'll let people in however they want to.

Laughrun: One last question, how was Agent uh Dugger uh clothed <Talkover - inaudible>

Shoaf: He also had on an exterior carrier with Police markings.

Overman: I had one <Inaudible>...and then so um after this gentleman uh ya know Medic and all that stuff arrives and all that stuff happened, after that did you guys or anybody that you're aware of... You're a supervisor right?

Shoaf: Yes sir.

Overman: Um did they interact with the bar owner at all about what ya know transpired in there, do you have...

Shoaf: Yes.

Overman: Okay <Talkover - inaudible>

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Shoaf: One individual did. Um... Special Agent Torgow was gonna go inside and speak to...conduct an inspection which was going to speak to the different people, the employee's and do an inspection of the premises.

Overman: Would there be a uh...a report of that or would that just be like a face to face type thing?

Shoaf: No there...there...there will be a report that basically any violations that occurred will ultimately...a report will be put together and that report will be sent to the ABC Commission in Raleigh.

Laughrun: Its T-O-R-G-O correct...is that right?

Shoaf: T-O-R-G-O-W.

Laughrun: Okay.

B. Sinnott: Okay.

Overman: That's it for me.

B. Sinnott: <Talkover - inaudible> um...

Laughrun: Thank you guys.

B. Sinnott: Yeah can you uh just sign...sign and date right there for me? And that's gonna be the conclusion.

Laughrun: <Inaudible>...can you give me the complaint number?

B. Sinnott: Yeah...yeah uh complaint number is uh 20180825015501.

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Laughrun: <Inaudible>

B. Sinnott: <Talkover - inaudible>... And that's gonna be the conclusion of the interview; time is 10:55.

BS/BO/rge

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Exhibit C

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REVIEWED BY DETECTIVE B. SINNOTT ON 9/26/2018.

THIS IS DETECTIVE SINNOTT WITH THE CHARLOTTE MECKLENBURG POLICE DEPARTMENT; TODAY'S DATE IS SEPTEMBER 6TH 2018. WE'RE GOING TO BE AT 601 EAST TRADE STREET, THE LAW ENFORCEMENT CENTER WE'RE IN INTERVIEW ROOM 2003. THIS IS IN REFERENCE TO COMPLAINT NUMBERS 20180825015501 UM TO THE 4701 NORTH TRYON STREET UH A SHOOTING INCIDENT. IN THE ROOM WITH ME I HAVE DETECTIVE BRYAN OVERMAN, ALSO CHRIS KLUTTZ AND I ALSO HAVE HIS ATTORNEY GEORGE LAUGHRUN.

B. Sinnott: Alright so let's...let's talk about uh how long you been employed with...

KLUTTZ: Okay.

B. Sinnott: ...uh ALE and or...actually lets talk about your overall law enforcement experience, how many years have you been...

KLUTTZ: <Talkover - inaudible>...been with ALE over fifteen years that's it yeah.

B. Sinnott: <Talkover - inaudible>...the whole time...

KLUTTZ: Yeah that's it.

B. Sinnott: ...fifteen years?

KLUTTZ: <Inaudible>...mines pretty much, pretty simple considering some other people's <Inaudible>...

B. Sinnott: Yeah, yeah, a few people have a mixed bag of...

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KLUTTZ: <Talkover - inaudible>

B. Sinnott: <Inaudible>...law enforcement experience, ya know, Sheriff's Department all that stuff so... Fifteen years, that's a long time.

KLUTTZ: Nah...

B. Sinnott: <Talkover - inaudible>

KLUTTZ: ...not as long as some so...

B. Sinnott: You still enjoying it?

KLUTTZ: Oh yeah, yeah.

B. Sinnott: <Talkover - inaudible> And then uh just for the sake of just some general...general information let me grab your uh your first uh and last name.

KLUTTZ: Yep, you want my full name like...

B. Sinnott: Yeah.

KLUTTZ: Okay it's Christopher.

B. Sinnott: Christopher?

KLUTTZ: Yep.

B. Sinnott: And that's uh C-H-R-I-S-T-...

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KLUTTZ: O-P-H-E-R.

B. Sinnott: Yeah, your middle name?

KLUTTZ: Lane L-A-N-E.

B. Sinnott: Okay.

KLUTTZ: Kluttz K-L-U-T-T-Z.

B. Sinnott: And what's your date of birth?

KLUTTZ: 11/1/75.

B. Sinnott: And then uh you got like a add...office address you work from?

KLUTTZ: Uh you...you... We're out a Raleigh now so...

B. Sinnott: Are ya?

KLUTTZ: ...and I don't even know that...the number so...

B. Sinnott: That's okay well... <Talkover - inaudible>

KLUTTZ: We use Greensboro's number.

B. Sinnott: Okay.

KLUTTZ: And... Greensboro <Inaudible>...

B. Sinnott: That's fine I can...I...I can...I can pull it up.

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KLUTTZ: Industrial... Industrial Avenue...

B. Sinnott: Industrial Avenue? Okay.

KLUTTZ: Uh Greensboro North Carolina I think.

B. Sinnott: Okay what's... what's the best phone number I can... I can get a hold of you?

KLUTTZ: [REDACTED]...

B. Sinnott: Okay.

KLUTTZ: [REDACTED]

B. Sinnott: Alright. So the whole time that you've been with uh ALE, fifteen years, um have yall always been assigned to Raleigh or have you moved around to different... cause my understanding is um you guys have different districts.

KLUTTZ: Yeah, 501 Industrial Avenue.

B. Sinnott: 501 Industrial Ave.?

KLUTTZ: Yeah.

B. Sinnott: Okay and that's in Greensboro?

KLUTTZ: Greensboro. That was my last duty station so...

B. Sinnott: Okay. And your new one's in Raleigh?

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KLUTTZ: It's where ... I'm assigned to Raleigh so we don't have a district office cause I'm on a... a violent task force, Violent <Inaudible> Task Force so we're just assigned to Raleigh so but that I just... mail and stuff probably go there...

B. Sinnott: Okay.

KLUTTZ: ...that'll be good so...

B. Sinnott: Got ya, and so you mentioned that you're on a violent task force?

KLUTTZ: Violent Outlet Task Force.

B. Sinnott: How long have you been with that task force?

KLUTTZ: Maybe three months.

B. Sinnott: Okay.

KLUTTZ: So they just started, its brand spanking new.

B. Sinnott: Okay.

KLUTTZ: So...

B. Sinnott: Did you do any other kind of task force before that?

KLUTTZ: I was... I've helped HSI, ATF... uh all kinds a people but I think I was like... they finally beat me down and made me go take the task force class, I think I was a task force guy for like two months...

B. Sinnott: Uh huh.

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KLUTTZ: ...then I...I...I never cared to do the task force, they always sucked me in whenever they needed something so...

B. Sinnott: Okay.

KLUTTZ: ...I didn't have to have the...I'm not a title guy so...

B. Sinnott: <Inaudible> So with that task force, do you participate in any kind a training...annual...?

KLUTTZ: The Violent Outlet Task Force?

B. Sinnott: Yeah...sir.

KLUTTZ: Yeah you want me just go ahead and lay out my whole ...

B. Sinnott: Perfect.

KLUTTZ: ...because that would be easier for yall kind a?

B. Sinnott: Perfect.

KLUTTZ: At ...I'm on the SBI SRT I was on our special operations group before that, I've been on it for over ten years, some type of SWAT style tactical training for probably past ten years. Uh...within all that we're all Police so you know what encompasses with SWAT training and tactics and firearms and so forth. Uh the Violent Outlet Task Force it just started couple months ago. We haven't done a lot a training but we've...me, Logan uh Jason Williams that wasn't there that night, there's over half of us that are SR...SRT SBI members so I mean we've...the...there's a list of training that we've taken so...

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B. Sinnott: Okay.

KLUTTZ: ...I mean but...

B. Sinnott: Alright so let's uh...let's talk about the...on the 25th, August 25th, um so that day uh I believe uh in terms of you guys starting your...your duty day...

KLUTTZ: Right.

B. Sinnott: ...<Inaudible>...be later on in the afternoon...

KLUTTZ: Uh huh.

B. Sinnott: ...um what time, can you just kind a talk about your day?

KLUTTZ: Yeah we uh started at 6 o'clock.

B. Sinnott: Okay.

KLUTTZ: That's when we briefed, uh...during that briefing, it's just like any other briefing uh I know yall want...wanna lay it out uh during that briefing we went over uh our operations plan and talked about the locations we're going to, off premise locations which Dudley can...if you got any questions about ALE, off premise, on <Inaudible>...Jon can help you with all that.

B. Sinnott: Uh huh.

KLUTTZ: If he still remembers, he's big time now.

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B. Sinnott: Yeah.

KLUTTZ: Uh...off premise locations was gonna be early in the afternoon, we was gonna focus on OSI Food Mart over there off of uh West Arrowwood and...

Overman: Nations Ford.

KLUTTZ: ...Nations Ford, that was gonna be a...a starting location, nice little hub to start with ya know for 18B, Chapter 90, Chapter 14 charges so forth. Uh we went over all that, went over that op's plan for that and then we went over a brief of our on premise locations we was gonna go to and we had received information the night before uh the case agent for us uh the Violent Out... I'm a call it VOT uh it's VOTF but I think that's not a good name so I'm a call it VOT. Uh I think we got information that night from district six, the Harrisburg office, about Tropix...

B. Sinnott: Uh huh.

KLUTTZ: ...supposedly having a uh...a rap off or a party or birthday party and so we briefed on our on premise, off premise and we were gonna separate because our focus of the VOT teams not to go to UNCC and...and essentially deal with the college kids and so forth our focus is to go to these uh...well I ain't gonna say problems but uh outlets that have hyped propensity for violence uh so that's what we focus on throughout the state uh and we've literally been from, ya know, Manteo to Murphy focusing on outlets. Uh so anyway we briefed that day uh we briefed about the on premise, off premise. We brought up Tropix uh brand spanking <Inaudible> new guy his name...I...I don't know he...he's got like a really long last name, he's a ALE agent uh J.D. I think they call him, he's a former PO guy, gang PO, probation

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parole and he was one a the guys that 42'd the dude in the parking lot down here uh when yall had that dude pull up and start shooting at the LEC and all the officers...

B. Sinnott: Uh huh.

KLUTTZ: ...he was one a the guys <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>... Baker?

KLUTTZ: Uh I don't know man, J.D....J.D.'s his name uh he just got hired with us so he's still real heavy in that loop of uh intel as far as the gang stuff. Uh he stood up starting briefing us on Tropix and he...we got flyers that he sent out to us in emails and he briefed us on Tropix, briefed us on Taliban and I call him Money Bags but it's not it's Bank Roll... [REDACTED] he gave us their real names uh their birth names and I don't recall 'em uh gave us the birth names. He advised us of uh their uh [REDACTED] and he advised that they both...he...we actually did... I think he provided CJ Leads information where they've both been convicted of homicide and gun charges and he said that through intel that they're always notorious to have assault style rifles uh...not really assault rifles but M4's, AK's, semi automatics they have...they're heavy into the guns and they're high ranking officials and they've already done DOC time for uh homicide. Uh gave us all that intel, at that point we brought up the overhead projector, this all happened at Pineville P.D....uh we brought it up on the overhead projector of Tropix, we reviewed the location uh so we're all familiar with where we're going so when we get there we reviewed that location. I'm familiar with it cause I've been in Charlotte, I was...I worked in Charlotte for thirteen years before I went to...well twelve years before I went to Greensboro.

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B. Sinnott: Uh huh.

KLUTTZ: So I've worked heavily with North Tryon as far as undercover, as far as enforcement, ya know, you name it I've done on North Tryon, all on Wilkinson uh Beatties Ford, Tuck so I'm very familiar with the HVK's, the Hidden Valley guys... Sugar, all the way down, I'm very familiar with all that area. Uh so we brought it up, we familiarized everybody that wasn't familiar with it, went over all that then we went over our use of force 15A401D2 uh we reviewed it because that's just standard practice we do for every operations plan uh then from there after we had this briefing, went over all the intel, everybody's ya know got assignments uh we left to go to the off premise locations which I immediately... I... me and... I was riding at that point with Taylor Jones, he's ALE District 5 or Harrisburg agent. We went to OSI, probably two minutes at OSI, me and him end up going 72 with a guy selling ecstasy and marijuana in the parking lot.

B. Sinnott: Uh huh.

KLUTTZ: And then I was out a play until 10:30.

B. Sinnott: Okay.

KLUTTZ: So uh from...

Laughrun: What you mean out a play Chris?

KLUTTZ: Uh I was at the jail for the next four hours, five hours, however long that timeframe. I was at the jail uh the entire time with Taylor trying to process and do all that fun stuff at the jail <Inaudible>... we just don't get to hand 'em to somebody and they <Talkover - inaudible>

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<Talkover - inaudible>

B. Sinnott: Uh huh.

KLUTTZ: ...so uh...

B. Sinnott: So you...so you...you left the jail around 10:30 is that right?

KLUTTZ: Yeah.

B. Sinnott: Okay.

KLUTTZ: Approximately 10:30.

B. Sinnott: Alright and uh <Inaudible>...let me uh...we'll back track uh and then we'll get back to that um did you drive down from Raleigh, do you...

KLUTTZ: No... no, no, no, no...

B. Sinnott: Okay.

KLUTTZ: ...we drove from Asheville down <Talkover - inaudible>

B. Sinnott: Oh Asheville? Okay.

KLUTTZ: Yeah but we're all scattered throughout the state so we got some people that are from Hickory uh some people that are from Asheville, we got uh me and Logan live in [REDACTED] uh... Jason Williams lives in uh... I'm a say [REDACTED] [REDACTED] so we're all scattered throughout the state so

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when... <Inaudible> it ain't nothing for us to drive two hours to get somewhere to...to do work so...

B. Sinnott: Right <Inaudible>...I know you...you've been doing this for a long time and is it pretty typical to have like just odd hours of, ya know, when you come in in the evening <Talkover - inaudible>

KLUTTZ: For us? Yeah.

B. Sinnott: <Talkover - inaudible>

KLUTTZ: We...we ain't like you guys, well you guys probably have a more different hours than... We're not like regular patrol guys we don't have a ya know your shift for the next two weeks is 8 to 5, we don't have that. The VOT team really has a...a more screwed up shift because we tend to now have to work when the outlets have problems so come...this coming weekend I gotta work Saturday uh Friday, Saturday, Sunday from 6 to 4 so that'll be my shift and then I gotta turn around and do a day shift all week next week. I gotta go to Goldsboro, do UC, to do search warrants and stuff so it's very common for us to not have normal... What's normal in Police ya know?

B. Sinnott: Right...yeah <Talkover - inaudible>

KLUTTZ: Uh...

B. Sinnott: <Inaudible>...a set schedule <Talkover - inaudible>

KLUTTZ: Right <Talkover - inaudible>

B. Sinnott: ...a set shift <Talkover - inaudible>

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KLUTTZ: Right, we're not patrol officers where we have a... a shift and so forth so...

B. Sinnott: So for operations like this <Inaudible>...start uh in the evening uh do you adjust your hours in terms of...

KLUTTZ: Yeah.

B. Sinnott: ...your sleep and...

KLUTTZ: Yeah.

B. Sinnott: ...did you get a full night sleep...

KLUTTZ: Uh huh.

B. Sinnott: ...um that day?

KLUTTZ: Yeah.

B. Sinnott: Okay. And so you get...so you get there you uh...you guys go out, you brief, you end up going out...you end up arresting this uh drug dealer.

KLUTTZ: Uh huh.

B. Sinnott: You're out...out at the jail and so you got off around 10:30 um...

KLUTTZ: Yeah.

B. Sinnott: ...what'd you do...what'd you do next?

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KLUTTZ: Me and Taylor went to uh O'Charley's over by ...trying to think, Arrowwood, is there a O'Charley's <Inaudible>...it's right by the Training Academy, the road ...the Chick Fil A...the <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible> ...South Tryon...South Tryon <Talkover - inaudible>

Overman: <Talkover - inaudible>

KLUTTZ: Yeah South Tryon.

Overman: 485, yeah.

KLUTTZ: Move to O'Charley's there and they let us in they were about to close and we already had people there eating so they let us in we ate and then after we ate we went back to Pineville P.D. and that's where we just...that's where we split cars and split teams in VOT and the district went to UN...the University area.

B. Sinnott: Uh so did you guys...so when you guys went back to Pineville you guys uh briefed up and then uh...

KLUTTZ: We did.

B. Sinnott: Okay.

KLUTTZ: We actually went over uh another uh briefing uh <Inaudible> We'll...we'll brief on anything...

B. Sinnott: Uh huh.

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KLUTTZ: ...we'll brief on where we gonna go eat uh so we had another briefing and that was with Dubai was our main focal for that night because Dubai's had a lot of uh recent uh violent acts uh I think some dude ran over like nine people out there at some point <Talkover - inaudible>

Overman: <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>

KLUTTZ: Yeah off Independence.

B. Sinnott: Off Independence? Okay.

KLUTTZ: Yeah uh so our main point was gonna be Dubai then our secondary if Dubai wasn't busy that night was gonna be to go to Tropix and I already informed uh Logan, he's special <Inaudible>...he's a ASAC or supervisor in charge is Logan Shoaf uh we already discussed cause Logan's from this area as well, he worked in a district down here for ten... God, I don't even know how long. He worked down here until he went to training and now he's a ASAC or VOT so he's familiar with Mecklenburg and we talked and we knew that we was gonna probably end up at Tropix at...for an after hours check and that would be where we'd go when they stop serving alcohol at 2 have to have the bars clean by 2:30, make sure they're not serving alcohol at 3, 4, 5 o'clock in the morning. Uh so...we briefed up on all that uh Dubai went over permit the information, owner information uh again reviewed the flyers of Tropix. Uh again, uh went over criminal history of both [REDACTED] and [REDACTED], went over those two... I wished I knew their real names, I don't. Uh...went over that information again uh and then, from there, we deployed to go to Dubai off Independence. I have no idea what the

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numeric for it...for it is off Independence it's the old TGI Fridays where they had all the trouble years and years...

B. Sinnott: Yeah.

KLUTTZ: ...and years ago.

B. Sinnott: <Talkover - inaudible>

KLUTTZ: I don't know if you... I don't know how long you been on, I don't know if you been on long enough to remember TGI Friday's off Independence. Uh...

Laughrun: Used to be a um... <Inaudible>...video games over there.

KLUTTZ: Yeah.

Laughrun: Isn't that the same location?

KLUTTZ: Yeah...yeah so...

Overman: <Inaudible>...

B. Sinnott: <Talkover - inaudible>...

Laughrun: Behind Town and Country Ford.

KLUTTZ: Yeah.

<Talkover - inaudible>

B. Sinnott: They...they...they've tore down like...

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KLUTTZ: Oh yeah!

B. Sinnott: <Talkover - inaudible>

KLUTTZ: Yeah.

B. Sinnott: they tore down everything over there...rebuilding...

KLUTTZ: Crazy Horse, you know where Crazy Horse is?

<Talkover - inaudible>

Overman: <Inaudible>...same parking lot.

KLUTTZ: It's right...yep same parking lot as Crazy Horse.

B. Sinnott: <Inaudible>

KLUTTZ: So...uh so at that point we're single riders like I'm just in my truck uh...

B. Sinnott: And what were you driving I'm <Inaudible>

KLUTTZ: Yeah, no uh we all on our team, we all got uh Tahoe's...

B. Sinnott: Okay <Talkover - inaudible>

KLUTTZ: ...so except Logan, Logan's got a uh Ford F150 so...

B. Sinnott: Okay so you have a Chevy Tahoe?

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KLUTTZ: Yeah unmarked.

B. Sinnott: <Talkover - inaudible> color is it?

KLUTTZ: Uh... let's call it gray...

B. Sinnott: Okay.

KLUTTZ: ...kind a changes color so let's just call it gray.

B. Sinnott: So you guys, so you went to Dubai <Talkover - inaudible>

KLUTTZ: <Talkover - inaudible>

B. Sinnott: And um what... what happened <Inaudible>... anything <Inaudible>... happened there?

KLUTTZ: Yeah before we left... well before we went to Dubai uh I was solo and a couple other guys were solo and Monty was with Logan uh he was riding with Logan at Dubai and Monty Dugger the HSI agent...

B. Sinnott: Okay.

KLUTTZ: ...so I mean I uh... I'm a call him Monty is that okay with yall?

B. Sinnott: Yeah I mean that's what...

KLUTTZ: Yeah.

B. Sinnott: ...that's why we... well we've already interviewed <Talkover - inaudible>

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KLUTTZ: Right, right.

B. Sinnott: ...and that's what he preferred to be called Monty so...

KLUTTZ: Okay so uh...so we went to Dubai looking around, not a whole lot ...not a whole lot going on, not a real heavy presence in the parking lot as far as patrons hanging out or anything, not a lot of patrons coming going at Dubai. Our biggest concern was like the asinine amount of weaponry that the security had out there so I mean they had more guns than we did and three of us are SRT members and we've got a shit ton of guns.

B. Sinnott: Did you ever work um Club 935?

KLUTTZ: Yeah!

B. Sinnott: Do you remem...

KLUTTZ: Yeah, yeah.

B. Sinnott: ...do you remember all those clowns out there...

KLUTTZ: Yeah.

B. Sinnott: ...that was kind...pretty much similar to that?

KLUTTZ: Yeah, yeah.

B. Sinnott: I think one guy, one of their security guys uh was a convicted felon...

KLUTTZ: Yeah <Talkover - inaudible>

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B. Sinnott: <Talkover – inaudible>

KLUTTZ: Yeah <Inaudible>...man it's dangerous out here.

B. Sinnott: Yeah.

KLUTTZ: Yeah.

B. Sinnott: That's crazy.

KLUTTZ: Yep. Uh...so we're at Dubai for a little while, I don't know the...the length of time, I think we ended up leaving around 1 from Dubai.

Laughrun: You guys take any enforcement action there Chris?

KLUTTZ: We did not, we did not we just did strictly what we would call outlet observation where we just observe um just observed the outlet to see...cause there's not even people in the car drinking or...or smoking weed or anything, people were just out a the car. Even people at Crazy Horse were...were getting out going I think uh Hispanic male and female were drinking a beer so and I...they were parked right beside me I watched them for a little bit. There's a little smoke shop there, had some interesting traffic. They were closed and had probably had about five, six dudes come in after it was closed and...

B. Sinnott: <Inaudible>

KLUTTZ: ...some interesting...interesting traffic going on there but either way nah. Sitting there observing again, trying to document cause we're gonna try to start working Dubai just start documenting the...the coming and goings of...of patronage and so forth.

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B. Sinnott: Right.

KLUTTZ: Uh and we left there about 1 o'clock and decide...we decided to go to... well... I say we, Agent Shoaf, we decided to go to uh... Agent, Logan...he's a ASAC uh we decided to go to Tropix at that point uh and yall know from Independence, we had to drive from Independence the whole way to North Tryon so I got lost like twice I started going the roads I know I'm like ah man this... this ain't the right place I need to go. Uh...uh we sent uh Jason Williams, he's a SRT guy, we sent him home since he was from Fayetteville so that's a two hour drive at least for him so we went ahead and cut him loose uh he went to the house and rest of us, myself ...myself, Logan, Monty, Brad, Torgow... If you need first names let me know. I'm only calling 'em on what I call 'em. Uh Torgow and Parker went to Tropix. Uh at that point uh I think they did...we had district agents do a ride by of the location and they pushed out intel that they could smell weed from North Tryon from the...I mean it was just bellowing out of Tropix, the odor of marijuana and the cloud of marijuana smoke was billowing out. Uh we were given that intel, we show up at Tropix and at that point we just kind a park cause we always do ...we just don't rush in no where uh we always park and kind a do an outlet observation, do an observation of kind a what's going on with the premise, the comings and goings uh we watched security because, ya know, ultimately we try to ya know civilly violate the business and, ya know, to help do that we gotta be able to prove knowingly and be able to prove the facts that yeah they ...just because they had security guards doesn't mean that they were patting people down, searching purses...checking waistbands, checking pockets ya know...making sure that they were doing what they need to do for...for Tropix.

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B. Sinnott: If you don't mind um maybe you could show me where ...when you got to Tropix where you were actually doing surveillance at...

KLUTTZ: Right.

<Talkover - inaudible>

KLUTTZ: Uh we started...yeah. We started kind a just moving around because the parking lot at Tropix was full like...

B. Sinnott: Okay.

KLUTTZ: ...like they were...they were in there tighter than a tick, so there was no where really to park in here...

B. Sinnott: Uh huh.

KLUTTZ: ...so I came to here at one point and drove through and the only people we saw out were like three...three people hanging flyers on cars uh so I drove around and I <Inaudible>...you couldn't see back here so I ended up...there's a entrance, exit right here...

B. Sinnott: Uh huh.

KLUTTZ: ...I ended up parking to the side here of the enter, exit so I could see the front door of Tropix here.

B. Sinnott: Okay. And if you don't mind just initial where you drew...drew your car.

KLUTTZ: Yeah I end up moving up though so...

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B. Sinnott: Okay that's fine. So you initially start there? I know...for whatever reason, on this paper, this printer paper like it's um...

KLUTTZ: Yeah.

B. Sinnott: ...<Talkover - inaudible>...tough to write on.

KLUTTZ: <Talkover - inaudible>

B. Sinnott: Okay that's fine.

KLUTTZ: So....

B. Sinnott: This is <Inaudible>...your...your mark so then you're looking at the front door.

KLUTTZ: Right.

B. Sinnott: Okay and then...

KLUTTZ: Uh during this, again, we observed like nobody sitting in cars which is just...it's unusual I mean highly unusual because clubs that ... you're gonna drink and smoke your dope in the cars, you're gonna do your dope deals for the most part, you're gonna do 'em in the cars. The good clubs they're not gonna let ya carry stuff in, they gonna be pretty strict at the door. This...this scenario was everybody that was there was inside the club which is ...it's...it's not unheard of but it's very uncommon to have every patron inside the club especially this place, this place is very small it's not very big uh so I just see a...a large, he's like a 6'4, 6'3 bouncer, heavy...heavy...heavier set fella. I saw him kind a walking around the front door, I wanna say he <Inaudible>... bald head maybe.

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B. Sinnott: Was he black, white, Hispanic?

KLUTTZ: I think I might a said he's a white guy but he could a been a light skinned fella.

B. Sinnott: <Inaudible>

KLUTTZ: Uh. I'm not <Inaudible>... he's...he's probably the only bouncer in there that was like 6'4, 300 pound I mean he was a big boy.

B. Sinnott: Uh huh.

KLUTTZ: Um had black shirt on I think, black jeans and he was working the door and couple females walked up to him... yeah I mean he's working the door right here and he's just literally standing right here in front of the door.

B. Sinnott: Okay.

KLUTTZ: Uh maybe two or three uh females came up to him he...ya know, half ass did whatever he wanted to do and...and let 'em inside.

B. Sinnott: Okay.

KLUTTZ: Uh at that point I...ya know we was talking about calling <Inaudible> at that point we're trying to make a decision on uh entering into the establishment to do a...an ABC inspection to enter...enter into the establishment cause we didn't really wanna wait till after 2 <Inaudible>...just been little bit more difficult. Uh so we're talking about that and we decide to go and make entry into the establishment

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cause we could also smell the odor of marijuana and see the smoke coming out a the damn... establishment.

B. Sinnott: Uh huh.

KLUTTZ: So we decided that we're...we're gonna go in there and we already knew that there was gonna be violations occurring which would be chapter 90, all kind a chapter 90 violations uh controlled substance, I know yall know what chapter 90 is but...

B. Sinnott: <Inaudible>

KLUTTZ: ...controlled substance violations.

B. Sinnott: Alright so you make the decision to go in, who...and who ultimately make...makes that decision?

KLUTTZ: Uh well I guess our ASAC does.

B. Sinnott: Okay.

KLUTTZ: I mean... hey we're gonna go in, alright that's okay that's a good idea...

Overman: Collectively you decided to go in.

B. Sinnott: Yeah.

KLUTTZ: Right ya know so... uh we decided...we called for district assistance before going in and they were in the University area, we called for them for assistance to go in because we're all out a district guys...

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B. Sinnott: <Inaudible>

KLUTTZ: ...and a gal, we're all out a district so we wanted uh... a district person to be with us to be able to handle... we will do supplements to their... to their report but we wanted them to be able to handle the main, the civil violation side of it and we would just do supplements to...to that so we wouldn't have to be...keep driving back to interview him or him or, ya know, so forth so...we waited for a minute or two or three, at this point it seemed like we waited forever but uh we decided hey we're gonna go ahead and go in because we started people come...we started observed people to come out and again we didn't want the parking lot full of people uh... It...it just is what it is, we was worried about shots fired, we was worried about... especially with the intel we already had and especially with this. I'm familiar with...with this location I'm familiar with all the ...the Hidden Valley guys on the back side of this place. I... I told Logan, ya know, we needed to go in and be present inside and maybe that would deter outward shots fired called for you guys having to come down, when I say you guys I mean CMPD come down there. Uh...

Laughrun: You guys dress Chris?

KLUTTZ: We're dressed, we're fully tacted up we have our uh...me and Logan had our SRT plate carriers on that reads Police on the front and then on back it has I think Police, ALE Special Agent on the back of it and we were overt which means we wasn't covered up we had our guns out, we had our magazines uh I think most...me and I think maybe...I...I can't say for sure what Logan had on but I had my duty belt on, my uh... high speed gear duty belt which consists of a drop holster, two magazines, AR mag, handcuffs, a drop pouch. Uh Monty had on a uh ballistic outer carrier that said Police it was I think green with big a uh black patch with white lettering on it that said Police on

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the front and he also had I believe... I'm not... I'm not real sure cause I don't ever look at the back of the Police. You want me to speculate or do you just want me to...

B. Sinnott: No that's <Inaudible>...

KLUTTZ: Right.

B. Sinnott: And...and really I'm just more concerned about...

KLUTTZ: Right.

B. Sinnott: ...basically what you had on...

KLUTTZ: Right.

B. Sinnott: ...as well and...and obviously you described some... <Inaudible>...some other people had on too as well...

KLUTTZ: Right.

B. Sinnott: ...like plate carriers <Talkover - inaudible>

KLUTTZ: We're...we're all tacted up, yeah we're all overt...overt, hey we're the Police uh that there's no questioning about it um...

Overman: What kind...what kind a shirt, you're wearing a vest <Talkover - inaudible>

KLUTTZ: Right.

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Overman: ...say's Police and...and Police on the back, what kind a shirt are you wearing underneath?

KLUTTZ: I think...I sweat a lot so I probably had like a... a...loose Dri fit shirt on or something like that so and I had uh...we had uh...I had my 200 dollar pair a pants that I had to buy <Inaudible>...yall got, I don't want 'em back but yall got my pants.

B. Sinnott: Oh.

KLUTTZ: Uh...

Overman: <Talkover - inaudible>

KLUTTZ: 511 uh they were True Spec, the 24/7 series Expedition series 511 pants they were brown and I wanna... we had to dress up, our team tends to dress more Police with 511's uh a collared shirt ya know. If it's hot like this we're allowed to wear uh a dry shirt or a cool shirt, cool fitting shirt or something under our vest uh... The reason I know we were dressed up appropriately because our boss, our branch head was at our briefing that day so we all, ya know, made sure we had our cars washed and ya know we were dressed to the tee but that...that night we had our... I don't...again, I had on my 24/7, True Spec Expeditionary pants that looked like 511's.

B. Sinnott: What color was your uh...your Dri fit shirt, do you remember?

KLUTTZ: I don't remember.

B. Sinnott: Okay, what about your pants?

KLUTTZ: Uh brown, I remember that they were brown.

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B. Sinnott: Um did you display...do you have... <Talkover - inaudible>

KLUTTZ: I had my neck badge on and I had it in my vest.

B. Sinnott: Okay so it was actually...

KLUTTZ: <Talkover - inaudible>

B. Sinnott: ...inside your vest? Okay.

KLUTTZ: Yeah.

B. Sinnott: Do you normally carry uh...carry it there...

KLUTTZ: Uh huh.

B. Sinnott: ...inside your vest? Okay.

KLUTTZ: Yeah. Especially doing enforcement like that, I don't put it on my belt because I'm afraid it'll fall off or it doesn't fit very good on the high speed gear stuff...

B. Sinnott: <Talkover - inaudible>

KLUTTZ: ...kind a have to...I'm fat too so my belly pushes it out and works it out so...but I have it, I carry it inside my...

B. Sinnott: Okay.

Laughrun: You guys don't have body worn cameras, correct?

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KLUTTZ: We do not.

B. Sinnott: No body worn cameras? <Inaudible>...has there ever been any talks about you guys even getting those.

KLUTTZ: We ain't gonna do 'em.

B. Sinnott: <Inaudible>

KLUTTZ: Because it's so much civil liability to it, because we go into these private establishments...

B. Sinnott: <Inaudible>

KLUTTZ: ...like strip clubs and stuff.

B. Sinnott: Yeah.

KLUTTZ: So there's so much...

B. Sinnott: <Talkover - inaudible>...make sense.

KLUTTZ: I mean it could be like yall's VCAT guys where if you make like a traffic stop or something and they could probably do that but we're partnered with patrol, patrol ain't gonna wear body cameras...they'll...they'll cut the cameras on the car but they won't wear body cameras.

B. Sinnott: <Inaudible>

KLUTTZ: So...so public safety in a whole won't...if one goes to it it's kind a...why won't everybody else go to it scenario...

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B. Sinnott: Uh huh.

KLUTTZ: ...so we won't... I say that, who knows, they might get 'em tomorrow.

B. Sinnott: Um...so that point I know what um...and we kind a veered off from that, um you guys made the decision to go in, where... at that point, when you're <Inaudible>...do you approach a business?

KLUTTZ: We ...we made decision to go in uh people start coming out...

B. Sinnott: <Inaudible>

KLUTTZ: Yeah.

B. Sinnott: <Talkover - inaudible>...parking lot, here's Tropix right here.

KLUTTZ: We start coming out... this is where I originally was...

B. Sinnott: Okay.

KLUTTZ: ...right here on North Tryon side, I was originally here on North Tryon side and I'm not really sure where...where Logan and Monty was but I knew they were on the street , there was parking...they had parked all up and down that street uh...

B. Sinnott: Okay.

KLUTTZ: ...the patrons have and they...I knew they were over there so I moved from here ... Do you want me to draw an arrow where...

B. Sinnott: Yeah put...yeah.

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KLUTTZ: Yeah. It ain't gonna work probably but I essentially drove from here to ...to here where I parked here.

B. Sinnott: Okay.

KLUTTZ: I parked my vehicle here and I'm not sure where Logan and them were. Uh I know Brad was in our platform and I think he might a been...

B. Sinnott: When you say platform...

KLUTTZ: Our surveillance van...

B. Sinnott: Okay.

KLUTTZ: ...so uh I think he might a been here, parked here. We sent two others uh Leslie Torgow and Darryl Parker we sent 'em to the back here cause there's...I don't think there's a gate there now anymore but either way they could...they could see and observe the back so we had two more back here, we had Brad here, I was here... not sure were Logan and Monty were. Good to go?

B. Sinnott: Yeah.

KLUTTZ: Not sure where they were but they beat me out a the car so I came out and come around here and... Here's the thing, I'll tell you this they're like ah man you'll remember more as it goes on, I remember the exact same now as I remember when I gave my IA statement Saturday night I mean <Inaudible>...ah <Inaudible>...remember more. I...I don't. Uh they started walking, they were...it's hard because it's not this big in real life it's a tight ...it's tight up in there. Uh

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we get out and start walking but when we get out and start walking this is... I view very important I'm not, ya know...we get out start walking the crowd immediately starts calling us out as Po Po, Po Po, Po Po...going whoop, whoop, whoop, whoop, whoop...start calling us out to everybody in the parking lot that was out there. And again, like I said, they...they were people starting to come out at that point and they were...they were...they... soon as we got out a the car they were calling us out right away.

B. Sinnott: Okay so at that point, obviously <Inaudible>...people here, ya know, Po Po people start...ya know...<Talkover - inaudible>

KLUTTZ: <Talkover - inaudible>...which is fine I mean...

B. Sinnott: <Inaudible>...started straightening up...

KLUTTZ: Yeah.

B. Sinnott: ...so at that point then what happens?

KLUTTZ: Uh we're walking and I'm not gonna draw on this again <Talkover - inaudible>

B. Sinnott: That's fine.

KLUTTZ: Uh...

Laughrun: <Inaudible>

KLUTTZ: I...I just don't wanna <Inaudible>... I'm... The relative space of it I don't feel comfortable, it's tight in there.

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B. Sinnott: That's fine.

KLUTTZ: Uh we start... they're... Logan and Monty are in front of me and I'm walking down the... the road here ya know walking with 'em and this... the bouncer that I observed, the 6'4 guy I... he came to me and he goes are you the Police? And I'm thinking... I kind a just... it's typical but we get that like <Inaudible>... ya know, what are yall doing? He goes are you the Police and I kind a just... I... I brush him off a little bit because I'm trying to get to Logan and Monty to try to get cause all three of us need to be ... to push into the ... the establishment cause they were crowded and there were people starting to come out and I kind a ignore him and he goes hey I'm calling 911 and I look at him I say I'm the Police and by that time I look in the... I never really lose contact with the door because that's where Logan and Monty are and at that time people started coming out rapidly, they're not pushing people down but they're beating feet out a the club and I'm like alright there's a fight inside or something, well then out a the corner of my eye I see I think a light skinned black male with no hair or short hair, he comes out and he starts saying he's got a gun, he's got a gun... he... that guy right there, he's got a gun, he's gonna kill everybody. You ain't gonna shoot up nobody in my club... you ain't gonna shoot nobody <Inaudible>... you ain't gonna kill us... he's got a gun! And I'm thinking this is what we was trying to avoid of having the parking lot full of people so Monty and Logan are probably couple a feet, maybe five feet in front of me and they move from walking to the door to start walking down the... the front row here...

B. Sinnott: Uh huh.

KLUTTZ: ...and there's car, again, there's cars lined up and there's some cars parked where there ain't no parking spot but there's car line up and I look down and I see a black male walking down this aisle and Monty

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and Logan are walking down this aisle and the guys like...the description he gave is like...like a red hat, he's got like that guy right there he's got like a red hat, he's got like a red hat and he gave a shirt color not real sure of the...the shirt color but he gave a description of the guy. Well we...when we were walking the guy, the guy that was yelling he's got a gun he's gonna kill everybody, he's gonna shoot everybody, ya know was pointing and he was the only guy that he was pointing at walking down that...that aisle.

B. Sinnott: And uh you say uh you have a hard time describing what that guy looked like or what he was wearing?

KLUTTZ: That guy...yeah I know he had a hat on because...

B. Sinnott: Do you know ...what color?

KLUTTZ: I don't...

B. Sinnott: Okay.

KLUTTZ: ...remember.

B. Sinnott: But you remember a hat?

KLUTTZ: I remember a hat specifically because of this. We're walking down we're like hey man hey, hey, hey we're the Police, hey we're the Police... and he...he looks at us, we were like hey, stop come here, come here and he looks at us and I don't...I...I've had to articulate this a whole bunch and I just don't know how to articulate it; he turns and like just like he...I don't...he didn't say fuck off but kind a the like whatever ya know...fuck off, get away from me...

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B. Sinnott: Uh huh.

KLUTTZ: ...and at one point he takes his hat off his head and kind a, ya know, like...ya know, flings his arm and...and his... doesn't fling his hat but just kind a holds his hat and like ya know whatever.

B. Sinnott: <Talkover - inaudible>...um so before uh before we get any further in that can you describe him in terms of not what he was wearing but like...

KLUTTZ: <Talkover - inaudible>

B. Sinnott: ...in terms of his appearance?

KLUTTZ: He was a bigger fella uh darker skin black male bigger fella uh ...

B. Sinnott: Uh when you...when you say bigger fella is that like height, weight like...

KLUTTZ: Yeah I mean if I recall he...he was athletic probably more athletic than...than anything, kind of a...

B. Sinnott: How tall you think he was?

KLUTTZ: Man, I don't know.

B. Sinnott: <Talkover - inaudible>

KLUTTZ: 6'1 maybe I think. He was my height maybe a little bit taller than me and I'm 6'1.

B. Sinnott: Okay.

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KLUTTZ: Uh he seemed like he was nine foot tall when he got out a the car...

B. Sinnott: <Inaudible>

KLUTTZ: ...if that makes any sense. Uh...

B. Sinnott: He was about 6'1 and so are you saying things to him or is it
<Talkover - inaudible>

KLUTTZ: Nah yeah we're all...hey stop ya know we're...we're all trying to get this guy because if he's getting a gun we don't wanna get to the car because he'd probably have the gun in the car so we're trying to, ya know, engage him say hey come talk to us...

B. Sinnott: So at that point let's just say you guys were originally at the front door and then <Talkover - inaudible>

KLUTTZ: We never made it to the front door.

B. Sinnott: Okay so <Inaudible>...

KLUTTZ: <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>...here in the parking lot <Inaudible>

KLUTTZ: Yeah we were like right here in front of these cars right here.

B. Sinnott: Okay.

KLUTTZ: And he was walking down this...the front of the uh strip mall here, he was walking down the front of the strip mall here.

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B. Sinnott: Okay so he wasn't in...like on that <Inaudible>...

KLUTTZ: Nah.

B. Sinnott: ...sidewalk...

KLUTTZ: <Inaudible>

B. Sinnott: ...piece right there? Okay so he's actually in the parking lot and he's walking and you're giving commands for him to <Inaudible> What are your commands that you're giving him?

KLUTTZ: Just hey come here, Police come here...ya know scenario wanting to talk to him because the guys saying he's got a gun he's gonna kill everybody he's gonna shoot everybody and you ain't gonna do that in my club ya know I mean he was...dude he was... I take it that he was the permittee owner because he kept referencing to my club, my club.

B. Sinnott: Uh as he's walking...as that gentleman's walking away um do you see anything uh in his waistband, in his hands <Talkover - inaudible>

KLUTTZ: <Inaudible>...you talking about details that ...nah I mean I...I...I didn't I just <Inaudible>... Whenever you get that fuck off ya know I mean...

B. Sinnott: Uh huh.

KLUTTZ: ...I'm already starting to trying to control my breathing, I'm already starting to get into tunnel vision of trying to, ya know, keep my ...keep my 360 ya know I'm already trying to get that cause we already know going in we're on a high yellow going in because we already knew... I knew the reputation of the club, I've been in fights at that club uh

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they've refused access to CMPD-ABC at that club ya know like and you can't do that to ABC or ALE. They've refused access to 'em so coming in I can't speak, I don't... I'm already coming in on a high yellow at this point because of just the people that are there, the... the Trey nines, I'm familiar with the Trey nines. Uh the roundup, we participate in the round up with uh the FBI and you guys and bout every other agency.

B. Sinnott: So when you're talking bout in... in terms of people that...

KLUTTZ: Yeah.

B. Sinnott: <Inaudible>... have a whole lot a tactical ya know skills or... or knowledge, high yellow means?

KLUTTZ: Hey yel... that means, high yellow means I'm on alert I'm... I'm trying to ya know... I... I'm high... I'm on alert, I'm... I'm very cautious I'm... I'm looking around watching people's hands, watching people. Uh I'm trying to observe behavior of other people especially that are outside of my peripheral, ya know, are they... ya know... how's my presence affecting them as far as are they jumping in the cars, are they... ya know... are they... ya know what are they doing uh... Trying to do a 360 in my back uh... I've been hit with beer bottles before and this is not even inside the club ya know so I'm high yellow coming in on... I... I'm being cautious, I'm being very alert uh... fearful.

B. Sinnott: <Inaudible>

KLUTTZ: Fuckin what Police likes to say that but I'm already going in and... and ya know I'm already going in cause <Inaudible>... we've already discussed we don't want a bunch of people in the parking lot, we wanna deter that because if sitting... sitting idle in a parking lot and

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you're high and drunk that's bad combination for all kinds a stuff so uh...again, no...no Police likes to say fearful but coming in at a high yellow uh just because the reputation of the Trey nines which is the Blood set just...it was the perfect storm at that club I mean if they just had a lot a...had a lot a bad things going on. Smoking weed to the point that it was billowing out ya know plus they sell alcohol ya know people are drinking in there then you add uh pretty women involved yall <Inaudible>...can't imagine what <Inaudible>...uh it's...it's a perfect storm inside that club so I'm coming in on a high yellow, very cautious of the environment of...of what's going on uh...

B. Sinnott: Okay.

KLUTTZ: Him walking I...I...I didn't see anything in his waistband uh he had in his hands his hat at one point. Uh...

Overman: Kind a shrugging you off?

KLUTTZ: Yeah shrugging us off absolutely.

Overman: <Inaudible>

KLUTTZ: Shrugging us off uh I'm trying not to put it in words what he felt cause I don't...fuck I don't...I...I...feel pretty strongly how he felt but shrugging us off, even to the point physically taking the object off his head to ya know produce a barrier of a hat to try to...you...you're not talking I'm not...no. Uh I...I didn't see anything as far as in his waist or... Only thing I saw in his hands was ...was his hat at one point then put the hat back on his head.

B. Sinnott: So at that point puts his hat back on <Inaudible>...is he still walking <Talkover - inaudible>

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KLUTTZ: Yeah and ...and it's one a those things where we're trying to close the gap on him and <Inaudible>...ya know the old cartoons where like I'm chasing you but I'm not running and you're not running but we're hurrying away and I'm hurrying to you, it's to that point where we're trying to close the distance to him to absolutely prevent him from getting into the car. I'm trying to close the distance to him, I can't. It's hard not to speak for somebody else.

B. Sinnott: <Inaudible>

KLUTTZ: I'm trying to close the distance <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>

KLUTTZ: ...Logan and Monty are trying to close the distance because I'm not catching them so I know they were trying to close the distance.

B. Sinnott: And the reason why you're trying to close the distance and get to 'em quickly, can you just <Talkover - inaudible>

KLUTTZ: Yeah absolutely because he was identified as a person that had a gun or was getting a gun and he was stated that he was gonna kill people and harm people and I mean just the whole...it... He was...he was a threat at that point because he was identified as someone that had a gun or is getting a gun and statements were made that he was gonna kill people.

B. Sinnott: Okay.

KLUTTZ: So...uh...so with those statements there we absolutely were trying to uh...<Inaudible> we're trying to detain this person...

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B. Sinnott: Uh huh.

KLUTTZ: ...absolutely trying to detain this person to figure out why would somebody say you're gonna kill people, you got a gun or you're getting a gun, what's the deal?

B. Sinnott: Okay um so he's walking and then uh he...and I'm guessing from what I was told, from other accounts, that he's walking to his car?

KLUTTZ: He is.

B. Sinnott: Okay and where...

KLUTTZ: He's walking that way <Inaudible>...it's evident once we kind a all get there that he was getting into his car, he was rounding a car...

B. Sinnott: Okay.

KLUTTZ: ...and the only, before you even ask, the only thing I remember about the car I think it was a white four door car.

B. Sinnott: Okay.

KLUTTZ: That's about all I can remember.

Overman: You say he gets in the...he does get in the car?

KLUTTZ: Yeah man he's...he's coming around Logan gets to the passenger side and Monty and I, Monty's in front of me and I'm behind Monty because I'm the one that's gonna go hands on with this guy. Uh that was not predetermined or whatnot that's just...we worked together

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and yall've been with people, yall've worked together so long it just...yall know the roles of everybody. Uh...as we were coming around the front...as we were coming around the front hood of the car he was getting into the car so it wasn't like he got into the car and sat there and then we got in the car it... he was coming around and he was getting into the car as we were coming to the front hood of the car and as soon as he got into...stop me <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>...so in terms of coming...so you guys actually came in front of the car, you follow basically the same path of...of...

KLUTTZ: Absolutely.

B. Sinnott: Okay so you follow the same path of uh ...of that...of that gentleman. In terms of positioning...

KLUTTZ: For the record, what do I call him <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>

KLUTTZ: I mean I don't know what... I don't even know his name so...

<Talkover - inaudible>

KLUTTZ: Suspect?

B. Sinnott: Yeah suspect, Janvier his last name was Janvier.

KLUTTZ: Okay.

B. Sinnott: Um so Mr. Janvier he...he gets in you follow that same path as him um, in terms of your guy...you and Agent Dugger's positioning um

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cause just from my observation, it sounds like you guys were ...were you guys in a line were you staggered, were ya... can you kind a describe <Talkover - inaudible>

KLUTTZ: We...I was behind him...

B. Sinnott: Okay.

KLUTTZ: ...so we were coming around the car and he was getting into the car and he was front facing the car and I was behind him...

B. Sinnott: Okay.

KLUTTZ: ...to come around because we were gonna work to the driver's side and at that point I was gonna go hands on and I'm pretty sure Monty, at that time, had his handgun out and maybe like an asp I think he had out...

B. Sinnott: Uh huh.

KLUTTZ: ...and we were trying to get to that... essentially we were like, at that point, I was like...fuck, now he's in the car, now they're absolutely if...ya know, what the statements are, he's got a gun, he's getting a gun...fuckin now that guns in play at this point if...if...if that's what this, ya know, if that's what it is I'm... so I'm like fuck. So we're coming around and we...we're coming around and he's...he's getting in, he's in the car and at this point say you're the...the suspect... I done forgot what the hell you just called him. You're the...the driver, we're on this side and...on this side of you...

B. Sinnott: So the passenger side of the...<Talkover - inaudible>

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KLUTTZ: In the middle of it, right, would be the center console of the vehicle.

B. Sinnott: Okay.

KLUTTZ: Uh we're coming around and now you're in it and at that point uh the driver took off and caught Monty right at knee level and buckled, not buckled, but hyper extended Monty's knees backward and it hit him so hard that it hyper extended backward and it kind a... it pinned him on his lower and it just slammed him down to the front of the front hood of the uh vehicle.

B. Sinnott: So the driver accelerated the vehicle into...

KLUTTZ: He did... he did.

B. Sinnott: ...Agent Dugger?

KLUTTZ: He did.

B. Sinnott: And I know this may sound like a... a really...

KLUTTZ: <Talkover - inaudible>

B. Sinnott: ...like simple question <Talkover - inaudible>

KLUTTZ: <Talkover - inaudible>...none of 'em been simple man, go ahead.

B. Sinnott: In terms of...how do you know that he accelerated, I mean how do you know that he just didn't fall like under the hood like how do you know he accelerated the vehicle?

KLUTTZ: Because it hit him in the knees and it buckled his knees.

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B. Sinnott: Okay.

KLUTTZ: <Inaudible>...buckle...buckle means fall but yeah hyper extended his knees backward so it...he didn't just, ya know, bump into him or...or...ya know, bump into him get out a the way it hit him hard enough that it hyper extended his knees and it bent ...and it bent Monty like <Inaudible>...bent him over the hood uh...

Overman: You saw the vehicle move, did you hear anything that was... <Inaudible> engine or you saw the vehicle actually moving?

KLUTTZ: Right I saw the vehicle moving.

B. Sinnott: What about headlights, were headlights on?

KLUTTZ: Brothers man, I love yall to death man...

B. Sinnott: <Talkover - inaudible>

KLUTTZ: ...I do. I can tell ya how long the damn arterial spray was but for the life of me even with Mr. Laughrun and ...and with my IA stuff I can't fuckin tell ya for the life the... I have no cl...I'm not... dude, I'm watching Monty bent over and that dudes in the driver's seat and that's what I'm...that's what I'm saying <Inaudible>...I wish I could give you more detail about but I... I...

B. Sinnott: No that's...nah I mean it...it is very descriptive and <Inaudible> I mean <Inaudible>...you're involved in this incident, definitely understand that you're gonna forget things or...or certain things aren't gonna, ya know, at that time, they aren't gonna matter to you or ya know...

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KLUTTZ: Right.

B. Sinnott: ...from other things so I get it so...no need to apologize for that um...so you...so you witnessed uh the driver drive his veh...accelerate his vehicle...

KLUTTZ: Right.

B. Sinnott: ...into Agent Dugger...

KLUTTZ: <Talkover - inaudible>

B. Sinnott: ...and then that his...you saw actually his knees buckle?

KLUTTZ: Yeah because it...it hit him and it buckled it... Buckles not right man, buckle means that he...he...he...to me, buckle means he fell down and like he <Inaudible> ya know collapsed. <Inaudible>...hyper extended his knees backwards to where it would slingshot, ya know, if somebody would hit ya in the knees... I...I played football, it's like you get cut...

B. Sinnott: Uh huh.

KLUTTZ: ...and you're...these are buckled back and you're trying to...and you're slammed down on top of the guy so <Inaudible>...I mean he was hit and it like hyper extended his knees backwards.

Overman: Forces him onto the hood?

KLUTTZ: Right forces him onto the hood.

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Overman: Right, then what?

KLUTTZ: Uh once that happened again and ...and <Inaudible>...he's there and then like the guy either steps on it again or punches it again but then the...or traction caught but then it like hit him...it didn't hit him again but it pushed even harder because it pushed him so hard that it started to flail Monty back off the hood like... And Monty wasn't...Monty slammed into the hood and...I mean it was all like this in a second and it caught traction or took off again and then it like pushed Monty backwards and I think while it was pushing him backwards that's when I heard a...a faint pop.

Overman: You hear...you hear a faint what?

KLUTTZ: Pop. I hear...I...hear a gunshot go off but it's... it's not like you're at the range, yall know this, it's not like you at the range and...it's loud and everything it was a...it was a pop so...

B. Sinnott: Uh so you...so kind a like that...that second phase or that...that second movement in terms of the vehicle you said that was starting to push...actually push him back?

KLUTTZ: Yeah.

B. Sinnott: Um...you say it pushed him, Agent Dugger, back...

KLUTTZ: And the...the reason I know this because I was behind him and it pushed him back so hard he backed into me like it threw him off the car and he backed into me.

B. Sinnott: Okay.

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KLUTTZ: So uh...and at that point I... I don't know if I grabbed him and pulled him to the driver's side or we moved to the driver's side, not sure how we got to the driver's side but me and Monty ended up to ...I wanna say I grabbed him. The second...once Monty was hit I'm like this guy's gonna try to run us over then when it...like the car went again I was like fuckin he...he ain't trying, he...he is gonna run us over uh... Monty saved me at that point because <Inaudible>...I've been Police and I've been doing...I've been with you guys in some really bad shit on North Tryon side and you know when somebody has the intent and right there, right then, I was like fuck...he's gonna run us over and he's gonna kill us because it wasn't... it wasn't the hey get out a the way I'm gonna try to get away, it was fuckin I hit him and he's still on the hood of my car, I need to finish this and the second push uh...I...Monty saved me when he took that dudes life because he...that guy had all intent to fuckin run me and him slap dab over to get out a that parking lot. Uh so...I...I grab Monty or...or pulled Monty and we ended up on the driver's side maybe the quarter panel, the front quarter panel driver's side, driver door <Inaudible>...the...the hinge, uh... we ended up there. Hey I'm pretty good, I used to cry during this I ain't cried in like fuckin...two days. <Inaudible>...

B. Sinnott: <Inaudible>

KLUTTZ: <Inaudible>

B. Sinnott: Um so what... and I know you mentioned this, what do you think...and I know you <Inaudible>...you're not a mind reader, what do you think the driver's intention was?

KLUTTZ: He was gonna fuckin kill us, he was gonna run us slap the fuck over to get away.

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B. Sinnott: Did he say anything to you <Talkover - inaudible>

KLUTTZ: No I...I didn't hear anything he could a been yelling fuckin whatever, I didn't hear anything but uh in my experience, no my training, in my experience which I've been in multiple critical incidents and when...you know fight or flights in place with a individual you're encountering and they shrug you off and then take a hat and shrug you off and they're not running fleeing to get away...my experience is that ten out a ten times that it's gonna... it...it...that there's gonna be...the...the...the guys not gonna be cooperative and in this case when he hit Monty the first time then the second...the second push on Monty I'm like this...this guy is gonna fuckin run us slap over I mean absolutely this guy's gonna fuckin run us over and Monty fired that shot on the second...on the second hit or push, Monty fired that shot and then we pulled him to the side...I pulled Monty or...he said I pulled him man I... either way we ended up on that side and we're like get out a the car, get out a the car...<Inaudible>... Dude... I'm trying to choose my words carefully, uh...this young man, individual, person, suspect, however you want to...the deceased, I...I don't...he opens the car and is like "Fuck you! Fuck you your mother fuckers you shot me in my fuckin neck...fuck you!" And he gets out a the car and while he's doing this his first arterial spray was when he...was in the driver's seat, he opened the door and was fuck you you mother fuckers, fuck you, you shot me in my fuckin neck... he steps and soon as that left foot hits the ground his hands are up at his chest at this point, not in defensive posture, not to grab his wound, it was a offensive...his...he had his hands open, he had an offensive...to me, what we would be in uh the spear technique, a offensive combative body posture and he came out and he started ...fuck you, you fuckin shot me in my neck, fuck you...he did not try to treat himself, he did not do anything, he didn't ask for EMS he...he didn't ask for help he came out a that car...fuck you and...and soon as he took that left foot and planted I...I

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observed the first arterial spray which is probably about a foot long. Uh he gets out of the car and I think Monty still had his gun out and my IA has absolutely wore me out about this, I think... I might have had my gun out I think if I didn't I'm fuckin a shitty Police officer and I should be fired if I didn't have my gun out at that point uh because originally I knew I was gonna be the hands on guy... I'm sorry about cussing too, I apologize, uh... I knew coming around that I was gonna be the hands on guy like somebody just can't all be guns out ya know somebody's gonna have to, at some point, put hands on this guy. Uh... so at that point, I don't know if I had my gun out or not we're giving him commands, get on the ground, get on the ground, he's like fuck you... you fuckin shot me in my neck, fuck you... and he's, again, <Inaudible>... he's not even self preservation of... of trying to figure out what's going on with him, he gets out of the car, he stands up, he says a couple more fuck you's... there's a car beside us I think and he slumps and hits the side of the car and slides down to the car and once he hits the car and slides down there's no more verbal... he has no more verbal ... he's not speaking at that point. Uh... hits the car and slumps down in the car uh...

B. Sinnott: And this is the car that's next to this vehicle?

KLUTTZ: <Talkover - inaudible>... yeah the... like if you're facing me in your car or you're the driver it would be the next car over so I think he got out and I think he... I'm pretty sure man he hit that car and slumped over because once I put my PPE's on uh...

B. Sinnott: Your PPE's?

KLUTTZ: My personal protective equipment.

B. Sinnott: Okay.

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KLUTTZ:

I...and Logan provided that out of...out of his uh... our trauma kits we carry on our play carriers, uh I put my gloves on and when I grabbed him I'm...I'm almost pos...he hit the car and slid down cause when I grabbed him he was right there at that front bumper of that car. Uh I grabbed and I pulled, when I pulled I slipped off of him and then again I'm thinking...this...this dude is...we're in trouble because if he's bled that much where I can't grab him that they...we...we're...there's big issues. Uh and the reason I...I've been to a lot of... <Inaudible> medicine uh medical...medical assist, medical issues, tourniquet classes, SRT <Inaudible>...ya know we train with Medics out a Bragg and...and we went to Durham and learned how to pack...pack uh arterial bleeds and how to try to essentially stick our hand in and... and at least try to grab the carotid or the femoral or the brachial, grab it and try to pinch it off uh with dummy limbs and stuff through Durham Medic uh...so either way I grab him, I slip, I grabbed my... I roll him over...I roll him over and I start doing my uh head to toe sweep. Uh I start with head I start working down and I mean I already knew he had...he had a wound somewhere in the neck uh start working down to it and I get there I see a massive amount of blood, I...I try to wipe blood off. Yall tell me I...it...he...he's laying down here and I wanna say it was on this...the right side, I think he had a entry wound and it would be... I was a PE major, I've took Anatomy and Phys and I...I'm...I'm pretty familiar with the body and I know we're all different but the...the entry wound would look more ...look...where the carotid would be so immediately with the spray, with continuous spray the amount of blood with the anatomy uh either way. I do that I... I find the wound I wipe blood off, I immediately ask for uh packs and I had the Med kit, I start looking through it I found out...well I put my finger in the hole to try to apply pressure and I put my finger in the hole and then I'm getting the...the Med kit and I get a uh...what we would call a triangle bandage, uh...essentially it's a ACE bandage with gauze in

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the middle of it type scenario. Uh I couldn't open it cause I couldn't leave pressure off the wound. I gave it to Monty...the...I gave it to Monty and Monty man he's whoo... I'm like hey bro, we got business still man, ya know, we got business here. He opens it up... I get upset for Monty dude, that's why I get upset and I know <Inaudible>...you a pussy <Inaudible>...it ain't that dude, I get upset for Monty man uh... So Monty opens it up, I take the bandage I put it there and I ...I can't find packs, when I say packs I can't find...we have uh packing gauze and I don't know if Logan had any in his kit or not I couldn't find 'em so I just started taking the...the cotton off the ACE bandage and trying to start pushing it into the ... the arterial bleed. Uh...at this point I don't know if I'm like a really good ditch medicine guy and I saved this guy's life because there's no more blood coming out at this point. Uh I...I start observing him...try to feel a pulse but that was kind a useless on my point cause I was so jacked up and my... I was feeling pulse through my pads. Uh I start watching eye movement uh start watching blinking and...and...the...just the eyes. Uh I'm still applying pressure, applying pressure, at this time when this is going on man it... it goes...it's goes <Inaudible>...I mean it's already went bad but it went from bad to stupid at this point because at this point I'm over him, I'm treating...working on him, Monty's with me trying to get the flashlight ya know trying to, ya know, Monty's trying to do what he can do to help...Logan's on the phone making phone calls trying to push people back. There's one dude in particular that was like...yo man <Inaudible>...you fuckin pigs, you fuckin son of a bitches, fuck you man...and he had his phone, I mean he was literally within our circle like this is us right here, he was literally within our circle and we kept having to push him back, people...the patrols started coming out like fuck you you mother fuckers, you white cops, fuck you... and ya know the threat... we already had a life threatening situation but it's still maintained all the way till we got help there because the crowd kept coming up on us... he ain't giving him fuckin CPR... dude... they...

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fuckin... They didn't give a dick about that dude, they didn't man, all they wanted was their two seconds of glory man they...they were up on us pushing into us, we were trying to get 'em back uh... Why ain't you giving him CPR? You can't give CPR to arterial bleed I mean you can but that's just killing him quicker, you're essentially...you're putting compressions on the heart which is gonna pump maybe what any blood he had left in him you're pumping that out so I...I didn't give CPR for that reason, it...it doesn't help arterial bleeds, he wasn't in cardiac arrest, he was in loss of blood. Uh... so the crowds there man they're yelling, cussing us, calling us every name in the book; one dude in particular was all up in us like fuckin just all up in us and we had to keep, not me, but Logan I think had to keep pushing him back. Uh...treating him uh I essentially ...I was probably knuckle deep into the wound uh at that point there wasn't a lot... there wasn't a lot a pressure coming back out uh he had no eye movement, he had two gargles, two different sets of gargles. Uh at that point I started administering uh... he was unresponsive to any...any of my commands while he's laying on the ground, like hey buddy stay with me, what's your name, talk to me, what's going on, blah, blah, blah...blah, blah, blah; no response. I gave him six or seven sternum rubs, I didn't even get uh eye movement, I didn't get blinking, didn't get no uh facial pain recognition from the sternum rubs. Uh... I think then, finally the troops got there, you guys got there man...fuckin dude I've always...I've always loved you guys, yall got there and I remember a couple officers were there and it's always kind a different when you see a bunch a plain clothes guys over a guy and they're...ya know it's like... well shit we got shots fired call what's going on? And the crowd was all up on us and finally I told 'em I said set me a fuckin perimeter, and when I did that dude fuckin... work time, so they started pushing people back and uh Fire got there and I told Fire hey six, seven sternum rubs, he gave me two gargles bout a minute ago uh no eye response, pain response to the sternum rubs.

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Uh... Fire kind a looked at me and they was like hey man he's...he's moved on, I'm like... <Inaudible>...okay, and they went ahead and proceeded to do some...ya know, they proceeded to do their thing and from that point I backed off; me, Logan and Monty went and <Inaudible>...at that point we went and we put our backs against the...the building right here and <Inaudible> literally we're just kind a like figuring this shit out as it was going on so we were just hanging out right here uh Fire got there then Medic got there uh immediately when Medic got there they pronounced him and that's when Monty found out that he was pronounced and uh Medic came over and Monty said he needed to go to the hospital, he had pain in his knees and uh I think at this... Dude I wasn't trying to be a dick to this female Sergeant...she came up and she wanted to know like who, where, why, when and wanted to know absolutely everything...like... you need to tell me what's going on and I...I...I tried to be as nice as I could to her I just said hey I'm Special Agent Kluttz this is HSI Agent, Special Agent Dugger we're ALE, HSI...we was involved in a officer shooting. Uh she goes well I wanna know how... how...I wanna know how it happened, I just said mam I said no disrespect I said I don't...I said I don't know what I can and can't tell you so I'm not gonna speak to ya. I said I'll give you anything you need except what...what's going on and I don't know if she understand that or not I...I wasn't trying to be rude to her uh I assisted her with the basic questions and stuff like that so. Uh Monty got loaded up in the bus uh ambulance uh...at that point I rode with Monty to the hospital uh and then from there I mean he was at the hospital.

B. Sinnott: You know which hospital?

KLUTTZ: Yeah Pineville...

B. Sinnott: <Talkover - inaudible>

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KLUTTZ: ...I'm not sure what the exact name but he went to Pineville Medical or something like that, Pineville...

B. Sinnott: CMC.

Overman: <Talkover - inaudible>...or Atrium <Talkover - inaudible>

B. Sinnott: <Talkover - inaudible>...Atrium Health now yeah.

KLUTTZ: He...that's where he went and as soon as we got there he pretty much had uh supervision arrive on scene as soon as we got there. Uh then my guys came and ...<Inaudible> we just fuckin hung out...

B. Sinnott: Um...

KLUTTZ: <Talkover - inaudible>...till Monty got released.

B. Sinnott: <Talkover - inaudible>

KLUTTZ: Nah you're <Talkover - inaudible>

B. Sinnott: And um right... so I know where you and Dugger were, I don't know where Shoaf...

KLUTTZ: Right.

B. Sinnott: ...uh Agent Shoaf <Inaudible>...were you the only three around the vehicle?

KLUTTZ: That's it.

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B. Sinnott: Okay.

KLUTTZ: Excuse me.

B. Sinnott: So can you...so... where'd you point the vehicle out at?

KLUTTZ: I'd say it's in one of... along this area here <Talkover - inaudible>

B. Sinnott: Okay.

KLUTTZ: ...along this area here the vehicle was.

B. Sinnott: Okay.

KLUTTZ: Uh I think...I'm pretty sure... I train with Logan so much and we...we...we work together all the time, I know he stopped at the passenger side and me and Monty came across to go...so I could go hands on and so Monty could protect...protect me while I'm doing my hand on thing uh and yes at this point after him refusing and ...and the threats and everything else... I don't carry a taser so the only option I had was to physically go hands on and absolutely I was gonna go hands on with him uh because he already showed non compliance by not stopping for us uh and through my experience the ...the shrug off or whatever you wanna call that, I ...I...I knew he was gonna be a non compliant as far as hey get out a the car plea...that...that wasn't going to occur uh...and I think...I have no idea where Logan went after the incident occurred, I have no idea if he went ...he might a jumped over the car as far as I know I don't... I have no idea how he got to our side but I do know I think he stopped at the passenger side and <Inaudible> Monty and I moved to the uh...the drivers side to ...to make contact with uh the driver.

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B. Sinnott: Okay.

KLUTTZ: Uh I don't...I just don't know how he got <Inaudible>... Don't know how he got to us after that fact man...

B. Sinnott: Okay.

KLUTTZ: ...so...

B. Sinnott: And just...just a couple quick follow up questions, um when he got into the car uh Mr. Janvier when he got into the car did you see a gun like in his hands or...

KLUTTZ: I never...and until now man I've really tried to sanitize myself for you guys um...I...no I...I never saw him with a... a gun or...we didn't even search cause somebody asked us, I think you guys, uh on scene...not you guys, but somebody on scene asked if we searched the car and all...like no mam, you know, our concern was saving this guy so we...we never searched the car, I never saw a gun, I... I couldn't even tell ya if yall recovered a gun or didn't recover a gun I don't know. Uh...it'd be easy enough to say yeah I saw a gun, I didn't see a gun...I... the threat...the...the use of force, the lethal threat was the car, to me...

B. Sinnott: Uh huh.

KLUTTZ: ...ya know he...he was gonna run me to... he was gonna run me the fuck over and Monty, was gonna run Monty over and then run me over cause I never saw a gun to answer your question, no I never saw a gun and I never saw a gun in his waistband or in his hand. Even when I was working on him I...I...I was doing a sweep, I didn't even... sounds terrible cause he could a went pew...if he had one, I don't

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know, I didn't even do a protective frisk of him before I started treating him I just immediately... once he was on the ground I immediately started treating him and just started doing a medical sweep and I stopped at the neck.

B. Sinnott: Okay um my other follow up is when you guys were in front of the vehicle and he is in... <Inaudible>... said that he was accelerating towards Agent Dugger which pushed him back into you um was he driving straight or the... was the wheels turned, was he turning the... turning the vehicle at all at that moment?

KLUTTZ: From what I call, it was pretty much he was... it seemed like they was pretty much coming straight out because I... I don't even recall the vehicle being to the right or to the left, I remember it just being straight and it driving... when he hit Monty he hit him straight on and then the... this... the initial... the... the initial and the secondary hit were straight on. Uh he wasn't trying to ... uh he wasn't taking a hard right or hard left I mean to me it was straight into... straight into us so uh... sucks I... I... I just don't know, I don't... Yall know how the car ended up I... I mean I don't... I couldn't tell ya so to me the... everything was initially ... everything was straight on and I... if there'd a been a car, if they would a been turned right or left with the way he was trying to get out he would a struck either car on both sides cause again the parking lot was tight I mean it was tight in there.

B. Sinnott: You got anything Bryan?

Overman: Um how long have you been with ALE?

KLUTTZ: Fifteen years.

Overman: Fifteen <Talkover - inaudible>

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KLUTTZ: Almost sixteen...yeah.

Overman: And as a part of your um employment do you go through uh annual firearms training?

KLUTTZ: I do.

Overman: Um... when you guys are approaching the...the car um what...what commands are you giving him, you specifically?

KLUTTZ: Get out a the car... I think once he was in the car I know walking up and all the way to hey come here, come here, come here... stop, Police, Police, come here, come here... once he got into the car I think...I don't think I gave him any cause it just happened like it just immediately...he got in the car and it was on uh... Man I could a said...I could a gave him the Lord's Prayer, I don't remember I...I...I don't remember.

Overman: When you...when you guys are walking through the parking lot approaching him and he's shrugging you off you're already giving him commands at that point?

KLUTTZ: Yes absolutely yeah we're...we're trying to talk to him, hey come here...ya know Police come here...come here... and he's just
<Talkover - inaudible>

Overman: And you knew by his reaction that he understood you were communicating with him?

KLUTTZ: Absolutely. There's no doubt, I am a hundred percent positive, there is not doubt....zero, that he did not know we was the Police. He

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absolutely knew we was the Police because the way we was marked up but secondary is because the entire patronage at that establishment when they were coming out they were calling and pointing at us... Po Po, Po Po... whoop, whoop, whoop, whoop, whoop, whoop, whoop. There's no...there's no doubt to me that he did not know we were the Police, he absolutely knew if I'm saying that right, he absolutely knew we were the Police.

Overman: And then uh wanted to know about, when you guys uh briefed for the Op's plan you spoke about a flyer that was given out, was the flyer specific to what was going on at the club or was there a flyer you had made up for the Op's plan <Talkover - inaudible>

KLUTTZ: No, no it was...there was...uh I think two flyers that was specifically for the club, it was a... I did cheat before I come in here, I looked up the flyer...it was a uh birthday party uh...it was a birthday party and these two entertainers uh Taliban, why would you name yourself that as a entertainer I don't know, but Taliban and Bank Roll were gonna be the rappers, the performers that night and it was specifically for the...the establishment Tropix so...

Overman: Okay um it...as a part of that uh who...who generated the Op's plan for that evening?

KLUTTZ: Uh Taylor Fisher generated the Op's plan.

Overman: And he works for...

KLUTTZ: ALE, he's an ALE...

Overman: ALE agent?

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KLUTTZ: Yes sir.

Overman: Um and so when you guys generate an Op's plan to go to visit establishment, is it on premise or off premise regardless, do you guys uh ...what do you guys do as far as accounting for additional resources you might need like in this case we're talking about ya know a shooting happens...

KLUTTZ: Right.

Overman: ...so you guys have...do you guys have a contingency, do you guys normally pair up with local law enforcement like CMPD in this case or...

KLUTTZ: It's a...that's a tough question I mean because it's like there's no...for this operation they was...it was a statewide operation that every ALE agent in the state was working I think what Friday night was working Friday night into Saturday morning, every ALE...if you was a sworn ALE agent or every ALE agent was working that night so we had a operations plan on laying out hey this is what we're gonna do, we're gonna be moving here, here and here...that's what that was for but there's a lot a times when...and I'll get to the other, what's your other question, there's a lot a times when we're working where the...we don't...it's just like do you do an Op's plan to go do routine enforcement to answer calls for service? No. So we wouldn't do an Op's plan for ya know like if I'm out or I'll say hey Logan let's go... VOT does I think, it's a little bit different for us but when I'm in district I wouldn't say hey man we gonna go work, we're not gonna do an Op's plan because if we just...normally we're gonna go do inspections and we're gonna go work. Uh down here they do partner up a lot a times I think with CMPD ABC. Uh we do partner with ya know local agencies and stuff like that, not all the time...I know I've got into a lot a trouble

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by you guys like why are you at this place by yourself, knucklehead, call us we'll come out and we'll walk in with you. So there's just times we've gotta do our job I mean essentially by our self and it's <Talkover - inaudible>

Overman: I mean you guys routinely do a inspections of these establishments...

KLUTTZ: Right.

Overman: ...um I mean it's just a part of normal business.

KLUTTZ: Right, right.

Overman: <Talkover - inaudible>

KLUTTZ: And...yeah uh...and you asked something else about working with the Op's plan. You asked something, it was a three fold question I think and I don't <Talkover - inaudible>

Overman: I mean I just...I was just curious about how <Talkover - inaudible>

KLUTTZ: Yeah... oh the shootings and stuff? Normal... We're a small agency man and we're part of the SBI now and that night was ...that nights hard on us as agents because we don't know who to talk to who not to talk to...who do we contact as far as do we contact the Bureau, does the Bureau come out and investigate it, do yall come out and investigate it? Cause I've been in a couple of these, ya know, scenarios with you guys uh ya know does...ya know...are yall gonna work the homicide or is the US Attorney's office gonna work the homicide, is the FBI gonna work the homicide? So...there's...that's a...

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Overman: <Talkover - inaudible>

KLUTTZ: ...good question I mean it's a good question but who I call, I call my chain of command which Logan initiated that and uh... Senior Sackhouse pushed out, ya know, people to me and to Logan...and he coordinated it from there.

Overman: With the uh...I know you said that you were treating <Inaudible>...or trying to render aide to him uh do you know who...or...or when Medic was called or who...who...

KLUTTZ: 911 I think...I think Monty called 911.

Overman: Just called 911 <Talkover - inaudible>

KLUTTZ: Yeah well Logan was on the...the Police side of it and <Inaudible> first aid 101...call 911, ya know, and I did that and I think Monty called 911 and the poor dispatcher he was too worried about our names, I'm like hey look man you gonna have to give me something more because this guy <Inaudible>...he's expiring and I...I can't stop this arterial bleed because...and...uh... It wasn't 911's fault but we... Somebody <Inaudible>...Monty called 911 and I think I talked to the 911 operator at that point.

Overman: The only other thing that I was thinking about was <Inaudible>...I didn't work the scene or this incident that night um did you at any point, did any...at any point do a round count did you...

KLUTTZ: They did...they did.

Overman: Was that done by us?

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KLUTTZ: No uh ALE did a round count, took pictures of me...uh front and back, I had my vest on and everything they took pictures of me front and back, ALE did a round count <Inaudible>...all of my uh...my weap...my handgun and my handgun magazines uh and then a detective, Homicide detective I think came out. Uh Crime Scene came out pretty late right before we left took pictures of me, took my pants cause I had blood on my pants from treating him; took my pants and yall didn't do...I don't think I...I don't think yall did a round count, I don't...I think maybe the detective got it from my admin side <Talkover - inaudible>

Overman: And you yourself, you didn't fire your service weapon...

KLUTTZ: No sir.

Overman: ...at all?

KLUTTZ: I did not...no.

Overman: That night were you carrying ...how many guns were you carrying?

KLUTTZ: Uh one.

Overman: Just one?

KLUTTZ: Yes sir.

Overman: Just your service weapon?

KLUTTZ: I had just my duty weapon.

Overman: Okay.

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KLUTTZ: I had my...we've got...I've got three handguns, I had my ... Glock, the smaller the number the bigger the gun right so I had my...

Overman: If you say so.

KLUTTZ: Yeah right? <Inaudible>...I had my big gun, I had my... <Inaudible>...that's gonna be...and this is on tape too, I had my big gun...I had my SRT ...my SRT <Talkover - inaudible>

Overman: You weren't carrying any back up weapons ...

KLUTTZ: No sir.

Overman: ...or anything like that?

KLUTTZ: No sir.

Overman: Okay. Um... nope, other than that, that's <Talkover - inaudible>

B. Sinnott: Um in terms of ...do you keep a copy of the Op's plan or...?

KLUTTZ: You gonna have to get all that through our admin I mean they've already made it clear to me ya know...it's not that...guys it's not that I don't wanna cooperate, it's not that ...dude I just wanna do what's right for everybody involved and that's why Mr. Laughrun's here uh it's not that I don't trust yall or whatnot I just wanna make sure I don't say something stupid because I...I say stupid shit all the time.

Overman: That's fine <Talkover - inaudible>

KLUTTZ: So...

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B. Sinnott: Um and then in terms of radio uh what...do you guys operate on your own radios or how...

KLUTTZ: We...we have...see it's weird, you guys make everybody pay for radios and the states broke so we don't pay for radios for you guys but I think they do issue radios to the Charlotte agents but that night we didn't have a Charlotte radio because we're not a part of Charlotte so we communicated probably through our internal radio channels and...I'll be honest with ya, I don't know how ...I don't know who called the CMPD house side of what was going on, I...I don't know anything about the radio...

B. Sinnott: But yall have your own separate radio talk group?

KLUTTZ: We were talk...we do but it's not...it's...

B. Sinnott: Oh it's not <Talkover - inaudible>

KLUTTZ: ...line of sight ...

B. Sinnott: Okay.

KLUTTZ: ...type scenario so we communicate through, we dispatch... Like if I'm gonna stop a car we...we don't...patrol don't...yall do know patrol don't call out car stops unless they've got a bad feeling about it so if we...if I check 41, 42 it'll be with the Highway Patrol, that's who would be...<Talkover - inaudible>

Laughrun: <Inaudible>...what was your call sign that night <Inaudible>

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KLUTTZ: Uh Nora Victor 32...is my call sign. And then it's a crap shoot whether or not ...

Overman: So you guys ... when you guys are talking to each other it's...it's...it's just uh...it's not going through a repeater and therefore not...not recorded radio traffic?

KLUTTZ: Right it's just a line of sight yeah...and we wasn't on a... we wasn't on a Viper channel, we were on our ALE line of sight stuff <Talkover - inaudible>

Overman: <Talkover - inaudible>

KLUTTZ: Yeah.

B. Sinnott: Alright. <Inaudible>

Overman: <Inaudible>

Laughrun: <Inaudible>...question.

KLUTTZ: <Inaudible>

Laughrun: <Inaudible>...when you guys were in ...when he was in front, you guys are in front of the vehicle...

KLUTTZ: Yes sir.

Laughrun: ...what's the lighting like out there Chris?

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KLUTTZ: It was lit I mean cause we're right there...uh we were right... It's lit where the store fronts are and he was backed into the store front so the lighting...it was ...it was lit, it was lit he... He knew...

Laughrun: <Inaudible>... right?

KLUTTZ: Yes.

Laughrun: He was backed in trunk to the back curb correct?

KLUTTZ: Yes sir.

Laughrun: Okay.

KLUTTZ: Yes sir. So...

Laughrun: Thank you.

KLUTTZ: <Talkover - inaudible>

Laughrun: Thank you.

B. Sinnott: <Talkover - inaudible>...that's the conclusion of the interview; time is 12:30.

BS/BO/rge

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Exhibit D

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Reviewed by Detective B. Sinnott on 9/26/2018.

SINNOTT: Try this again.

THIS IS DETECTIVE SINNOTT WITH THE CHARLOTTE-MECKLENBURG POLICE DEPARTMENT. TODAY'S DATE IS SEPTEMBER 4TH OF 2018; THE TIME IS 11:58 A.M. WE'RE GONNA BE AT 6-0-1 EAST TRADE STREET, LAW ENFORCEMENT CENTER. IT'S GONNA BE IN REFERENCE TO COMPLAINT NUMBERS 2018-0-8-2-5-0-1-5-5-0-1 AT INCIDENT LOCATION, 47-0-1 NORTH TRYON STREET. IN THE ROOM WITH ME I HAVE DETECTIVE SHANA ISENHOUR AND ALSO A-L-E, <UNINTELLIGIBLE> A-L-E AGENT LESLIE TORGOW.

SINNOTT: Miss Torgow, uh, how long have you been in law enforcement?

TORGOW: Call me Leslie <unintelligible, talkover>.

SINNOTT: Oh, okay, Leslie, okay, I mean it's fine.

TORGOW: Okay, I'm looking for my dad or, or my mom's <unintelligible, talkover>.

SINNOTT: No, that's fine.

TORGOW: Um, she, <unintelligible> 8 and then, um, another 10 years, so ... on, sorry.

SINNOTT: No, you're fine, you're fine.

TORGOW: I switched <unintelligible>.

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SINNOTT: Yeah.

TORGOW: Uh, see, it's sworn in 20-0-7 and it's now 20-18, right?

SINNOTT: Yeah.

TORGOW: Okay, so that's 11 years.

SINNOTT: Eleven years?

TORGOW: Yeah.

SINNOTT: Okay. And, can you kinda just talk about some of your, uh, I guess, uh, the age-, different agencies you mentioned you worked with different agencies?

TORGOW: Yeah. Um, Ashville P-D from 20-0-7 through, uh, 20-13 for 7 years, and ... then, uh, Buncombe County Sheriff from 20-13 to 20-14 as I was waiting for my A-L-E packet they did a hiring freeze in 20-13.

SINNOTT: Uh-huh.

TORGOW: And then 20-14 signed on with A-L-E, and that's where I've been since.

SINNOTT: And so A-L-E, how long have you been with A-L-E, uh, since 2014, so, so 4 years?

TORGOW: Four years.

SINNOTT: Okay.

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ISENHOUR: <clears throat>

SINNOTT: Okay. And, can you just talk about, um, that day, um ... my understanding is that there was an operation or a, a planned operation?

TORGOW: Yeah, there was, um ...

SINNOTT: Can you kinda talk about that day and, um?

TORGOW: Yeah, it was a statewide initiative, uh, for all the districts, uh, to address their problem areas, uh, areas where they've had ...

SINNOTT: In, in your, and I'm sorry, I don't mean to cut you off, but you talk about districts.

TORGOW: Yeah.

SINNOTT: In terms of districts, um, wh-, wh-, what?

TORGOW: What assignment am I in?

SINNOTT: Yeah.

TORGOW: Okay, so I was assigned to Asheville District, which was District, which is District 8; but recently I moved to a Violent Outlet Task Force.

SINNOTT: Uh-huh.

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TORGOW: Uh, where I had a 6-month probationary period; I think I'm in my second month now.

SINNOTT: You said, uh, and you said it's called a, a Violent?

TORGOW: Violent Outlet Task Force.

SINNOTT: Violent Outlet Task Force, okay.

TORGOW: V-O-T-F, and it's a new initiative, a new task force, the branch had put together; so I had to apply for it and interview and, um, be chosen.

SINNOTT: Okay.

ISENHOOR: And that's the position you were in on ...

TORGOW: Yes, ma'am.

ISENHOOR: ... August 25th?

TORGOW: Yes, ma'am. That was actually <unintelligible> ... 5th, 5th or 6th time that we all have worked together, so it's fairly new.

ISENHOOR: Okay. And, alright, so you, go back, you were statewide initiative to address your problem areas?

TORGOW: Uh-huh.

ISENHOOR: Uh, does the V-O-T-F, is it statewide or?

TORGOW: Yes, ma'am.

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ISENHOUR: Okay, so you don't have a specific area?

TORGOW: No, ma'am.

ISENHOUR: Okay.

TORGOW: We're, we're not assigned a specific district, we're tasked out to, uh, assist the districts who, uh, have areas in their, in their districts that have, uh, that drain the manpower or assist them in addition to what the, you know, as, as a, uh, multiply or <unintelligible> multiply to help them with their more hard, harder areas. So, so where they get, like, um, locals to come help and we kind of, um, supplement them.

ISENHOUR: Okay. So, back to <unintelligible>.

TORGOW: Yeah, oh, yeah.

SINNOTT: Yeah, yeah, if, if, uh, you go pretty much statewide ...

TORGOW: Yes.

SINNOTT: <unintelligible> agency needs assistance or ...

TORGOW: Correct.

SINNOTT: ... saying hey, we need some manpower, you guys assist with that?

TORGOW: Correct.

SINNOTT: Okay.

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TORGOW: Yes, sir.

SINNOTT: And on August 25th, uh, where were you I guess tasked to?

TORGOW: We were, we had a briefing at, um, Pineville P-D.

SINNOTT: What time was that at?

TORGOW: Um, think at 4, wait, maybe 5. Um, I think it was 5 in the afternoon of the 20, would that be the 23rd or 25th?

SINNOTT: Uh, the, the 25th is the day of the incident.

TORGOW: Okay.

ISENHOOR: <unintelligible, talkover> it's early in the morning.

SINNOTT: So I guess it'll be the 24th, so.

TORGOW: Okay, yeah.

SINNOTT: So, so you're, so, on the 24th.

TORGOW: Uh-huh.

SINNOTT: It should be, yeah, evening or <unintelligible>.

TORGOW: Uh-huh.

SINNOTT: That's when you would've had that briefing, okay. And you said that was in Pineville?

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TORGOW: Yes, sir.

SINNOTT: <unintelligible>. And what's typically your hours that you work?

TORGOW: Uh, we're all over the place.

SINNOTT: Uh-huh.

TORGOW: So, like, this morning I got up at 5 to drive to our, uh, training center and then meeting got canceled so turn around, drive over here, and I, I thank y'all for being flexible with your, with your hours.

SINNOTT: Uh-huh.

TORGOW: Um, but then when we got there <unintelligible> 12 is when <unintelligible> happened, so that's ...

ISENHOOR: As needed?

TORGOW: One, one, two in the morning, yeah, so everywhere.

SINNOTT: Okay. So that day, um, would you say that you got pretty good rest?

TORGOW: Yes.

SINNOTT: Okay.

TORGOW: Very good.

SINNOTT: Um, do you normally anytime that you work these late hours, do you have a pret-, a pretty much of a routine in terms, um, getting proper rest?

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TORGOW: Yes, yeah, I try to force myself to, um, stay in bed. I actually had to have kid's, uh, dad come pick him up to get his driver's license that morning cause you have to get there at, like, 7 in the morning or else you're sittin' in line for 8 hours.

SINNOTT: Okay.

TORGOW: So, yeah.

SINNOTT: And then, um, and that, I'm, I'm gonna back up a little bit further, uh, from that point. Um, chosen to be on the Violent Outlet Task Force, do you guys do any <unintelligible> training <unintelligible>?

TORGOW: Yes! We have, we've done ... we've had three trainings so far, uh, we did a, the shoot house, uh, where we broke down C-Q-B.

SINNOTT: Can you describe what C-Q-B [sic] is?

TORGOW: It's tactical entrance search warrants, um, uh, hostage, uh, or, you know, U-C rescues, um.

SINNOTT: U-C meaning?

TORGOW: Undercover officers.

SINNOTT: Okay.

TORGOW: Um.

SINNOTT: And was that weekly training, monthly training, daily training?

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TORGOW: Just one cause, again, we probably been together for two months.

SINNOTT: Uh-huh.

TORGOW: Um, but as a district, we've done C-Q-B already this year and I had done an in-, an, another one in November along with, uh, uh, spear training in November, so I mean I've, you know, I've done, since November, and we shoot quarterly, too, so ...

SINNOTT: Uh-huh.

TORGOW: ... or, um, not atyp-, typical core review, four quarters review, so we, um, we shot twice and then additional training with V.O.T; did some qualifications, too, so.

SINNOTT: Okay. Um, so, and, um, I appreciate that, um ...

TORGOW: Welcome. Sorry if I'm rambling <unintelligible, talkover>.

SINNOTT: No, no, that's fine.

TORGOW: <chuckles>

SINNOTT: So back at the briefing, um, you guys brief at Pineville P-D?

TORGOW: Uh-huh.

SINNOTT: Um, for the 5, uh, <unintelligible> that afternoon, um, what was the, what was the content of the briefing?

TORGOW: Uh, ops plan, um, VOTF had their ops, had our ops plan, then we had a district op, ops plan, and basically we went over the two phases of

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the operation, the first was to address on, uh, ops premise locations ...

SINNOTT: Uh-huh.

TORGOW: ... at their nearby and ops premise being a ga-, gas <unintelligible> or a convenience store. Um, and I've, uh, and then, uh, transition into on premise, uh, and talk about those and, and basically just get filled in with, you know, what's what, what, who's who, and, and, um, go from there, um ... yeah.

SINNOTT: Okay. And ... at the, um, what is the briefing on, do you remember?

TORGOW: Probably about 5, it wasn't that long, but, um, you know, we had the two other districts, branch head ... we did, and when I say 'branch head' it's, like, we're a branch of S-B-I, so, like, he reports to the S-B-I director and all branch heads is the guy that runs A-L-E, um, and the SAC is special agent in charge of the district, the assistant special agent in charge of the district in Charlotte, our boss, uh, the two H-S-I gentlemen, um, all of our, all of our agents for VOTF, and then the district personnel, um, were there.

SINNOTT: Okay.

TORGOW: Uh.

SINNOTT: And, so after the briefing did you go straight to?

TORGOW: Yes! Basically, you know ...

SINNOTT: <unintelligible, talkover>

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TORGOW: ... you get paired out with our local, the local agent, um ...

SINNOTT: Who are you paired up with?

TORGOW: Jason Henson.

SINNOTT: And is he ... uh, is he A-L-E or is he?

TORGOW: He's A-L-E.

SINNOTT: Right.

TORGOW: And he's a district, Charlotte District Agent.

SINNOTT: Okay. Um, you said Jason Henson?

TORGOW: Uh-huh, but at the time of the incident we had, I guess we'll get to that.

SINNOTT: Oh, yeah, <unintelligible>.

ISENHOOR: Where did you guys go when you left the briefing <clears throat>?

TORGOW: An off premise where ... um, I'm not too familiar with Charlotte, so, uh, it's a, uh, at the corner, I wanna say it's at Trade but on east side.

ISENHOOR: Okay.

TORGOW: Um ... uh ... the name of the place, um, it's skipping my mind, it's a, there's a gas station, it's a Citgo gas station, a convenience store, gas, a video parlor, some place to get your nails done, and then, like,

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a, an auto parts store. And then there's a car wash and then on that, on that side <unintelligible>.

ISENHOUR: And this is not where the incident took place?

TORGOW: Huh-huh.

ISENHOUR: Okay.

TORGOW: Huh-huh. No, it was just the first spot, you know.

SINNOTT: The first spot?

TORGOW: Uh-huh.

SINNOTT: How many spots did you go to before?

TORGOW: We went ... we checked out three spots, the Citgo, um, actually I got <unintelligible> for me, and, uh, we made an arrest there; then we checked two more, there was no activity, uh, broke for dinner, so.

SINNOTT: What time was that?

TORGOW: At 10.

SINNOTT: At 10:00, okay.

TORGOW: Just before, cause we, it was on <unintelligible>, um, I asked the guy if he'd mind if he, if, like, you know, 20 cops came on to eat right now and they were, cause they were getting ready to close out. He said, no, come on in. Um, O'Charley's, I think, was on the, cause I guess there's the beltway, the two outer whatever.

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SINNOTT: Uh-huh.

TORGOW: 2-77.

ISENHOUR: Okay.

TORGOW: It's on the way back towards, uh, cause we were over by, um, University where, yeah, we were at University; we had to go back that way, um, towards Pineville.

SINNOTT: <unintelligible>

TORGOW: Cause we had to go, we had to get our cars at that point after then we got our cars and then we did, we were in the second phase.

ISENHOUR: From Pineville P-D?

TORGOW: Yes, ma'am.

SINNOTT: So after dinner, uh, where'd you go to next?

TORGOW: Back to Pineville.

SINNOTT: Okay, back to Pineville?

TORGOW: Picked up my car and everybody else who had, had cars.

SINNOTT: What kind of car do you have?

TORGOW: I've got a 20-18 Tahoe silver unmarked, um, but I, we're marked in my last <unintelligible>, evidently, uh, that guy spotted, uh ...

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SINNOTT: Uh-huh.

TORGOW: ... way quicker than they did my old car, which was a Durango. Um, but I <unintelligible> now, so.

SINNOTT: Uh-huh.

TORGOW: Um, but I've asked for a new Durango, they're supposed to get.

SINNOTT: Yeah, Tahoes scream ...

TORGOW: Po-po.

SINNOTT: Yeah, police.

TORGOW: But it rides like ...

ISENHOOR: Especially the silver ones.

SINNOTT: <unintelligible, talkover>

TORGOW: Yeah, it's ...

ISENHOOR: <chuckles>

TORGOW: I mean it's a tank, like, I love it for my 5-hour drives it's great, but for enforcement stuff, like, you know, it's not <unintelligible>.

SINNOTT: Okay, so you came, you came and picked up your vehicle?

TORGOW: Uh-huh.

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SINNOTT: Now, at that point, um, did you split from Jason Henson?

TORGOW: Yeah! So we had the check-in phase, the other guys, uh, basically the district personnel plus one of ours, uh, Jason Williams, they went to an area about a half hour away from Charlotte.

SINNOTT: Uh-huh.

TORGOW: I can't remember the name of it, to check on premise, which means clubs and bars, the stuff with people drinking, then we went to, was a strip bar at, it's in the same plaza as another bar; I can't remember the name of it either, um ...

SINNOTT: <unintelligible> remember the road or a street or anything?

TORGOW: It's, like, a three, four-lane highway, <unintelligible> and there's a strip bar. It's huge, I mean it's been there, I've been there; it's the second time I've been there.

SINNOTT: Would you say it's in close relation to where the incident took place?

TORGOW: It's a 10-minute drive. That's at, late at night ...

SINNOTT: Uh-huh.

TORGOW: ... with no cars on the road, uh, basically just ...

SINNOTT: Okay.

TORGOW: So, it's probably about 5 miles, 5, 6 miles.

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SINNOTT: So was there, like, so you, how long did you, uh, did you stay there for?

TORGOW: Like, a half hour and it wasn't happening, so we left to go to TropiX.

SINNOTT: Okay. And what time was that around?

TORGOW: See, we got there around 1:45, 1:40ish. Our supervisor then said, uh, had called, contacted a local contact who was out that area ...

SINNOTT: Uh-huh.

TORGOW: ... to see if anything was happening before we started there cause, if not, we had another place on the, on the list to hit up. Um, and his contacts had gathered, a lot of people out here, could smell weed coming from inside the, the venue, um, so we headed that way, like, probably around 1:30, 1:20, 1:20, 1:30..

SINNOTT: So you get to TropiX around 1:30 you believe?

TORGOW: We left the strip bar ...

SINNOTT: <unintelligible, talkover>, okay.

TORGOW: ... 12:10, 1:40, 1:45.

SINNOTT: Okay.

ISENHOOR: Who were you paired with at that point?

TORGOW: I was, uh, not paired with anyone.

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ISENHOUR: Okay.

TORGOW: Um, but we did come up with a, with a game plan, uh, once we arrived there.

ISENHOUR: What was the game plan?

TORGOW: Uh, at that platform surveillance, can I use <unintelligible>?

SINNOTT: So actually, actually ...

TORGOW: <unintelligible, talkover>

SINNOTT: I got a map for you.

TORGOW: Very well.

SINNOTT: Uh, <unintelligible>, okay. So, on the map ...

TORGOW: Tryon, that's it <chuckles>.

SINNOTT: Okay. Uh, so this is right here ...

TORGOW: Yep.

SINNOTT: ... where TropiX is at, okay.

TORGOW: Yep.

SINNOTT: And then this street right here is called Mellow Drive.

TORGOW: Uh-huh.

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SINNOTT: And then you got North Tryon.

TORGOW: Yep.

SINNOTT: Can you point out where you set up surveillance, mark on there for me?

TORGOW: It was the last spot on that first row, uh, that space in the laundromat?

SINNOTT: Okay.

TORGOW: Like, right there ... like, right under the, it's right where the <unintelligible>, so.

SINNOTT: Okay, so right there?

TORGOW: Yeah.

SINNOTT: Was, now did you set up the, the surveillance <unintelligible, talkover>?

TORGOW: No, sir.

SINNOTT: Somebody else did?

TORGOW: It was Brad Putnam.

SINNOTT: Brad Putnam, okay.

TORGOW: Yeah.

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SINNOTT: Okay, alright.

TORGOW: And these are all <unintelligible>, uh, VOTF <unintelligible>.

SINNOTT: Okay.

TORGOW: The, the task force.

SINNOTT: And so where were you at?

TORGOW: Um, well, I did a bunch of drive-bys, well, not a bunch.

SINNOTT: Okay.

TORGOW: Two or three drive-bys and I let, cause I've nev-, again, I've not been here before so I'm <unintelligible> familiar with the layout, um, figure out the points <unintelligible> were, uh, dead-end roads, which I believe this one is. I rode around the, this lot over here a couple of times, um, thought about parking my car over here in case we did get far; um, but then, um, decided to park it ... um, right here. I can't tell if that's a <unintelligible> or not, that peach thing, but basically right where that peach thing is.

SINNOTT: Okay. So you set up right there?

TORGOW: Uh-huh.

SINNOTT: And then you, cause you have full line of sight to the front door?

TORGOW: I did not.

SINNOTT: Okay.

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TORGOW: This is what was decided; my supervisor is here.

SINNOTT: And your supervisor is?

TORGOW: He sat, Logan Shoaf.

SINNOTT: Logan Shoaf, okay.

TORGOW: He sat up here, the surveillance platform is here, uh, Chris Kluttz ... believe he parked his car on the last row cause then I, I actually crept through here, too, to see where the <unintelligible>, um, he parked here. On the first row nearest the highway, nose in, no, nose towards TropiX.

SINNOTT: Uh-huh.

TORGOW: They had line of sight, surveillance had line of sight, Logan had line of sight, and we had our radios, too. So it really wasn't necessary for me to be right up front, too, cause ... I got a Tahoe, Chris has got a Tahoe <chuckles>.

SINNOTT: <chuckles>

TORGOW: So, um, I didn't need to be up there. Um, the, uh ... what's his name, uh, Darryl, Darryl had been back down here but then, uh, then Logan stayed, Torgow, that's me, and Darryl in the back, he crept up and parked here ... closer to the back porch where people are coming out.

ISENHOUR: And that's on Mel-, Melon [sic]?

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TORGOW: Mellow.

SINNOTT: Mellow.

ISENHOURL: Okay. Where that 'X' is that you drew on the?

TORGOW: Yeah. So that, that's the, and I know <unintelligible> cause all this is parked, it's, it's probably cars.

ISENHOURL: Yeah.

TORGOW: So I don't wanna, if something happened, like, uh, it did, um, I don't wanna be, um, up here gettin', you know, again, I'm <unintelligible> egress.

ISENHOURL: Uh-huh.

TORGOW: There was a couple of cars here and over here and all that was empty.

ISENHOURL: Yeah.

TORGOW: And that's before we had, you know, this place where cover is.

ISENHOURL: Okay. So, for the purpose of the recording ...

TORGOW: Uh-huh.

ISENHOURL: Um, the 'X' at the back of the Queen City Custom Superstore is where you were parked?

TORGOW: Yes, ma'am.

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ISENHOUR: The 'X' behind the incident location on Mellow Drive is who?

TORGOW: Uh, Darryl Parker.

ISENHOUR: Okay. And on the side up here of the Queen City Custom Superstore, who is this?

TORGOW: ASAC Logan Shoaf.

ISENHOUR: Okay.

TORGOW: <unintelligible, talkover>

ISENHOUR: And then over here at the Sam's Mattress and Furniture, there's an 'X' at the 'e' on furniture, who's that?

TORGOW: That's, um, Brad, uh, Putnam.

ISENHOUR: And that's ...

TORGOW: That's with surveillance.

ISENHOUR: And then this right here at the Viper Auto <unintelligible, talkover>?

TORGOW: Chris Kluttz.

ISENHOUR: Chris Kluttz, okay.

SINNOTT: Uh-huh. If I could, uh ...

TORGOW: <unintelligible>

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SINNOTT: No, you're fine. Um, so, and from that point right there, um, why would you choose or why did everybody choose to come to Club Tropix?

TORGOW: There were, uh, there was intelligence, so we made it at briefing. Uh, we have a new agent who was formerly with Probation and Parole; I don't know how long, uh, I think his name is <unintelligible>, 'P' something <unintelligible>. Um, he, so he and he was from this area so he's got a lot of, I guess, a, a good foothold on who's who, what, and what's what, and, uh, several of his, um, parolees or I don't know what they call him, um, so I guess he told, like, a lot of his team has a fake Facebook account for police <unintelligible> a flyer come out for, um, a gentleman who he was familiar with as a top level, uh, gangster in the 9 Treys, uh, the Bloods?

SINNOTT: Mm.

TORGOW: Um, and then saw another guy who was another, another associate of same gang and he let Brad know that he was our case agent for, for the <unintelligible>.

SINNOTT: Uh-huh.

TORGOW: And, um, and then they let the supervisors know, too, that, hey, there's, there's this other thing, too, on top of, uh, you know, your normal hotspots where other things kick off normally, um, like, this world.

ISENHOOR: Okay.

TORGOW: And a couple of other <unintelligible>.

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ISENHOUR: So you guys have info that there were going to be gang members at the TropiX?

TORGOW: Yeah, yeah.

ISENHOUR: Okay.

TORGOW: <unintelligible> and ...

SINNOTT: Now is that ...

ISENHOUR: You're fine.

SINNOTT: Yeah, and so is ... in terms of, I guess, assisting other agencies and everything like that ...

TORGOW: Uh-huh.

SINNOTT: Is that A-L-E and, my understanding, who, who, what other agencies were involved in, in ...

TORGOW: Homeland Security.

SINNOTT: Okay.

TORGOW: They were at the briefing with you guys, um, our two agents, uh ... as best I know they did, um, uh, deconflict with, uh, C-M-P-D's agency guys. Um ... and so pret-, pretty much it was just us doing our thing, but de, deconfliction did hap-, uh, happen.

SINNOTT: Okay.

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ISENHOUR: So it was just you guys and two Homeland Security?

TORGOW: Correct.

ISENHOUR: Agents, okay.

TORGOW: Best I can remember.

SINNOTT: Okay, so ...

TORGOW: But the A-B-C officer ended up showing up later on and, like, after everything.

ISENHOUR: *Our* A-B-C?

TORGOW: Uh-huh.

ISENHOUR: Okay.

SINNOTT: Oh, okay, and after ...

TORGOW: Uh-huh.

SINNOTT: After the incident, okay. Um, how often do you, how often do you, uh, do these joint, uh, operations, is it ...?

TORGOW: A statewide initiative?

SINNOTT: Uh-huh.

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TORGOW: Uh, we do one in May.

SINNOTT: Okay.

TORGOW: Um, pretty successful in it, um ... basically, you know, it's just where they put everybody together and normally, you know, as an agent you're out there by yourself most of the time doing stuff, so it helps us be a little bit more, uh, effective and proactive in making arrests, uh, when we're working together as a team.

SINNOTT: Uh-huh.

TORGOW: So, um ... this was our first as the VOTF team assisting the statewide initiative, but this, I believe this was the second statewide initiative that we've done since our new branch head was in place.

SINNOTT: Okay. So does anything [sic] actually go inside or is everyone pretty much just doing surveillance on the outside?

TORGOW: So, um ... normally when we go somewhere if we look we'll try to see if people are hanging out in the parking lots, and that's where we usually would have problems cause people don't bring their guns inside, they leave them in their cars.

SINNOTT: Uh-huh.

TORGOW: They leave 'em in their cars. So if we see people hanging out by their cars and we see anything else that they're doing, uh, suspicious, like smoking weed, drinking, whatever, we'll come walk up to 'em and, and chitchat with them. Uh, at this point there one or two people coming and going; everybody was inside, and you can smell

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marijuana coming from, it's not coming from people hanging out in their cars, it's coming from the business.

ISENHOUR: From inside the ...

TORGOW: Yeah.

ISENHOUR: Okay.

TORGOW: So ... the plan was, and I, and I know you said <unintelligible>, remember the way we've got district personnel coming to come help assist us with the inspection; we're getting ready to go in and do an inspection, but he wanted to wait until the district personnel came out to assist us.

SINNOTT: Okay, so you were actually planning on ...

TORGOW: Correct.

SINNOTT: ... going inside?

TORGOW: Yeah.

SINNOTT: Okay.

TORGOW: Cause we were gonna address the marijuana smoke, um, but as we're waiting and, um ... they started, they started coming out, um, where's this thing at?

SINNOTT: Um, so ..

TORGOW: <unintelligible, talkover>

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SINNOTT: Okay, so, you're talking about coming out of the club?

TORGOW: Yeah.

SINNOTT: Okay, so let me ... let's, um, I'mma need for you to sign, sign this right here ...

TORGOW: Sure.

SINNOTT: ... just initial and today's date, and I have another map, it's, um, zoomed in.

TORGOW: Oh, <unintelligible>.

SINNOTT: Yeah, yeah, with a, kind of give you a better layout.

ISENHOOR: 9-4-18.

SINNOTT: Thank you. Alright, so there's TropiX.

TORGOW: Uh-huh.

SINNOTT: And there's the parking lot.

TORGOW: So the, the plan was if ...

SINNOTT: I'll get it in a second <unintelligible, talkover>.

TORGOW: ... is if anything did break bad, um, boss and Klutz was up here, right around here. We're gonna go into the front and Parker and I were, uh, we're gonna come around the back cause this patio is unlocked,

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it's like a screen door and, not even a screen door, it's just a freaking fence with a latch on it and people were coming and going <unintelligible>.

ISENHOUR: Uh-huh.

TORGOW: So if something did break bad we needed to have, you know, people in the back, as well, if someone ran. Um, so, again, the plan was to wait until additional personnel came but, um, people started, you get one or two, and then all of a sudden it seemed 10, 15, something's happening. And that's when the boss said, okay, we need to go, they're starting to ... come out, um, which means ...

SINNOTT: And, and you said, and you said 'the boss', uh, what's your <unintelligible, talkover>?

TORGOW: Logan Shoaf.

SINNOTT: Okay, Logan Shoaf, okay.

TORGOW: So, that means it's probably just <unintelligible> some kind of fight or something happening. Um, so I hopped out, here's my car ... my car is, like, right there.

SINNOTT: And that's behind this business, which I believe is a, uh, a pawn, um.

TORGOW: This is the mattress store.

SINNOTT: The mattress store, okay.

ISENHOUR: Yeah, so since this one is bigger ...

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TORGOW: Uh-huh.

ISENHOUR: ... would you mind putting, um, the location and just put the names next to 'em.

TORGOW: Okay.

ISENHOUR: That way we know who they are.

TORGOW: I think we're, yeah, we had to walk behind this. I don't know if you have a different pen, this one don't [sic] write.

SINNOTT: Is it ...

ISENHOUR: Yeah, it, the, the printer paper they don't write on 'em very well.

SINNOTT: Make sure <unintelligible>.

TORGOW: <chuckles> Alright, okay, so that's everybody. Um, so I hop out, I got, as people were coming out they're steady, they're not steady streaming but they're trickling. Uh, I see a guy carrying a beer bottle as he comes out from the back gate and I, and he sees me and I, you know, I, I get up, up, um, plain, plainclothes minus my vest that says 'POLICE', some, um, blue pants, a black T-shirt, over that, uh, over a vest that says 'POLICE' on the front in white lettering, 'POLICE L-E-A AGENT' on the back in white lettering. Um, I tucked in my, my shirttails so all of my gear on my belt was exposed, um, including my badge and gun, uh, handcuffs, and, and magazine.

SINNOTT: What color is your plate carrier?

TORGOW: Black.

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SINNOTT: Black, okay.

TORGOW: And then on that, and I got my med kit, uh, couple, uh, A-R mags, uh, radio, um, a locked mag ... and a, um, a pair of <unintelligible> vest.

SINNOTT: Okay.

TORGOW: And, guy comes out holding a beer bottle, I say, hey, man, what's happening? He goes, oh, it's, it's the po-po <unintelligible>. I say, yeah, what's happening, man? He said, that's cray, those guys in there they get, they outta control, and he said, they, they acting foolish or something like that. And I said, that's why we're here, why we're here to help; and he said, well, good luck with that. I said, man, pour that beer out for me and he says, yes ma'am, he pours it out. Walk up over here to Parker and ... again, cause we're just staging right now.

SINNOTT: Uh-huh.

TORGOW: He just said go stage, he didn't say go in. Um, Parker's here next to his truck and I told him, I said, hey, they said there's, there's fightin' and those guys said they were fightin' <unintelligible>, so, um, as we're waitin' ... 10, 10 to 15, 20 people start coming out and they're, they're ... yeah, they're saying something, they're just being really loud and I can also hear a commotion on the back deck ... the cussin' and how, and, and shoutin' and all that ... uh, glass breaking. So obviously there's this, you know, there's some'um happening there.

ISENHOUR: Uh-huh.

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TORGOW: And, um ... as we hear that, uh, Shoaf, uh, Logan and Chris, who by this time had made his way over here to, left his car here and I saw the two of them walk this way. Logan says, okay, let's go ahead and go in, some'um's happening.

ISENHOUR: Uh-huh.

TORGOW: And so, um, Parker and I start to, around this corner, I mean we didn't even get two steps down and I hear a shot, like, I only hear one shot.

SINNOTT: Uh-huh.

TORGOW: Um, I said to Parker, I said, man, I say that was a shot; he said, yeah, and I said I'mma go get my A-R. Um, I ran about halfway here and that's when I could hear a radio, I didn't have my earpiece and that was my mistake, I should've had my earpiece in.

SINNOTT: Okay.

TORGOW: Um, I could hear the radio and I could hear, uh, a scuffle. I hear Logan on the radio and <unintelligible>, um, just <unintelligible>, you know, I could hear all that. I was, like, crap, I said, we, uh, there's no time for A-R and, which was actually, the way it worked out actually pretty good; so that meant that as I went out here Parker started coming up and was coming up the side of the wall as people are starting to scream and come out towards him. I piled out to get a better view ... and could see the front of the, the front of the club and saw Parker and saw and heard him, um, with his gun out getting the manager, like, um, commands to, to drop his gun.

ISENHOUR: So this is when you went back from attempting to get the A-R and decided there was no time, so you went back?

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TORGOW: There was no time, yeah. So Parker went up here.

ISENHOUR: Uh-huh.

TORGOW: I ran basically a big triangle. And so I could see the, you know, there was something happening down here and then I saw, saw and heard Parker with his gun out giving, um ... <unintelligible> commands.

ISENHOUR: So ...

TORGOW: Uh-huh.

ISENHOUR: ... just so I'm understanding, you went from your vehicle right here ...

TORGOW: Uh-huh.

ISENHOUR: ... over to where Parker is?

TORGOW: <unintelligible>

ISENHOUR: Okay. So you went towards the building?

TORGOW: Uh-huh.

ISENHOUR: And then you heard the gunshot but you didn't see what happened?

TORGOW: Huh-huh.

ISENHOUR: You turned and went back towards your car or towards Parker?

TORGOW: No, we were standing back here by his truck.

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ISENHOUR: Yeah.

TORGOW: People are coming out. Logan says, alright, let's go. Him and Chris start to walk across the street. Basically, as they're coming we're, we're standing here. As they pass us I said, alright, let's go, Parker. We make it back here maybe ...

ISENHOUR: Uh-huh.

TORGOW: ... 10 feet and that's when we hear a, a shot.

ISENHOUR: Okay. So then you ...

TORGOW: So then Parker runs up next to the building, I tell him I'm gonna go get my A-R. I ran about halfway.

ISENHOUR: Okay.

TORGOW: And then decided that there's no time cause I could hear a radio.

ISENHOUR: Yeah.

TORGOW: There's no time. Came up here and then kinda pied out that corner, um, made it to right about there so I could see him giving commands and I was behind the, a car that was parked right here, a minivan or something.

ISENHOUR: Okay, so you could see Parker ...

TORGOW: Uh-huh.

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ISENHOUR: ... giving commands?

TORGOW: Right here, yeah.

ISENHOUR: And, he had his gun drawn?

TORGOW: Uh-huh.

ISENHOUR: Okay, what did you and right here, like, right here at this handicapped spot?

TORGOW: Yeah.

ISENHOUR: Okay.

TORGOW: There, there's [sic] cars all, like, up front here.

ISENHOUR: Okay, and, sorry, go 'head, go from there.

TORGOW: Oh, you're fine. Um, I glanced over and, and, uh ... Rudy, the manager, um, I only saw the end of it; I didn't, I never saw his gun. I just saw him, I just saw his hands go like that cause I never pulled out my gun.

SINNOTT: Uh-huh.

TORGOW: I didn't ... I didn't see anything, I didn't see the guns or I didn't see Rudy's gun and I didn't see this man, yeah, gun or anything, so I never pulled out my weapon. Um, I was doing a lot of, you know, this ... basically, as I made it back here Parker had, was giving commands, I could hear him giving verbal commands, 'Put your gun down, put it up!' As I turned to look at what he was seeing, again,

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cause there's, like, people streaming out, there's, like, a <unintelligible> of people going around here. I came around the outside of them and this thing behind the crowd and glanced over to see the owner just kinda putting his hands <unintelligible> and that's all I saw. And then Parker started meeting up and, and he had put his gun away so I was, like, alright, that's ...

ISENHOUR: Parker had put his gun away?

TORGOW: Yeah, okay, so there's no threat. But, I could see my guys over here are dealing with something, so I continued to cross the parking lot.

SINNOTT: Okay, and when you're saying that your guys, you saw, there were some guys still over here?

TORGOW: Uh-huh.

SINNOTT: Who, who were they?

TORGOW: Shoaf and Kluttz.

SINNOTT: So Shoaf and Kluttz were there; anybody else that were around the vehicle?

TORGOW: The H-S-I guy.

SINNOTT: Okay.

TORGOW: Uh, whose name I don't know.

SINNOTT: Okay.

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TORGOW: I can't remember, so.

SINNOTT: Okay.

TORGOW: Now there was ... I'm not sure which exact space, but it was, it was, but it was definitely in front of the laundromat, um, and it wasn't the one over here. So, I'm pretty sure it's the one <unintelligible>, even though it says, oh, it is the bus company, yeah.

ISENHOUR: Um.

SINNOTT: The travel agency and it's, like, one big, like, strip.

TORGOW: Okay.

SINNOTT: So it had a couple of different businesses right there.

TORGOW: Okay. Uh, he was on the, this side, close to <unintelligible>.

ISENHOUR: Alright. So, you said Parker starts moving this way across the parking lot, like, across the front of the buildings?

TORGOW: Uh, I believe he stopped right here at the, the door.

ISENHOUR: Right at the front door of TropiX?

TORGOW: Uh-huh, yeah.

ISENHOUR: Okay.

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TORGOW: That, all I know, like, last I saw ... um, before we started doing other things was him putting his gun up, walking, and moving forward down the sidewalk.

ISENHOURL: Yeah.

TORGOW: Cause a, again, my eyes were full looking at the stuff that was happening down here.

ISENHOURL: Yeah, okay. Um ... so you see him put his gun up and move forward?

TORGOW: Uh-huh.

ISENHOURL: In front of the front door, describe to me again what you see going on over here.

TORGOW: So, um, there's a white 300 pulled out of the parking space, like, 5 to 8 feet or so.

ISENHOURL: A white, I'm sorry?

TORGOW: 300

ISENHOURL: A white car Chrysler 300, okay.

TORGOW: And it was kinda parked at a [sic] angle.

ISENHOURL: Okay.

TORGOW: <unintelligible> 45-degree angle or so, like, it wasn't ...

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SINNOTT: Uh-huh.

TORGOW: ... coming straight out, it was, like, <unintelligible>.

ISENHOOR: So front, the, in the spot maybe beside of where this white box truck is?

TORGOW: Yeah.

ISENHOOR: Okay.

TORGOW: And I believe there was another car, you know, there's other cars parked next to him.

ISENHOOR: Sure.

TORGOW: His headlights were on. Um, I saw ... an HSI agent <unintelligible> standing here, um, Logan here, and then Chris was right here but walking towards the front of the, um, Chrysler.

ISENHOOR: So the Chrysler was backed in right here?

TORGOW: Yeah, it was backed in.

ISENHOOR: <clears throat>

TORGOW: So the nose, so the nose was out, so all he had to do was pull off.

ISENHOOR: Yeah. Okay, um, so the 'X' that you drew on top of the box truck?

TORGOW: Uh-huh.

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ISENHOUR: This is who?

TORGOW: That's Logan.

ISENHOUR: Okay, and the one behind the Chrysler?

TORGOW: H-S-I guy.

ISENHOUR: Okay, and the one going around the front of the?

TORGOW: That's, uh, Chris Kluttz.

ISENHOUR: Okay. I'm sorry, go ahead.

TORGOW: Oh, you're fine. Um, uh, I don't know if I ran or walked, I don't remember, uh, just get me over there. I look over, these guys, my guys, uh, Chris or Logan is fine, he's just kinda standing there.

ISENHOUR: Uh-huh.

TORGOW: And the H-S-I guy has, like, a look of ... like, you know, oh, shit, um.

ISENHOUR: Yeah.

TORGOW: And then Chris is on the ground, get on a knee, giving aid to the gentleman who I guess was driving the 300.

ISENHOUR: Uh-huh.

TORGOW: Um, who is, like, he was lying on his back. Um, I glanced over cause I didn't have my med kit. I glanced over and I saw that, uh, Chris is

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applying pressure. I don't know what he was applying pressure with, um ... they didn't seem to be in trouble.

ISENHOUR: Uh-huh.

TORGOW: They seemed to be good, but I knew I still had a building full of people, so, um, I ran back, uh, and Put-, uh, not Putnam, um, Parker wasn't next to me, he was out <unintelligible> the door, so I ran back and started, hey, you know, what the, <unintelligible> and get these people out of here and we gotta figure out what's happening. Um ... that's what I did next basically just focus my attention on all the people at the club.

ISENHOUR: So did you actually witness the shooting?

TORGOW: No.

ISENHOUR: Did you hear the gunshot?

TORGOW: I did.

ISENHOUR: Okay. How many gunshots did you hear?

TORGOW: I heard one.

ISENHOUR: One, okay. Um, did you hear anything else that was going on down here before or after the gunshots?

TORGOW: Well, you know, I primarily stayed right here at the front of the, the, the club. Was a few times I had to poke my head in to, uh, you know, ... stop in, butt heads and, and all this, and then we had, um, I, and it, come to find out, it was the, the gentleman who was there wrapping

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the <unintelligible>, whatever, tried to come back in the club and he, he wanted to fight me. Um, and that wasn't happening, I wasn't, not going outside and you're not coming in.

ISENHOUR: Uh-huh.

TORGOW: And, um, I let his friend in to go get his keys. Uh, they figured out what was happening, that's when they ran over here and I was, I was, I was kinda focusing on what my guys are doing and where's this crowd of people going.

SINNOTT: Uh-huh.

TORGOW: They hadn't realized it, there was someone shot dead. Uh, I realized at that, um, I wasn't telling anybody about it and that's when that crowd of people ran over. But y'all had, before you guys arrived ...

ISENHOUR: <clears throat>

TORGOW: And then there were all three guys that were there, so I <unintelligible> to make sure they were okay.

ISENHOUR: Uh-huh.

TORGOW: While watching that guy and now his friends were parked, like, here were gonna go in their cars and start getting guns.

SINNOTT: Uh-huh.

TORGOW: You know, um, and they didn't, they just ran over and started showing <unintelligible>, so.

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ISENHOUR: Okay. So you said that the headlights were on to this vehicle?

TORGOW: Yeah, <unintelligible, talkover>.

ISENHOUR: And it was halfway out of the parking space?

TORGOW: Yeah.

ISENHOUR: Pulling straight out?

TORGOW: No, it was ...

ISENHOUR: I mean pulling out but at an angle?

TORGOW: At an angle, yeah.

ISENHOUR: Okay.

TORGOW: ... 20 <unintelligible>.

SINNOTT: I wanna just back up real quick.

TORGOW: Uh-huh.

SINNOTT: So when Parker approaches the owner of the club and he starts giving him commands cause he says he sees a gun, uh, the owner with a gun?

TORGOW: Uh-huh.

SINNOTT: Um, does him and the owner, do they have exchange of words, is the owner saying anything back to him?

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TORGOW: Uh, you know, uh, at the time I didn't know, but in hindsight, yes, we've had conversations about it and we've actually had conversations while we were standing there.

SINNOTT: Okay.

TORGOW: And he said, uh, cause again, I did, I heard him give commands ...

SINNOTT: Uh-huh.

TORGOW: ... but I didn't see Rudy with a gun. Um, but then as all that stuff was starting to get, uh, triaged, Parker asked Rudy, where's your gun, um, Rudy said he'd secured it in his office.

SINNOTT: Uh-huh.

TORGOW: Um, and then as people were coming out <unintelligible> come with their hands out, I'm patting down their waistbands, etcetera, as they're coming out; um, and then we were just kinda coming in and out. But Rudy had a holster on and it was empty. He had a, a open-topped <unintelligible>, like, a black <unintelligible>.

SINNOTT: Did, were [sic] there any discussion of what, the disturbance that happened inside, inside the club that led to people ...

TORGOW: Yeah.

SINNOTT: ... <unintelligible> quickly?

TORGOW: Much later after the crime scene, you know, the scene was established and the, the, the crowd was pushed, pushed back, yes,

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we did transition into, <unintelligible> transitioned into, and then we're doing some interviews and stuff, but, it took a while.

SINNOTT: Uh-huh.

TORGOW: It took, took a little bit. Um, Rudy said <clears throat> ... what, one of the guys, um, from this, you know the 9 Trey guys, uh, associates, he says a guy ... uh, Rudy said it was a guy wearing a white wife beater with a black backwards hat that tried to make his way back in here. And the same guy, the D-J said, it was a guy who was standing up on the bar wearing a, uh, '75 or '95 football jersey that was causing the disturbance and they asked to leave, so this is the same guy. So he's asked to leave. He said ...

SINNOTT: The, the guy wearing the blue '75, he that, he was asked to leave?

TORGOW: Yeah.

SINNOTT: From the owner?

TORGOW: From the owner and the D-J.

SINNOTT: Okay.

TORGOW: The only thing that differs about those is a description of the guy that tried to come back in. Uh, the D-J says it's the guy with the '75 T-shirt, <unintelligible> says it's a guy with a white wife beater back, black backwards hat.

SINNOTT: Uh-huh.

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TORGOW: I think it's the same person who's just took off in his nice \$500 jersey <unintelligible>, you know, nice <unintelligible>.

SINNOTT: Uh-huh.

TORGOW: Well, he said he, he said the guy was cussing him let me in, um, Rudy said no, um ... and he said he did have a gun on him, um, but he wasn't pointing it. Um, and that's when Parker comes back, Park comes back in, um ... and this is after I was talk, talked to Rudy a little bit, uh, he starts laying into, to Rudy, like, I was gonna shoot you and what the heck, and ... why did, why did you, you know, you gotta listen the, when, uh, agents or officers tell you to put your gun away and stuff like that and he said what, man said he was gonna go get a gun and he, and I saw, he said I saw a gun ... so I had to pick, he said I had to pick up my gun in order to not let him in here.

SINNOTT: And this is, this is the owner, Rudy?

TORGOW: The owner, uh-huh.

SINNOTT: ... telling Agent Parker ...

TORGOW: Correct.

SINNOTT: ... this? Okay.

TORGOW: Uh-huh. Uh, Rudy says I never pointed it at you, I had it toward, down at the ground, <unintelligible> safe direction. Again, I didn't see his gun.

SINNOTT: Uh-huh.

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TORGOW: I was busy doing my little <unintelligible>.

SINNOTT: Right.

TORGOW: Um ... so the guy ran to the car, I guess he, Rudy said he went to his car, he closed the door, people were trying to get out, but he wouldn't let them out.

SINNOTT: Uh-huh.

TORGOW: So that's why people started coming out the back. Um, and then he saw the guy go to his car and bring a gun and he said, he said that's why he had his gun out when ... um, Agent, uh, Shoaf or when Shoaf and Kluttz, when Logan and Kluttz, that's when the guy, I guess, had tried to come back in for the second time.

ISENHOOR: Uh-huh.

TORGOW: So ... and as my, or as the agents were coming up here, we was going, it's them, it's them, it's him, it's him, he's, he's got a gun. So, um, what happened after that, I don't know. Uh ... tss-tss-tss, he tries to come back in and the, the two agents deal with that. I mean the only thing that differed was the, a description when he tried to come back in. What I didn't do and I should have done, and I, and I did think to in the, in the fog of everything was get his gun.

SINNOTT: Uh-huh.

TORGOW: I didn't do it and I could kick myself for that ... cause, again, I didn't realize he had a gun until much later.

ISENHOOR: Yeah.

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TORGOW: But, but when he starts saying I was gonna do, I was, like, he had a gun? I don't remember, I didn't see that. Hell, I saw him, I thought maybe he was freaking out over what was happening over here.

ISENHOUR: Right.

TORGOW: So.

ISENHOUR: Um, so back to this over here, you said ...

TORGOW: Uh-huh.

ISENHOUR: ... you heard one gunshot?

TORGOW: Just one.

ISENHOUR: Where were you at when you heard the gunshot?

TORGOW: Back here;

ISENHOUR: So you were still standing back here at this point?

TORGOW: Uh-huh.

ISENHOUR: Alright, now is that the original one gunshot that you heard?

TORGOW: Correct.

ISENHOUR: Okay. I just wanna make sure there weren't two separate ones ...

TORGOW: Huh-huh.

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ISENHOUR: ... that I was confusing. Okay.

TORGOW: Huh-huh.

ISENHOUR: So that was when you and Parker were back here?

TORGOW: Uh-huh.

ISENHOUR: You heard the one gunshot, that's when you went to go get the A-R, decided not to and went back?

TORGOW: Uh-huh.

ISENHOUR: And you see Parker with his gun drawn, he puts his gun away, so then you move over here to see what's going on?

TORGOW: <unintelligible>

ISENHOUR: That's the, the situation here?

TORGOW: Giving aid he looks dead, come back here and deal with this.

ISENHOUR: Okay. Did they tell you what happened over here at that point?

TORGOW: Huh-huh.

ISENHOUR: No?

TORGOW: I mean I could infer somebody shot someone and someone's giving aid, so my guys are good, they're standing ...

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ISENHOUR: Uh-huh.

TORGOW: ... they're giving the thumbs up, so what's next?

ISENHOUR: Okay.

TORGOW: Uh, went on to the next thing. Uh, again, I did, you know he <sigh>, much later I, cause then I said people are coming out, you got the, the gun <unintelligible>, the 9 Trey guy showing his ass ... we had to push this crime scene back in order to triage everything, so we had a safe thing to start doing interviews and to figure out.

ISENHOUR: Uh-huh.

TORGOW: Um, I didn't think and realized that the owner had a gun, too.

SINNOTT: Uh-huh.

TORGOW: I should've got that crap and ... you know.

SINNOTT: Huh, um.

TORGOW: So.

SINNOTT: So, a complicated and, uh, stressful situation.

TORGOW: Yeah, um.

SINNOTT: So and they, you know <chuckles>, you can't, in hindsight, yeah, you can look back and say ...

TORGOW: Yeah.

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SINNOTT: ... yeah, I should've done this, I should've done that but you could, you know, the best that you could do, um ...

TORGOW: Were ...

SINNOTT: ... you know, in those circumstances.

TORGOW: Yeah.

SINNOTT: Um, so after, you know, after it was all said and done, um ... have you spoken to anybody about this incident?

TORGOW: A little bit, um, you know, we've, my I-A called me, uh ... and he's with, we have a new I-A now, um, uh, Parker a little bit, talked to, um, you know, again, after everything was pushing back and then, and then these guys left and, and it wasn't a, a hot scene anymore ... it, it started working through some stuff, uh, nobody really asked me anything.

SINNOTT: Uh-huh.

TORGOW: Until ... uh, not, maybe the next day, like, hey, did you, did you just hear it or see it? And, uh, I was expecting to talk to one of you guys earlier that night, but it didn't happen, so.

SINNOTT: Uh-huh.

TORGOW: I was, like, hey, boss, the <unintelligible> her boss, I'm not talking <unintelligible> talk to you, they may or may not want to talk to you, so.

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ISENHOUR: Okay.

TORGOW: Um, so, yeah, I talked with, a little bit with, with Parker, um, talked a little bit with, um, he did a hell of a job with Brad.

SINNOTT: Mm.

TORGOW: Um ... he got <unintelligible> and started, you know, calling for help and stuff, so.

SINNOTT: Okay. Um, is there anything else that you can think of that ... uh, I haven't asked you or <unintelligible>?

TORGOW: The one thing I thought, I did a, a couple of, yeah, um, looking on the Internet and Facebook and all that stuff, sure you guys saw there was a live stream, couple of live streams that some of the guys did from there.

ISENHOUR: Yeah.

TORGOW: Um ... one of the guys, uh, he wasn't, is not a, is based on our associate of the <unintelligible>, um ... talked to another guy who was behind Rudy and then <unintelligible> just happen and he said he saw Rudy racking a dry gun, so ...

SINNOTT: Okay.

TORGOW: Whatever that means, um ... uh, you know, I talked to Rudy about it and he's wanting, you know, he's wanting to know what he can do to make his place safer.

SINNOTT: Uh-huh.

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TORGOW: I was pretty frank with him about how, you know, being selective in your clientele.

SINNOTT: Uh-huh.

TORGOW: Pretty easy. <unintelligible> inspection was we ... <unintelligible> paraphernalia, go to his, uh, broken bottles, or wine bottles, champ-, I mean, if we'd been able to get in there while, before the, the, the <unintelligible> we would've seen tons of violations.

ISENHOOR: Uh-huh.

TORGOW: Um, so, uh, and very dark, it's not safe in there.

SINNOTT: Uh-huh.

TORGOW: ... too; you need to have it to where you could at least see across the room, so everybody's faces.

SINNOTT: Uh-huh.

TORGOW: Um, it was very dark from watching some videos in there.

SINNOTT: Um, okay. I appreciate you taking the time to come down and talk to us and, you know, kinda give us a better idea of, you know, what, you know, what was going on and ...

TORGOW: Uh-huh.

SINNOTT: ... and I appreciate your time.

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TORGOW: Huh.

SINNOTT: So, um, that's gonna be the conclusion of the interview; time is 12:48.

BMS/SBI/olw

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Exhibit E

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Reviewed by Detective B. Sinnott on 2/6/2019.

THIS IS DETECTIVE BRANDON SINNOTT, CHARLOTTE MECKLENBURG POLICE DEPARTMENT. TODAY'S TIME IS 1122 HOURS, TODAY'S DATE JANUARY 29TH, 2019. THIS IS GOING TO BE THE RECORDED STATEMENT OVER THE PHONE WITH ALE AGENT DARYLE PARKER. IT'S GOING TO BE IN REFERENCE TO COMPLAINT NUMBERS 20180825015501.

SINNOTT: And un Agent Parker, can you um spell your name for me?

PARKER: It's D A R Y L E.

SINNOTT: Okay.

PARKER: And the last name is Parker, common spelling.

SINNOTT: Okay. And what's your date of birth sir?

PARKER: [REDACTED]

SINNOTT: And where is your ah your office located at?

PARKER: In Harrisburg.

SINNOTT: Okay. Do you, do you know it off the top of your, top of your head?

PARKER: It's 5994 Caldwell Park Drive.

SINNOTT: Caldwell Park Drive?

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PARKER: Yea. You can double check though, it might be Lane I can look it up real quick.

SINNOTT: That's okay.

PARKER: Okay.

SINNOTT: Yeah. Um and obviously this number, the [REDACTED], that's a good contact number for you?

PARKER: Yes.

SINNOTT: Okay. Um and I know some time has gone by, uh can you walk me through, well actually let's, let's talk about your assignment. Um you are with ALE, correct?

PARKER: Yes.

SINNOTT: And how long have you been with them?

PARKER: Mmm 2 years now, maybe a little over 2 years.

SINNOTT: 2 years. Have you had any prior law enforcement?

PARKER: Yeah, I was Greensboro PD for 2 years before I came here.

SINNOTT: Okay. Any special assignments in Greensboro?

PARKER: No, I was in the patrol division.

SINNOTT: Okay. Uh and before Greensboro anything?

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PARKER: No, I was in college.

SINNOTT: Okay. So you moved to ALE 2 years, um are you on a special assignment with ALE or what, what's kind of like your daily duties?

PARKER: Well now I'm back in this as a district agent, but at the time of the event I was on a specialized unit, um.

SINNOTT: Can you describe some of your uh, your roles, your assignment on that specialized unit?

PARKER: Um same thing as what I do now, we conduct inspections, um work problem places that sell alcohol, but that specific job function we only really dealt with places that had specific violence in the past as far as shootings, stabbings, fights, um drug activity. Uh we went to those places and work those places most frequently as far as doing inspections and working the parking lot areas to see if people in the parking lot are doing drugs or there's guns in the car. Um if there's gang activity we went to places that solely had those problems.

SINNOTT: Okay. And during these inspections, um did you arrest anybody or make arrests, felony arrests, anything like that?

PARKER: That particular night?

SINNOTT: No, uh just in general uh in your experience.

PARKER: Yes.

SINNOTT: Okay. And during these inspections and these, these specialized um these specialized assignments um, have you, what kind of arrests have you made?

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PARKER: Felony drugs, uh gun charges, um prostitution charges.

SINNOTT: Okay.

PARKER: Those are the main charges we do. Mostly felony drug charges.

SINNOTT: Okay. And when you do these inspections and these specialized operations, um do you work jointly with other agencies, such as local or other state, federal?

PARKER: Yes. It is common practice. It's not like we do it every time but it's common that we work with our local or federal counterparts.

SINNOTT: Okay. Is there one in particular that you favor or is it just kind of as where the work takes you?

PARKER: Um just depends, you mean like if I'm working in Charlotte, if I'm working in Gastonia, if I'm working in Cleveland County?

SINNOTT: Yes, let's say

PARKER: Well we're going to

SINNOTT: Let's say Charlotte, in the Charlotte area, is there a particular agency that you um jointly work with?

PARKER: Um would say we work with CMPD a lot because they have CMPD ABC, so they do a lot of the same things we do. Um we're with the street crimes unit sometimes, but as is more so we do enforcement on off premise locations, which are like gas stations. But for the most part I would say CMPD ABC.

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SINNOTT: Okay. And when you were actually on this specialized unit, this uh task force, um did you guys, did you do any specialized training like monthly training, yearly training, anything in terms of tactics?

PARKER: Um yes we did like CQB training, did a lot of firearms training. Um the task force I was on was fairly new, we had planned to do a lot more training but um I came off after the 6 month probationary period, I wanted to come back to be a district agent.

SINNOTT: Um hm.

PARKER: Um but yeah, it's definitely a little bit more tactical training than a district agent gets as far as working as a team.

SINNOTT: Okay. Is there any particular reason why you left the task force or?

PARKER: No. No, I just wanted to come back to Charlotte. I was living in Raleigh at the time.

SINNOTT: Okay.

PARKER: And a lot, a lot of traveling involved with that task force. I just wanted to move back to Charlotte and just work my specific duty areas rather than have to travel the whole state to work.

SINNOTT: Okay. So you're back, you're back now, your district is back in Charlotte.

PARKER: Yes.

SINNOTT: Okay.

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PARKER: So when I was on a team we were like a state wide team, so we were constantly traveling. That's the main reason I came off of it, I got tired of traveling all the time.

SINNOTT: Okay. So let's uh, let's, we'll fast forward to the date on August 26, 2000, I'm sorry, August 25th, 2018. Um that day, and I know some time has passed. Um do you recall uh that day in terms of um kind of like your, your routine, like what happened that day. Like.

PARKER: Um we had a briefing about what the objectives were going to be for the night. Um

SINNOTT: Okay, and what, do you remember what time the briefing was?

PARKER: No.

SINNOTT: Okay. Um do you remember if it was like morning, uh afternoon or evening?

PARKER: I want to say, I want to say about afternoon.

SINNOTT: Okay. And you actually remember where you were briefed at?

PARKER: Pineville PD.

SINNOTT: And I'm taking notes, I'm just

PARKER: I got ya

SINNOTT: Yeah, it takes some time for me to write. Um so you were briefed at the Pineville police station, um do you remember your uniform? What you were wearing that, that day or evening?

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PARKER: I can't tell you the specific clothing but I know I had on my tac vest and my high speed gear for the belt, like with the drop leg holster.

SINNOTT: Um hm.

PARKER: Um it's got police on the front and police on the back, had my badge on my drop leg holster. But as far as like clothing I can't remember like what kind of pants and shirt I had on though.

SINNOTT: So you did have a tac vest and a holster with your, you also had a law enforcement badge, ALE badge?

PARKER: Yes.

SINNOTT: Okay, and that is next to your firearm?

PARKER: Yes.

SINNOTT: Okay. And on your tac vest, do you know what color it is?

PARKER: Black.

SINNOTT: Okay. And you said that it has police on the front and also the back.

PARKER: Yes.

SINNOTT: And what, what color is the letter, the lettering on it?

PARKER: White.

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SINNOTT: And were you wearing any other articles of clothing, if you can remember, that had police on it or any other markings, police markings?

PARKER: No, just my vest.

SINNOTT: Just the vest?

PARKER: And the badge, yeah the badge on my drop leg holster.

SINNOTT: All right. And also on that day were you carrying your, your duty weapon?

PARKER: Yes.

SINNOTT: Okay, and your duty weapon, what kind of duty weapon do you have?

PARKER: It's a Glock 19.

SINNOTT: Okay. Is it black?

PARKER: Yes.

SINNOTT: Okay. So briefed at Pineville, PD, so what was on the agenda for that night?

PARKER: Um basically just go conduct inspections at ABC licensed establishments. Um I can't remember specifically which ones we were going with, going to with the district, but I know after we had dinner the task force I was on, we were going to break off from the district and go check some other places that had potential more violence occurring at the places. Um I want to say it might have been like Dubai, um Tropix was on there, maybe another place, but that was our plan to help the district with what they had going on

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prior to dinner. After that we were going to break off and do what we had scheduled to do.

SINNOTT: Okay. And is that, is that typical, you focusing on establishments that are known for uh crime or they've had issues in the past or you receive information about some of these places? Like how do you know, how do you pick which places you go to?

PARKER: Um while on the task force that's all we dealt with were places like you just described.

SINNOTT: Um hm.

PARKER: Um we would get complaints from district agents or the supervisors and that would go to our supervisor over the task force and then he would tell us what places were having problems and we'd just go work them.

SINNOTT: Okay. So on that day when you guys briefed, you had information on um criminal activity at these places? Is that fair to say?

PARKER: Um as far as Tropics?

SINNOTT: Or any, any establishment, uh any establishment that made it to your list, any places that you guys are going to go do inspections at.

PARKER: Yeah, that had the potential for violence, yes.

SINNOTT: Okay.

PARKER: Violence in the past or social media posts of gang, known gang members going to be at the establishment that particular night.

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SINNOTT: And um have you, do you go anywhere, before the incident did you go to any other uh establishments, any other businesses beforehand?

PARKER: Before Tropics?

SINNOTT: Yes.

PARKER: Yes.

SINNOTT: Okay, was any law, was any law enforcement action taken, any arrests, um at these places?

PARKER: Um we might have wrote some citations, but I can't really recall where we went to. See I can only remember, I can remember we went to before is Dubai. And after that there was nothing really going on there but before that we were at the district working but I can't remember where we went. I'm sure some people wrote citations.

SINNOTT: Okay. But you specifically, you didn't write any.

PARKER: No, I don't believe so.

SINNOTT: Okay. Um do you remember anything in particular about Club Tropix like was there anything going on, what kind of drew everybody to go to the Club Tropics? Um after, after everything else.

PARKER: What caused us to go there?

SINNOTT: Yeah, like was there anything in particular that said hey let's all go to Club Tropics, like let's go check out this area. Like was there anything in particular

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PARKER: Oh, oh, oh

SINNOTT: Anything in particular, any kind of information that was given?

PARKER: Yeah, one, one of the agents, he's in training right now, he was a probation parole guy, and he works with specific gangs.

SINNOTT: Um hm.

PARKER: Um so he's really big up on social media and stuff like that. Um I think he saw a flyer of some rap artist coming to Tropix that night that he knew to be like known gang members and violent gang members.

SINNOTT: Um hm.

PARKER: Um so we just made a, made a point just to go by there and just check it, um just to make sure the business is in compliance with all ABC and Chapter 9 laws. Um that's the main reason I went there because of the flyer he showed us and the potential of violence he wanted us to go there and try to negate it from happening in the first place is by showing a presence.

SINNOTT: Okay. And were you familiar with any of the uh I guess the gang or gang activity or gang members that were going to be present at Tropix?

PARKER: No, no, I never had been to Tropix before that night.

SINNOTT: Okay. So you received this information, and just so I've got it straight, you guys received information about possible gang activity um going on at Club Tropix. Um so you go there, was there, did you ride with someone or did you drive your vehicle or?

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PARKER: I drove my vehicle.

SINNOTT: Okay, did anybody ride with you?

PARKER: No, I was by myself.

SINNOTT: Okay.

PARKER: We all drove our own cars that night.

SINNOTT: Okay. What kind of vehicle do you have?

PARKER: At the time I had a Tahoe.

SINNOTT: Okay, and what color?

PARKER: Gray.

SINNOTT: Gray.

PARKER: Silver.

SINNOTT: Okay. And if you can recall, what, what time did you get to Tropics?

PARKER: Um it was before 2:00 but I want to say it was maybe like 1:50-ish, 1:40-ish. Because people were starting to come out of Tropics, like the club was letting out, like it was at 2:00.

SINNOTT: Um hm.

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PARKER: Um but I can't remember the exact time we was there, I just, I know it was before, I want to say it was before 2:00, definitely before 2:00, but maybe like 1:45 or 1:50 maybe.

SINNOTT: Okay. Did you park in front, in the parking lot or did you park uh did you park somewhere else?

PARKER: I kind of parked behind the business. Not directly behind the business, I'm down the road.

SINNOTT: Um hm.

PARKER: I don't know the name on that road but it was like to the rear of the business off to the side on the road.

SINNOTT: Okay. So there's the parking lot that's out front and then there is, it parallels with that street and you're saying that you drove down that street and you parked behind the business?

PARKER: Yes, but still on the road.

SINNOTT: But still on that road.

PARKER: Because behind that business I want to say it's like woods, a gate and there's woods. You can't really park behind the business so I was, I was behind the business but I was still in the road.

SINNOTT: Okay. So then what, so walk me through, what, so what happened next once you got there and once you parked on the street?

PARKER: Um we kind of sitting in our cars like kind of like viewing what was going on, um and we were making a game plan of who was go in and do an

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inspection. Uh a supervisor Logan was coordinating everything. He told me and another agent to go to the back and he was going to the front with 2 other agents and we were kind of going to be there to see if anybody tried to run out the back and just kind of intercept, try and talk to them. Or just see people coming out the back while they conduct the inspection on the inside.

SINNOTT: Okay, now is this, is this being communicated uh over the radio or phone or?

PARKER: The radio.

SINNOTT: Okay. Is there a particular call sign that you have or?

PARKER: Yeah, but we didn't use call signs, we was just like talking to each other on our channel.

SINNOTT: Okay.

PARKER: We just use our names over the radio.

SINNOTT: Okay. So your, your assignment from your supervisor, and that's Logan Shoaf?

PARKER: Yes.

SINNOTT: Okay, so your, your assignment was to hold the back, the rear of the business?

PARKER: Yes.

SINNOTT: Were you by yourself?

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PARKER: No, I was with another agent.

SINNOTT: Okay, do you remember which agent?

PARKER: Yes, Torgow.

SINNOTT: Torgow? Okay. So what, before you guys actually went to your assignments, was there any talk about um what it was looking like, the activity um in the parking lot or inside the

PARKER: We, yeah, I remember him saying that he can smell marijuana in the parking lot like coming from out the business.

SINNOTT: Um hm.

PARKER: Um it was very apparent it was weed smoking coming from that area. I think we were talking about that over the radio but

SINNOTT: Um hm.

PARKER: That's all I really remember. I remember smelling that myself, I remember putting that out over the radio but.

SINNOTT: And you said you could smell it yourself?

PARKER: Yes.

SINNOTT: So ultimately who made the decision to um do the inspection?

PARKER: Um I don't really remember who actually made the call, I want to say probably our supervisor.

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SINNOTT: Okay.

PARKER: He was in charge. And um I don't really remember who actually made the call it was probably Logan saying we should go in there. I remember we trying to, I think we called for more help, initially he's like saying let's get some more guys over here from the district. Because I think it was only like 4 of us, 5 of us and there was a lot of people, so I guess we were trying to get more people there, but I think they were tied up with something else and they couldn't come.

SINNOTT: Okay. And when you arrived at the business, um could you remember who all was going to be a part of this operation?

PARKER: At Tropics?

SINNOTT: Yeah, at Tropics, yes.

PARKER: It was just our task force guys.

SINNOTT: Okay.

PARKER: The VOT team.

SINNOTT: Okay. Was there any other uh agencies that were involved?

PARKER: Yeah, Homeland Security.

SINNOTT: Okay, and how many Homeland Security people, personnel were there?

PARKER: Just one.

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SINNOTT: Just one? Okay. So you mentioned that obviously you were there, uh Agent Torgow, um your supervisor um Logan Shoaf, um can you recall any other ALE agents that were present?

PARKER: Yeah, Chris Klutz.

SINNOTT: Chris Klutz. Uh anybody else?

PARKER: Um, I want to say that was it.

SINNOTT: Okay.

PARKER: Me, Torgo, Klutz, yeah, I would say that was it.

SINNOTT: Okay.

PARKER: There was another guy, I don't know who he was, he went home early because he lived in Fayetteville.

SINNOTT: All right. So you're given the okay to head in, and then what happens?

PARKER: Um me and Torgo was standing at the rear um kind of just talking and some people were coming out right there and stuff like that. So we were talking to them and they were coming out we said hey you can't drink those, they were being pretty cool, nobody was really being aggressive toward us, like you guys can't take those to your cars, pull them out or whatever. And I want to say one of them said there's like a fight inside or something like that and motioned. I can't remember exactly what he said, but I was okay. And I think me and Torgo started walking towards the front just like slowley.

SINNOTT: Um hm.

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PARKER: And I think ah, Logan came over the radio and said there's a guy inside the building with a gun, or something like that. So I'm okay. So we start walking towards the front because we were going to try and deal with that person with the gun, and that's when I heard a shot, um I kind of stopped and I ducked behind a car you know, to see if I could it whiz by or I'm going to hear more follow up shots, but I didn't. So that's when I un-holstered and we moved, me and Torgo moved up beside the building and then I find the corner and I saw the store owner, or the business owner with a gun in his hand and I was challenging him to put the gun down and he was saying that uh you're the owner, he called us, he called us. And he put the gun up, I don't know if he put it in his holster maybe. I don't remember where he exactly put it. Um and then I went over to him, went over to him and I was talking to him, he was saying that the guy inside with a gun. And I was saying, I think I was saying where is the guy with the gun. And he pointed inside. I went inside, there was a bunch of people who were just scared because he had a gun in the doorway blocking everybody in. And I didn't see anybody with a gun, and everybody had their hands up and I was telling them let me see your hands. And me and Torgo let everybody come out eventually. Um and we were dealing with all that over there while Logan and them were like on the other side of the parking lot.

SINNOTT: Okay. So just to clarify, you heard a gunshot, not multiple gunshots.

PARKER: No, just one.

SINNOTT: You heard one gunshot. Okay.

PARKER: Uh huh.

SINNOTT: And when you heard the gunshot, where were you at the business? Which side of the business?

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PARKER: We were at the back of the business still.

SINNOTT: Okay. So you yourself did not witness a gunshot, you just heard a gunshot.

PARKER: Yeah, I just heard it.

SINNOTT: Okay. Did anybody say anything over the radio after the gunshot?

PARKER: I want to say Logan tried to get out something over the radio but we couldn't understand him.

SINNOTT: Okay.

PARKER: There was so much going on, people were running and screaming at this point. I mean it might have been somebody screaming honestly, but I want to say that he tried to say something on the radio but I didn't hear him or understand what he said.

SINNOTT: Okay. And do you remember what the owner looked like when you came around to the front?

PARKER: Um black male, shorter than me, I'm pretty tall though, but

SINNOTT: Um hm.

PARKER: Maybe like 5'9-ish. He's more on the heavy set side. Um I definitely can't remember what he was wearing.

SINNOTT: Okay. You said he was a little bit shorter than you, heavy set?

PARKER: Oh yeah.

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SINNOTT: All right.

PARKER: Yes.

SINNOTT: And you mentioned that your supervisor and some of the other agents were not in your view or on the other side, could you see anything that was going on, what they were doing, or were, or were you just focused on what you had to do?

PARKER: I didn't really look over that way until we, me and Torgo kind of finished what was going on, what we were doing, because at one point it was some obvious gang members approaching us trying to get back in the club who let out saying he left some keys inside. And they were trying to fight us, we wouldn't let them back in, and then finally somebody said that they had his keys they left. Once things had started calming down that's when I kind of like started like thinking like where is everybody else and I started looking. And I saw Logan, Klutz and Monti like on the other side of the parking lot trying I want to say I kind of saw them because there was a car in the way, the guy's car who got shot, they were on the other side of that, so I want to say like I could really see them, but I kind of figured that's where they were, it was a CMPD officer over there as well, kind of like telling people to get back. So I was going over that way to see what was going on, and that's when I saw them like on the ground on their knees with the guy in between them like bandaging him up and stuff like that.

SINNOTT: Okay. So you did see somebody ah giving first aid?

PARKER: Oh yeah, it was all 3 of them trying to give first aid to him.

SINNOTT: Okay. Do you

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PARKER: Until Fire got there and then Fire took over.

SINNOTT: Okay. And you mentioned there was a CMPD officer on scene?

PARKER: I want to say it was from yeah, I want to say it was one guy telling people to get back. Um because I think after the fact when, when Logan probably got on the radio and were asking for help, I want to say the district guys probably heard it, because they're on our same frequency, uh and they probably called CMPD to get over there to help us because I think they were away doing something else. Because CMPD did start showing up. I know I didn't call them.

SINNOTT: Um hm.

PARKER: There was too much going on. I didn't have it on the radio. Um I definitely say there was a CMPD guy there like telling people to get back.

SINNOTT: But this is after um after the shooting, the shot was fired. Correct?

PARKER: Oh yes, this is probably I don't know, I mean this is minutes afterwards after hours dealing with the owner and trying to keep people out of the building. This is some time has passed.

SINNOTT: Okay, okay, yeah, I just wanted to clarify that.

PARKER: Yes.

SINNOTT: Um so and just to kind of go back, um you actually didn't even witness anybody fire their gun. Correct?

PARKER: No, I was behind the building.

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SINNOTT: Okay. Um did you fire your weapon?

PARKER: No.

SINNOTT: No. Did anybody conduct a round count on your firearm?

PARKER: Was that did somebody take my gun and look at it?

SINNOTT: Yeah, did somebody count your uh, your rounds in your magazine in your firearm?

PARKER: No.

SINNOTT: No? Okay.

PARKER: (inaudible)

SINNOTT: Do you know how many you're supposed to have in your weapon?

PARKER: 15 maybe.

SINNOTT: So 15?

PARKER: Maybe. I'm going to look. Yeah, 15, 15 and one in the chamber.

SINNOTT: Okay. So a fully loaded magazine 15 and then with one inside the chamber, so 16 total.

PARKER: Yes.

SINNOTT: Okay. And did you, did you remain on scene uh when you know, CMPD and Fire and everybody started showing up?

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PARKER: Yes, I was there for some time.

SINNOTT: Okay. Did you uh talk to anybody about it, the other agents um about what happened or anything like that, did they tell you anything?

PARKER: You're talking about the agents that were there or are you talking about agents that came afterwards?

SINNOTT: The agents that were there.

PARKER: No.

SINNOTT: Okay.

PARKER: We were kind of like all in shock. I remember when Fire got there they took over, they kind of like moved over and sat on the curb and they were all kind of quiet. I didn't ask them what was going on, I just made sure they was good. And then Klutz said go help CMPD keep people back. I said okay, and I did that and shortly after I saw Klutz and Monti were gone.

SINNOTT: You said that he was gone?

PARKER: Yeah, I think they went to the hospital or something.

SINNOTT: Okay. Um were people sitting, like witnesses or anybody, were they saying anything to you or um

PARKER: Too many people, dude I don't know, people were cursing at us, so I was very like, I didn't hear anybody say any statements of that kind whole turn over black man type deal.

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SINNOTT: Um hm.

PARKER: Yeah.

SINNOTT: Okay. That was a pretty hectic scene. You know.

PARKER: Yes. So thankfully CMPD got there and helped us you know getting people back.

SINNOTT: Um hm.

PARKER: Yeah, help put up some yellow tape.

SINNOTT: Um I know you said that you had, you were dealing with your own thing at the front door with the owner and you know him being armed and people trying to get out and everything like that, um did you notice if anybody was injured at the scene or anything like that?

PARKER: Inside the building?

SINNOTT: No, I'm talking about like at the scene where it actually happened at. Was anybody, was anybody hurt, anybody injured, anything like that? In terms of law enforcement. Did you hear anything or see anything?

PARKER: Uh at the time no.

SINNOTT: Okay.

PARKER: I mean like after that fact Monti got his leg broken or something like that or hurt his leg or something like that, but at the time no. I didn't know what was going on.

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SINNOTT: You said you heard that he had hurt his leg?

PARKER: Yes.

SINNOTT: Okay.

PARKER: Because I think I was like on the news or something like that too, that he had broke his leg or something like that.

SINNOTT: Um hm. Um is there anything else that you can think of that would help with this ah investigation? Is there anything that I haven't asked you um or anything that uh that we didn't go over?

PARKER: No, you pretty much covered everything. I mean I was in, I didn't see the meat of it, you know, I was in the back the whole time.

SINNOTT: Um hm.

PARKER: Like everything that led up to it but.

SINNOTT: Okay.

PARKER: You pretty much asked everything.

SINNOTT: Okay. Well that's going to be the conclusion of the interview, the time is 1156 hours. And I'll stop the recorder.

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Exhibit F

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2. Victim Name Donald Janvier			3. Original Offense / Charge OIS with HIS Agent		
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Reviewed by Detective L.N. Peden (#4703) on September 25, 2018

TODAY IS SATURDAY AUGUST THE 25TH 2018; THE TIME IS 5:41 A.M. THIS WILL BE IN REFERENCE TO COMPLAINT NUMBERS 20180825015501. THIS'LL BE A RECORDED INTERVIEW WITH MYSELF DETECTIVE PEDEN CODE 4703 AS WELL AS ALE AGENT NUMBER 190. WE'RE LOCATED AT THE NORTH TRYON DIVISION OFFICE IN A CONFERENCE ROOM.

Peden: Alright sir um I understand you were involved in the operation that was taking place this evening uh if you can just walk me through what your involvement was um with the operation and then what your involvement was at the incident and what you may have seen or heard uh out there and we'll go from there.

AGENT 190: Um we were involved in uh part of a Violent Outlet Task Force assigned to ALE. Um we were doing an operation, statewide operation in the city of Charlotte, North Carolina. Uh we'd been to some previous locations earlier in the evening. Um we had left another location that was on uh...part of the operation and the ASAC in charge is uh Logan Shoaf directed us...wanted us to uh come to Tropix; I'm not sure the numerics I know its on North Tryon Street in Charlotte North Carolina. Um we arrived; I followed individuals from the team over to the location Tropix. Um I was operating a specialized surveillance platform to capture video and still images uh of alleged criminal acts, violations of the law under the North Carolina general statutes. Um...gang related identification um video uh anything that could help uh bolster a case, criminal case, uh for uh criminal violations on the business, Tropix, which uh is an ABC uh licensed outlet. Um as a part of the uh investigation we also submit violation reports to the ABC commission that deal with criminal and civil

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violations of the law under North Carolina general statutes and North Carolina ABC Commission rules and reg's and as a part of the investigation I was...am trained uh to deploy such a vehicle. Uh after several attempts to get within a perimeter of area uh parking place set up to operate the vehicle which the parking lot was packed, there were cars all the way out to the road... were cars down the street. The gate on the back was open, there were cars parked directly beside of the business at the pawn shop in an overflow lot that was unrelated to the business. Off to the side of the business uh on I believe that side street is Mellow Street, mellow, which also runs off of North Tryon Street. Um I was unable to park the vehicle, I tried several attempts, I basically orbited around the area to try to find a parking place, I tried in the upper garage uh mechanic shop beside of it to the...when facing the business, to the right, was unable to get into that location. Turn the vehicle around, spun around a couple of more other times up North Tryon Street waiting for a car to pull out. At some point during the evening after 1 a.m. uh I noticed that there was a parking place near the front of the business, I thought to myself that's danger close with the operating distance needed to perform optimal range for that vehicle uh due to the camera system and the lighting uh grade of terrain. Um I chose to park the vehicle there. I was able to get a video shot of the front door of the premises to Tropix. Uh there there was a heavy set white male that was a security guard slash bouncer that was working the front door based on the audio traffic given from the other agents. The other agents were setting up to get ready to go into the establishment. I was...my purpose was to set the camera on the front door and watch to see if anybody was gonna come in from the parking lot or from the club to the parking lot or vice versa from the parking lot to the club with a gun uh any kind a weapons since uh there was a...a knowledge of gang activity that was present there um provided by one of the other ALE agents in District 6. Um went um... Surveillance was initiated, I was told to direct the camera to the front

21. UCR Clearance Status <input type="checkbox"/> Open <input type="checkbox"/> By Arrest <input type="checkbox"/> Exceptional <input type="checkbox"/> Unfounded		23. Reporting Officer L. N. Peden	Code 4703	Assignment Homicide	Date 08/25/2018
22. Investigative Status <input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Closed <input type="checkbox"/> Administrative		25. Case Referred To	26. Reviewing Supervisor, Code, Date		

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2. Victim Name Donald Janvier			3. Original Offense / Charge OIS with HIS Agent		
4. Location Of Offense 4701 N. Tryon Street			5. Arrest Number	6. C.R. Number	
7. Original Report Date 08/25/2018		8. Supplement Date 08/25/2018		9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes		13. Purpose Of Supplement Interview with ALE Agent 190	

door to watch that for guns going in or out. At some point I heard audio outside uh somebody, an unidentified person, say the person either a blue or red hat or some description to that effect, they have a gun and um shortly there after uh I was recording the front door um and I heard one shot and um I then was trying to don my uh protective Mayflower vest, rifle plate vest...get my rifle. Uh I only come out of...of that vehicle if it's a life or death situation uh which is in training. Um I looked on the perimeter system and I wasn't sure where the shot had come from, I didn't wanna get in a cross fire situation, I didn't wanna get myself in jeopardy or put anybody else in jeopardy at that point so uh I waited, I talked on the radio to vector in other units for help to uh acknowledge other ALE personnel about the situation on hand. Since we were operating off one radio channel and the other group was operating off another radio channel so I communicated with them on the other radio channel. Uh at that point there was a check done make sure uh anybody, ya know, had been hit or any...what...who...ya know what's going on here and uh they checked on me, I checked on the others uh so on so forth and I waited until...in the vehicle, until it was uh <Inaudible>...assistant supervisor Lasassier came over and directed me it was safe to exit the vehicle which Crime Scene had already been set up and um then talked with Sergeant from Homicide and he said I'd be talking to somebody later about this, told him I cooperative and help with the investigation. Um I did record on DVD and let the DVD expire due to the recording time being in the parking lot area of Tropix. Um on the perimeter system I was not able to record any video, I did not record video. The video of the act that took place that CMPD is investigating would not have been recorded on the DVR hard drive due to the camera position and the vehicles position where the act took place to the left side of the uh vehicle. The camera would've been out of range for that therefore it did not show up. Even if I would've recorded it...it wouldn't have shown up on the video. Um has the... After the shooting I had to stay in the...reason I

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had to stay in the vehicle and couldn't assist any of the agents is because a crowd had formed, a crowd had gathered and were actually up against the vehicle, they were pounding on the vehicle, shaking the vehicle. Uh people obviously did not know it was a law enforcement surveillance vehicle in an undercover capacity in that location conducting covert surveillance work. Um after the crowd dispersed, the crime scene... I could tell that the crime scene tape was being set up. I did let Mark Lasassier know, the ASAC, I don't know if you saw it or not to let CMPD extend the crime scene cause originally the crime scene tape had come to the part of a vehicle that I was in and I wanted to make sure we were encompassed bigger so to get those crowds exfilled out so that wouldn't have been an issue there as far as a safety issue with uh me exiting the vehicle at some point. Um... I'm trying to think <Inaudible>... I think that's pretty much...

Peden: Okay.

AGENT 190: I think that's pretty much it and then I was told to come... come here and I've... I've turned over a ... a DVD recording, I have not viewed it, don't know what's on it uh with the uh... activity that... that I saw tonight that was on the uh <Inaudible>... cameras that I utilized for the operation.

Peden: Alright, the uh the audio that you said was about somebody in either a blue hat or a red hat uh armed with a... a firearm, was that over the radio or is that through <Talkover - inaudible>

AGENT 190: That was open air hearing it... hearing it...

Peden: Through the van?

AGENT 190: ...through the... through the van doors.

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Peden: Okay.

AGENT 190: And they were...everything was buttoned up, everything was shut and I couldn't...I...I can't tell who set it.

Peden: Okay.

AGENT 190: Um I can give a general direction...

Peden: <Talkover - inaudible>

AGENT 190: ...to the front but I...I...

Peden: Okay. Alright. Is there anything else you can think of?

AGENT 190: Well when I got out a the van I obviously...I saw the body there probably fifteen to twenty feet to the left maybe closer...

Peden: Okay.

AGENT 190: ...a white car with it's headlights on...

Peden: Okay.

AGENT 190: ...pulled forward with a body off to the side. Uh I didn't go take like, ya know, an immediate look...but obviously you could see it there from my distance from...

Peden: Sure.

AGENT 190: ...from what had happened.

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Peden: Okay. Did you see anything around the body?

AGENT 190: <Inaudible>

Peden: Okay.

AGENT 190: I don't...I...I don't...I mean I saw Crime Scene, your...your Crime Scene people and the bags and the video camera and <Inaudible>...what you would see in a normal crime scene processing area.

Peden: Sure, okay...alright. This will conclude the recorded statement; the time is 5:51 a.m.

LP/rge

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Exhibit G

MECKLENBURG COUNTY M E OFFICE

3440 Reno Avenue, Charlotte, NC 28216

Telephone 7043362005

Fax 7043368353

REPORT OF AUTOPSY EXAMINATION

DECEDENT

Document Identifier B201803744

Autopsy Type ME Autopsy

Name Donald Janvier

Age 30 yrs

Race Black

Sex M

AUTHORIZATION

Authorized By James R. Lozano MD

Received From Mecklenburg

ENVIRONMENT

Date of Exam 08/25/2018

Time of Exam 11:00

Autopsy Facility Mecklenburg County M E Office Persons Present Ms. Linnelle Banks

CERTIFICATION

Cause of Death

Gunshot wound of the neck

The facts stated herein are correct to the best of my knowledge and belief.

Digitally signed by

James R. Lozano MD 25 October 2018 16:48

DIAGNOSES

- 1. Penetrating gunshot wound of the right neck
 - Laceration of right subclavian artery
 - Right posterior 4th rib fracture
 - Right hemothorax
- 2. Laceration/incised wound of right upper shoulder

IDENTIFICATION

Body Identified By

Papers/ID Tag

EXTERNAL DESCRIPTION

Length 76 inches

Weight 257 pounds

Body Condition Intact

Rigor 2+

Livor None

Hair Black

Eyes Brown

Teeth Natural, upper and lower, in fair repair

Received is the body of a well-developed, well-nourished black male appearing compatible with the reported age of 30 years. The body is received wearing pants and underwear. Also present with the body are 2 shirts which have been cut and socks. Valuable personal effects accompanying the body consist of 4 white metal necklaces with 4 white metal pendants with clear stones. Identifying marks and scars consist of multiple tattoos on the chest and arms. There are multiple irregular scars in the left antecubital fossa and right and left knees. Evidence of medical intervention includes electrocardiograph leads on the chest and lower legs.

DESCRIPTION OF GUNSHOT WOUND:

There is a 1/2" x 3/8" atypical elliptical entrance gunshot wound with a 3/8" eccentric marginal abrasion from 2-3 o'clock on the right side of the neck located 10 1/4" below the top of the head and 2" right of the midline. There is no soot or gunpowder stippling noted on the skin surrounding this wound.

The wound track proceeds through the skin and soft tissue of the right neck, lacerates the right subclavian artery, proceeds through the right supraclavicular soft tissue, fractures the right posterior 4th rib, and terminates in the soft tissue of the right upper back where a bullet is recovered. The wound track is associated with approximately 2 liters of blood in the right pleural cavity. The wound direction is front-to-back, left-to-right and downward when the body is viewed in the standard anatomical position.

OTHER INJURIES:

Other injuries consist of a right upper chest/shoulder laceration/incised wound that measures 1/2" x 1/4" with a depth of 1/8".

DISPOSITION OF PERSONAL EFFECTS AND EVIDENCE

The following items are released with the body

None

The following items are preserved as evidence

Clothing, jewelry, bullets and bullet fragment, blood stain card

PROCEDURES

Radiographs

Anterior/posterior full body radiographs are taken and demonstrate a radiopaque bullet in the right upper back.

INTERNAL EXAMINATION

Body Cavities

The right pleural cavity exhibits the previously described injury. The left pleural cavity and peritoneal cavity are free of significant fluid and adhesions. The organs are in their normal anatomic positions.

Cardiovascular System

Heart Weight 450 grams

The pericardial sac is free of significant fluid and adhesions. The coronary arteries arise normally, follow the usual distribution and are widely patent without evidence of significant atherosclerosis. The left ventricular free wall measures 1.8 cm in thickness at a point located 1 cm below the mitral valve annulus. The myocardium shows no evidence of acute infarction, scarring, or focal lesions. The aorta and its major branches are intact without significant atherosclerosis.

Respiratory System

Right Lung Weight 250 grams

Left Lung Weight 275 grams

Examination of the soft tissues of the neck reveals the previously described injuries. The hyoid bone and laryngeal cartilages are intact. The larynx is clear. The upper and lower airways are free of debris and foreign material. The lungs are normally formed. The parenchyma is collapsed and without edema, congestion, or obvious consolidation or focal lesions. The pulmonary arteries are free of thrombi or emboli.

Gastrointestinal System

The gastrointestinal tract is intact throughout its length and is unremarkable. The gastric contents consist of 200 ml of liquid and partially digested food without evidence of pills.

Liver

Liver Weight 1425 grams

The capsule is intact and the parenchyma is unremarkable. The gallbladder is present, contains bile, and is grossly unremarkable.

Spleen

The spleen is normally formed; no focal lesions are present.

Pancreas

The pancreas is of normal size, shape and consistency without focal lesions.

Urinary

Right Kidney Weight 175 grams

Left Kidney Weight 150 grams

The kidneys are normally formed. The capsules strip with ease from the underlying smooth cortical surfaces. The renal architecture is intact. The bladder contains urine.

Reproductive

Grossly unremarkable.

Endocrine

The thyroid gland and bilateral adrenal glands are grossly unremarkable.

Neurologic

Brain Weight 1325 grams

Reflection of the scalp reveals no evidence of injury. There are no skull fractures identified. The leptomeninges are thin and delicate. The cerebral hemispheres are grossly unremarkable. The vasculature at the base of the brain is intact without significant atherosclerosis. Coronal sections reveals a normal architecture without focal lesions.

Skin

Except as described, is grossly unremarkable.

Immunologic System

Grossly unremarkable.

Musculoskeletal System

Except as previously described is grossly unremarkable.

MICROSCOPIC EXAMINATION

Microscopic Comment

Histologic examination is not performed.

SUMMARY AND INTERPRETATION

The decedent was a 30-year-old black male who was shot.

Autopsy examination reveals a single penetrating gunshot wound to the right neck with injury to the right subclavian artery and subsequent severe bleeding into the right chest cavity.

Postmortem toxicology reveals the presence of ethanol in the decedent's blood. Please see separate report (T2018-7700) for further details.

Based on the history, autopsy findings, and results of postmortem toxicology, it is my opinion that the cause of death in this case is gunshot wound of the neck.

DIAGRAMS

1. BODY DIAGRAM: ADULT (FRONT/BACK)
 2. BODY DIAGRAM: ADULT (FRONT/BACK)
- BODY DIAGRAM: ADULT (FRONT/BACK)
BODY DIAGRAM: ADULT (FRONT/BACK)