

1 Q. THIS IS DETECTIVE FARMER OF THE PIMA COUNTY SHERIFF'S  
2 DEPARTMENT, ROBBERY ASSAULT, BADGE NUMBER 5964. IT'S MAY 5<sup>TH</sup>,  
3 2011. THE TIME IS NOW 1244. HERE WITH?

4 Q2. DETECTIVE TZYSTUCK, BADGE 5087.

5 Q. AND.

6 A. AND SERGEANT BOB KRYGIER, 1171.

7 Q2. IT'S IN REGARDS TO CASE 110503248.

8 LEGEND: Q. DETECTIVE FARMER A. SERGEANT KRYGIER

9 Q2. DETECTIVE TZYSTUCK

10

11 Q. So Sergeant Krygier, if you can kind of just, uh, describe your position on the SWAT  
12 team to us. Uh, how you found out about what's going on today, uh, what you were told  
13 about today, and just kind of start, start there.

14 A. All right. Um, well, it started a little, for, we were requested to serve a search warrant for  
15 the Pima County Sheriff's Department's Special Investigations Unit, SIU. Um, uh, they  
16 told us it was an ongoing investigation, uh, reference, uh, connections to possible drug  
17 running, home invasions and potential homicides. Uh, we were briefed on this a few  
18 days ago. Um, on, the actual briefing took place on Tuesday, and it's Thursday, right?

19 Q. Yes.

20 Q2. Yes.

21 A. On Tuesday. Um, and that is when I became involved and now, so that's kind of  
22 prefacing everything. And my position, I'm a SWAT supervisor. I was the primary  
23 supervisor per se on this one. Officer Shumate, uh, put together the tactical plan with my  
24 assistance. I kind of guided him through it, so it was more of a mentoring thing for, for  
25 Officer Shumate to run the mission. However, I was up there to make sure and, and  
26 assure that everything went according to plan and everything, as we had a supervisor up  
27 there. So ultimately, I was the supervisor on this mission. Um, what, after the briefing  
28 on Tuesday, myself and a few other deputies along with, uh, Detective Hess went and did  
29 a scout of the house on Red Water, as well as the house on Lemon Tree. Um, Detective  
30 Hess was giving us more background that was giving into the briefing, but basically what  
31 we were told from, especially from a tactical standpoint, was that this house on Red  
32 Water was where, what we'll call the bad guy lives. Um, told us that the subject who  
33 lived there, I can't remember what his name was, but I know he was born in '84, 'cause I  
34 remember seeing that on a briefing sheet. Um, he was involved, uh, directly with cartels,  
35 drug cartels and running drugs. Um, associated with a homicide where a husband and  
36 wife got killed and the daughter called, uh, for help. Associated with three other  
37 properties that we were also serving warrants on today, uh, as well as, if not actively  
38 taking part in hiring out to do rip crews, uh, to steal other people's marijuana and perform  
39 home invasions. So that was kind of the tactical background on it. Um, I was also  
40 informed that when they did a drive-by of this house, uh, a one time just drive past it, that  
41 Detective Hess was actually followed for about ten miles by the, uh, someone in the  
42 house. So they were clearly watching what was going around them. They saw a white

1 Tahoe that they didn't recognize, and they followed it for up to ten miles. I was also told  
2 that Detective Rossler, uh, did a drive-by and a day or two later, uh, there was actually a,  
3 um, vehicle registration inquiry on his truck. So, um, good bad guys, uh, bad guys who  
4 are, know what they're doing and obviously, uh, you know, alert of what was going on  
5 around 'em. So, uh, after the scout on Tuesday, um, myself, Officer Shumate and  
6 Officer, uh, uh, Hector Iglesias from Sahuarita sat down and started putting the tactical  
7 plans together. Uh, we put a plan together for this house as well as the house on Red  
8 Water, made assignments, uh, the plan consisted of where people were gonna go. Where  
9 we're gonna put our armor, where all the vehicles are going to park, and, uh, put that  
10 together, and did it for both houses. So fast forward to today after the tactical plan was  
11 put together, we met with Lieutenant Stuckey, who was this SWAT commander for this  
12 mission. We went over the tactical plan this morning at about 7:30, at, uh, our, the  
13 Sheriff's Department building on, uh, Benson Highway. And, went over the tactical plan  
14 with, uh, Lieutenant Stuckey. He approved it, uh, no changes needed to be made. Um,  
15 we had all our people in place, who was going up to the front door, who was giving  
16 knock and announce commands, who was holding, where the armor was gonna be and all  
17 that. So at about, uh, eight o'clock, we briefed with the rest of the SWAT team. We  
18 brought in the investigating detectives, uh, not all of them, but, uh, the ones who were  
19 assigned to go to, uh our, our, uh, addresses and the supervisors of those, and brief them  
20 on basically our tactical plan and when they would move in, so we could move from the  
21 Red Water to the Lemon Tree address. Um, I drove the bear cat. Uh, I was the lead  
22 vehicle, because I had done the scout. Uh, I was also part of the entry team. I, uh, drove  
23 up there with the entry team, along with Detective Hess and, uh, Detective Almaraz were  
24 in there as well to say, to, to confirm. We looked at the warrant, verified it was correct  
25 with what we had seen visually. Um, and then we took also Detective Hess and  
26 Detective Almaraz to say, yes, this is again the house. Uh, so we have a lot of, uh, uh,  
27 pieces in place to make sure we don't go to the wrong place.

28 Q2. And, and which location was this?

29 A. This was on Red Water.

30 Q2. Red Water.

31 A. Red Water, yes.

32 Q2. Where this bad guy...

33 Q. \_\_\_\_\_.

34 Q2. ...was supposed, where the main bad guy is.

35 A. Yes. Yes.

36 Q2. Okay.

37 A. And, and, and we had even briefed that in our plan, that if something were going to  
38 happen, it was probably going to happen at Red Water.

39 Q2. Okay.

40 A. Um, so we're, we're driving, coordinating with the, uh, other, uh, SWAT team that was  
41 going to serve, uh, on two other warrants at different locations. But we wanted to hit the  
42 Red Water address and another address, uh, in the area of Camino Verde and Ajo at the

1 same time or as close to it the same time as possible so, uh, they couldn't communicate  
2 and, you know, prepare for us, get rid of drugs, leave, that type of thing. So, uh, as we're  
3 driving in, um, as I roll up, I see the house that I did the scout on, confirmed that it was it.  
4 Um, the same SUV that was parked there when we did the scout was there, so I pulled in,  
5 uh, right behind the SUV so no one could run out and get into it. Blocking the SUV and  
6 then also blocking the garage door. Um, I hit the, uh, uh, overhead lights on the bear cat.  
7 Again, to, uh, notify any residents, uh, of the house and the neighborhood that we were  
8 the police, and then some folks inside, I believe it was, uh, it was either, uh, Tim  
9 Higgenbottom (ph) one of our medics or Detective Almaraz or Hess who activated the  
10 siren and had it going. Because we had lights and sirens going on while we were moving  
11 up to the front door. Ulm.

12 Q2. Still in the vehicle at this point?

13 A. Just stepping out. Most of the entry team had gotten on the, uh, skids at Wade and  
14 Valencia.

15 Q2. Okay.

16 A. And were riding in that way. Uh, so they could get off quicker, just so they could get on  
17 target quicker, get on, get to the front door.

18 Q2. Okay.

19 A. Um, so they were already off the skids moving up to the front door. I was probably the  
20 last one to join 'em, because I had to park the truck.

21 Q2. Right.

22 A. Step out, um, you know, just look around and see what was going on. So I heard them  
23 giving, uh, knock and announce commands on the way up, those being the breachers. I  
24 couldn't say specifically it was Ken Walsh or Derrick Ogden, but they were the ones  
25 giving the, uh, knock and announce commands that we were the police, we had a search  
26 warrant, anyone inside come to the front door, uh, both in English and Spanish. That was  
27 given several times. As I got out of the, uh, the bear cat, uh, Almaraz, I think left the  
28 siren going to long, 'cause we don't wanna keep it going, because obviously then we  
29 can't hear. So I breached, I said, hey, turn that off, so he turned it off. I moved up to, uh,  
30 to the, to the entry team near the front door. They were still giving commands, um, and  
31 then I heard, uh, Officer Shumate give the breach command. Uh, which is, that's the  
32 command to now we're physically going to go in and force entry at the front door if need  
33 be. Um, no one had, no one had, uh, submitted to our authority, no one came to the front  
34 door, nobody opened it, there, there was no reply from inside. So, uh, one of the  
35 breachers, again, I don't know whether it was Ogden or Walsh, hit the door with the ram.  
36 It went open. I was around a corner. It was very narrow, uh, pathway from the end of the  
37 garage to the front door. Uh, the shield was up. \_\_\_\_\_ Officer Shumate, uh, and at least  
38 two or three other guys were up there. So there was really no room for me. So I just  
39 hung out, hung out back. Um, about two or three seconds the, uh, door was, was forced  
40 open, uh, immediately started hearing gunfire. Um, I, I, I looked, but I knew I couldn't  
41 get in there, because there were just too many people. So I stepped back a few feet, uh,  
42 literally away from where the bullets were flying. That is, you know, if I can't fight, you  
43 know, you can't fight what you can't see. So I wanted to just get in a little bit safer

1 position for me. So I just, uh, stood there for a couple seconds. I heard them say, grab  
2 Hector. I think Jake said that, Officer Shumate. 'Cause at some point, I was told  
3 afterwards that, uh, Hector had fallen down, uh, and he was the shield operator. So he  
4 would have been kneeling down with a ballistic shield in front of him, looking into the  
5 residence. So, uh, and there was a lot of gunfire going on. I, I couldn't estimate the  
6 numbers, but know-, knowing how many people were there, probably 80, 100 rounds  
7 were fired. I can't say how many the bad guy fired, um, at us. So we immediately, uh,  
8 retreated back to armor once we, uh, made sure everyone was okay. I came on the radio  
9 and advised, uh, that shots had been fired. We got back to the, the bear cat kind of tried  
10 to, tried to calm things down. Obviously, there was a lot of, uh, tension going on at that  
11 point. The adrenaline was pumping. Um, did, did a role call of everybody, physically  
12 went up to everybody, are you okay, are you okay, you okay, everybody was fine. Um, a  
13 few seconds after that, Lieutenant Stuckey had arrived up there. Um, immediately got on  
14 our PA, um, after I had been briefed, 'cause again I still hadn't seen inside. And they  
15 said that, uh, there was, they saw a male figure down the hallway, they, you know, into  
16 the house with a gun and he was shooting at us. Um, they obviously said they fired, they  
17 said they don't know what happened, because there was a lot of smoke and they couldn't  
18 really see through it after the, the shooting, but the shooting had stopped. So that's when  
19 we had retreated. So I basically got on the PA for about, I don't know, five or ten  
20 minutes, um, asking anyone inside to come out. Telling 'em again that we were the  
21 police. Telling 'em over and over again that if they need any medical attention, we had  
22 paramedics out there, uh, ready to provide help for them. And I asked Almaraz to call  
23 our COM to see if, uh, on the off chance that she had called 911, or not she, but anyone  
24 inside may have called 911, neighbors or anyone, so we could gather intel, 'cause we still  
25 don't know who is inside, what's inside. So, uh, Almaraz says that COM was actually on  
26 the line with a female inside the house. Um, Teresa Hess said her name was probably  
27 Vanessa, so I started trying to negotiate with her over the PA through the bear cat again,  
28 saying Vanessa if you're inside, please come out, nothing in your hands, hands above  
29 your head. We wanna get help if anybody was hurt inside, just, you know, things similar  
30 to that for about five minutes. She walks out, see her at the front door. And, uh, she's  
31 got a phone in her hand. And, uh, I stay on the PA, I said Vanessa, just keep walking to  
32 us. She steps back inside and everybody loses sight of her. So we don't know where  
33 she went. Um, COM actually advised us that, that she had gone off line at that point and  
34 hung up. And, uh, so she's back inside. Um, so again continue with the commands. Uh,  
35 anyone, and I'm being specific with the address, 71█, 71█ South Red Water, um, if  
36 you're inside, please come out. I'm, I'm literally pleading with them to come out. Please  
37 come out. We, you know, we wanna get you help, if you need it. Come out with your,  
38 uh, hands free and above your head, all that stuff. And then, uh, I gave the PA to Deputy  
39 Almaraz, 'cause he could speak Spanish much better than I can, I can give basic  
40 commands. But he started repeating in Spanish over and over what I had been saying. I,  
41 I made sure, uh, that he said things about, uh, you know, if anyone's inside, medical  
42 attention, uh, and all of that again to, you know. I'm assuming that there's someone  
43 inside who'd been shot. And he said if anyone inside got shot, we need to get him, we  
44 have paramedics here. Um, five, maybe ten minutes after, uh, the female had arrived at  
45 the front door and went back in, she comes back out. She doesn't really want to, um,  
46 come to us, so a small team moves up, uh, with some ballistic protection and literally

1 grabs her and carries her back. Um, she's a primarily Spanish speaking female, so we get  
2 some deputies over there, officers start talking to her. She says that her husband has been  
3 shot. He's inside. He, the last she saw he was breathing, but it was very, you know,  
4 labored and shallow. She also told us that a, uh, her four year old son was inside, in a  
5 back bedroom too scared to come out. So at this time, um, we're concerned mostly, our  
6 primary concern was with the four year old. Um, myself, uh, Officer Shumate,  
7 Lieutenant Stuckey start putting a tactical plan together, essentially to go rescue this kid.  
8 Um, people continue to give commands, so we're putting a plan together to, uh, go back  
9 to the bedroom where he was at, try and either make contact to him through the window.  
10 Uh, break the window, if we would have had to, but we wanted to get him, assure him  
11 that we were the police and, uh, get him out. Um, our plan was at that point was to  
12 simply get him. If he wasn't in that back bedroom where he was supposed to be, we  
13 weren't going to go any further. We weren't gonna go through the house, 'cause we still  
14 have unknown threats. We don't know if there's, there's other people in there. Um, but  
15 according to the female, her husband, who she said was shot, and her four year old was,  
16 uh, in there scared. So at this point, um, we're hit-, literally just getting ready to move to  
17 that window to put our plan into action and the four year old comes out to the front door.  
18 So he walks out on his own, guys grab him, they get him back and then we can really  
19 slow down. Uh, we continue to give commands over the PA for a while, um, no  
20 response, no response, no response. So the plan then progresses. We're, uh, you know,  
21 gonna start treating this as a barricaded subject, um, 'cause there's no known other  
22 victims or hostages inside. And, those plans start to go into, uh, into effect. Um, uh, how  
23 much further do you guys want me to go? Do you want me to.

24 Q2. That's fine.

25 Q. Yeah, and keep, you.

26 Q2. You deployed the robot, right?

27 A. Yeah, exactly. Uh, if you want me to talk about deploying the robot.

28 Q. Yeah.

29 A. Some of the things we did around. Okay. Um, Deputy Korza is, is most knowledgeable  
30 on our team with the, uh, electronics and we have a little hand held robot. It's a, it looks  
31 like two wheels and stick, but it's a, it's a camera that, that delivers pictures back. So, uh,  
32 Deputy Korza gets that ready. We move it into the house. I stay with Deputy Korza to  
33 provide him some cover, but also, um, at this point, I'm starting to take more of a, I'm  
34 taking the leadership role, 'cause Jake is still doing, Officer Shumate is still doing his, his  
35 role, but as a supervisor with everything that happened, it had escalated to the point to  
36 where, um, I was now have taken over. Um, so I stay with, uh, almost working, call it  
37 unified command with Jake, 'cause he was doing a great job. Outstanding job. Nothing  
38 that I wouldn't have done and I couldn't think of anything else to do. So he was, he was  
39 taking care of business. Um, I looked, uh, Jay gets it in, I kind of tell him where to go,  
40 because Korza wasn't there when, uh, this all started. So I told him probably where the  
41 bad guy was, where the sub-, subject was, who was who had been shot. Ultimately get  
42 down the hallway, right behind the breakfast bar, sure enough we see him. Uh, clearly  
43 see a male laying there, face down, arms above his head and there's a, uh, a gun next to  
44 him. And I couldn't tell at that point, whether it was a rifle or a, uh, or a shotgun, but

1 some type of long gun, laying there, clearly not moving. Um, we watch him for a while,  
2 several minutes. No, no breaths being taken, but, you know, it's not the greatest video  
3 quality. Uh, we actually run the robot into him. Um, no, no response. So, uh, by that  
4 time our big EOD robot is on scene, and it's getting prepped to go in. So at that point, we  
5 said, we'll just leave that robot there with the picture that we've got. Myself and Deputy  
6 Korza, uh, move back and progress to our next set of plans. A little misinformation came  
7 out that, um, someone called from 71 [REDACTED] and said they had been shot. Um, that  
8 information got to us, there, we couldn't find an address of 71 [REDACTED], but there were three  
9 houses, uh, basically one right next door to the house that we were at. One right behind  
10 and one right across the street, uh, I'm not even sure what directions they were at this  
11 point. Um, but right across from the front door. Uh, we weren't able to make contact at  
12 any of those, because when all this shooting was taking place, one of our first things that  
13 we do, we had guys who weren't actively involved in it, once we kind of got back and got  
14 some cover and were able to breath for a second and start doing evacuations. Uh,  
15 evacuating neighbors so, getting all the neighborhood as, as far away as they could. I  
16 know they got some bodies out, um, from houses, some they just couldn't make contact  
17 at. So, uh, with the info that we got on the, uh, uh, from COM saying 71 [REDACTED] had been  
18 shot. We're like, oh, did some rounds go through and hit somebody. So I take a team  
19 now over to the house first directly across the street from the front door of target house.  
20 We force entry into there, 'cause we knocked for several minutes, uh, get no reply. Force  
21 entry into there through the front door. Uh, a team and I go and clear it, looking for  
22 bodies, not, not bad guys, but victims at this point. So we're going quicker, giving  
23 commands as the police, anybody needs, need help. We do that, that house, we find  
24 nobody. Um, the house directly next door, there's a street on one of the house, on the  
25 other side. Uh, we go directly into that house and do the exact same thing. Um, I didn't  
26 see anything in either of those houses, no holes in it. No, uh, no signs that anyone who  
27 had been shot. Um, no signs that bullets had gone through any of the, where the gunfight  
28 had taken place in either of these two houses. Uh, by this time, other guys were on scene  
29 and, and, uh, Sergeant Bonds was to the house behind where the gunfight had taken  
30 place, where he clearly saw rounds hit the wall and the, uh, house. He advised over the  
31 radio that they had made entry in there and weren't able to find anybody. A little more  
32 research was done and actually went back and listened to the tape of 71 [REDACTED] and, it was  
33 miscommunicated, it was actually the female who we were on the phone with initially.  
34 And that's what we felt, but we had to make sure. Um, so then we slow it down again.  
35 We got everybody out. We're as certain as we can be at this point, there's no other  
36 victims in the neighborhood. And, uh, everyone who had been involved in the fight was  
37 still actively doing things, and now we could finally calm things down. Um.

38 Q2. And then at some point you do confirm that he is deceased inside the house, is that  
39 correct, the suspect?

40 A. Yeah, as, as best we could.

41 Q2. Right.

42 A. Without going in. And through the robot, uh, we have paramedics that were on scene.  
43 They saw whatever they saw, I, I won't say what they saw, but what I saw was a man  
44 with a lot of blood, uh, not moving at all. We ultimately sent our, um, big EOD robot  
45 \_\_\_\_\_ a much better picture and all that stuff. Um, and then via the information that the

1 paramedics got on scene, they called our SWAT doctor, Dr. Kastre, and she, uh, with  
2 whatever laws that she has was able to pronounce him dead.

3 Q2. Okay.

4 A. Um, however.

5 Q2. So to your knowledge had anybody gone in and physically \_\_\_\_\_?

6 A. No, no one has gone in and physically, physically seen anything yet. But, uh, Dr.  
7 Kastre's pronounced him dead in the way that doctors do. Um, and from what I had seen,  
8 there was no sign of life in him. We, uh.

9 Q. And Deputy Korza, correct me if I'm wrong, he's also a medic.

10 A. He's a paramedic, yes.

11 Q. He's also a paramedic, okay.

12 A. Yes.

13 Q. So he, based on what he saw initially from \_\_\_\_\_.

14 A. I won't, I won't say what Jay thought...

15 Q. Okay.

16 A. ...because, you know.

17 Q. Did he say anything to you that?

18 A. He said, I don't see any breathing.

19 Q. Okay.

20 A. Um, but we even talked, I said, he goes, but I wouldn't pronounce him yet. 'Cause we  
21 discussed this...

22 Q. Okay.

23 A. ...a little bit later on.

24 Q2. Right. Right.

25 A. Um, so, uh, um, at that point, the decision is made through Lieutenant Stuckey and some  
26 others that anyone who actively took place in the shooting, was going to now stand down.

27 Q. Okay.

28 A. We had more bodies on scene, so I think it's five shooters stood down. Um, they.

29 Q2. With their cover officer.

30 A. Yeah.

31 Q2. And they came \_\_\_\_\_.

32 A. I don't think they initially had cover officers right here, 'cause we still needed some  
33 bodies.

34 Q2. Okay.

1 A. But they, they moved away from the active scene right where we were kind of running  
2 operations. I was there briefing with, with, uh, Lieutenant Stuckey about all that stuff.  
3 And so I went and took over the, uh, the team that was now gonna make entry into the  
4 house. Um, I specifically took Deputy Korza with me, because of what he had saw and  
5 his paramedic background. Because we had talked, I said, yeah, he's probably dead, but  
6 we wanna still, you know, go in and put eyes on, just, just to be sure. Um, we had a  
7 tactical plan in place that was gonna be very slow and go, methodical, moving through  
8 the house to make sure, um, that nobody else was in there. To make sure that there was n  
9 nothing weird going on. And honestly to keep on an eye on him, 'cause once we hit the  
10 front door, you could see him where he was laying. Um, so we had two people dedicated  
11 nothing else, but watching him to make sure him, by him, I mean the suspect, the, the guy  
12 who had been shot, uh, was down and not doing anything. He wasn't gonna, you know,  
13 try to do something crazy and he was all right and grab his gun and all that stuff when we  
14 come in there. You know, anything could happen. So, um, we go in and start moving  
15 slowly through the house. Um, again our, our plan is in place. Once we get up to the  
16 kitchen area, there's blood everywhere, you can see brain matter. You can see bone  
17 fragments. He's down, clearly not moving. Uh, many, many bullet wounds to him. You  
18 could see an exit wound in his back, his arm, his head, his leg. Uh, clearly no signs of  
19 life. I know deputy, and Deputy Korza was my primary person to move up and, you  
20 know, for lack of a better term, pronounce him dead then as a police officer and his  
21 medical background. Um, but again, if, if I would have been without him at that point, I  
22 would have pronounced him dead as well. Um, so we, we continue to clear the rest of the  
23 house. We keep, uh, one to two operators right there at the scene. We wanna disturb it  
24 as, as little as we can. Covering him and then, uh, we were gonna grab the gun, but he  
25 was clearly dead, so we just decided to leave it in place. Um, we go and clear the rest of  
26 the house and, um, ultimately come back. We have to clear the attic space, which took  
27 about 20 additional minutes, as it was a unique kind of, uh, labyrinth type of an attic.  
28 And then ultimately, um, uh, clear the scene at that point. Um, since I'm not going to do  
29 a report, can I throw a few more things in that we saw?

30 Q. Absolutely.

31 A. \_\_\_\_\_. There were, uh, many guns in the house. Um, in the master bedroom during our  
32 clearing, we found a, another rifle. So there was an AR15 type rifle saying right next to  
33 his body in the living room, right next to the fire place. Um, in the master bedroom,  
34 between the bed spring and the mattress was another, uh, I saw the stock of an AR15  
35 rifle. I never actually physically lifted the, the bed up, but, uh, Deputy Taylor told me  
36 that's what it was. He had saw it. So that, seen it. So there was a rifle there. In another  
37 bedroom on the back side of the house, was a handgun on top of a cable box, on top of  
38 the TV. And then, um.

39 Q. Could you see, could you see a, a magazine in the well of that gun?

40 A. Of the handgun?

41 Q. Yeah, handgun.

42 A. I, I don't remember.

43 Q. Okay.



- 1 A. Don't remember. There was definitely a magazine in the, the rifle that he had next to  
2 him.
- 3 Q. Okay.
- 4 A. Um, there was also some body armor in, uh, uh, or appeared to be body armor in a  
5 hallway closet. And then as we moved into the garage, uh, we found a large Tupperware  
6 box, probably three feet wide by, you know, two feet high that people would normally  
7 keep Christmas decorations in and what not. Uh, it was full of body armor. Um, it was a  
8 Border Patrol, had a US Border Patrol hat in the, uh, uh, garage, as well as another rifle  
9 and a second type of gun in a gun box. So it, it appeared that he had, he was well armed,  
10 um, well armored, and, uh, you know, prepared for different types of things with the, uh,  
11 amount of body armor and weapons that we saw in there.
- 12 Q2. When you saw him laying there deceased, did he have body armor on him?  
13 A. No. Uh, he was, he basically had a pair of boxer briefs on and that was it.
- 14 Q2. Okay.  
15 A. Yeah.
- 16 Q. Okay. So let's move back to the, to the briefing that you got real quick.  
17 A. All right.
- 18 Q. Um, you said that, you said that, uh, you were, you were briefed that the, the bad guy had  
19 involvements with home invasions, uh, narcotic and, and human smuggling, and those  
20 types of activities.  
21 A. Not necessarily human smuggling.
- 22 Q. Okay.  
23 A. But, uh, specifically a home invasion, uh, specifically a double homicide and specifically  
24 that he was, he would, uh.
- 25 Q2. He's with the cartel.  
26 A. Yeah, yeah.
- 27 Q. Drug, drug rips and stuff like that.  
28 Q2. Okay.
- 29 Q. And his involvement in the cartel.  
30 A. Uh huh (yes).
- 31 Q. Is, are firearms and, and body armor and those types of things, things that you know  
32 through your, your training and experience to be involved in, in, you know, uh...  
33 A. The drug trade.
- 34 Q. ...yes.  
35 A. Yes.
- 36 Q. Okay.

- 1 A. Yes.
- 2 Q. All right, um.
- 3 Q2. Now, oh go ahead.
- 4 Q. Uh, when, when you hear, when you hear the, the gunfight start.
- 5 A. Uh huh (yes).
- 6 Q. Um, can you tell if the, if, if the first rounds are closer or farther away from you?
- 7 A. I couldn't tell.
- 8 Q. Okay.
- 9 A. I just, just heard rounds.
- 10 Q. Okay. What, when, when, when the gunfight does start, what do you see and hearing?
- 11 What are you thinking? What are you feeling?
- 12 A. When it, when it initially starts, um, I know the guy said something, uh, by the guys, I
- 13 mean the, the team right there at the door said something, and I don't know what it was.
- 14 But then I hear a few rounds and then I hear a lot of rounds.
- 15 Q. Okay.
- 16 A. Um, I'm, like I said, I'm around the corner, probably six or eight inches from being able
- 17 to get my head around and see what's going on. But A, because there were already six
- 18 guys there, uh, at least five or six guys, I don't know how many are actively shooting.
- 19 Um, and the fact that I have no idea what's going on, I didn't wanna put my head where
- 20 bullets were probably flying. So I just, uh, I stepped back, kind of evaluated, I saw the
- 21 team backing out, um, and, uh, the firing was going on. There was several, several
- 22 seconds if not, you know, five or six seconds. Um, and by that time, I could tell that the
- 23 majority of the rounds, most of the rounds now were ours. Um, I could see what the guys
- 24 were doing. I could, uh, hear it, so I'm watching them. And lots of rounds are going
- 25 back into the house. Um, I didn't see anybody go down, so I move back. I think I went
- 26 the opposite, 'cause I was on the opposite of this SUV. The team just moved, um, on the
- 27 door side of the SUV, the driver's side of the SUV and because of where I was
- 28 positioned, I moved on the passenger side, got back behind the van, or behind our armor
- 29 and our bear cat, and made sure that everybody was okay, no holes in them. And, um,
- 30 just evaluated, and that's when I first got briefed that they said, once we breach the door,
- 31 um, uh, we saw a guy in the back of the house with a gun. I asked, did he shoot, um,
- 32 someone said, I'm not sure. And a couple said, yeah, he shot at us. I mean I couldn't say
- 33 specifically who, who made those statements, but I was told both things.
- 34 Q2. When you heard the shots, when you first heard shots being fired.
- 35 A. Uh huh (yes).
- 36 Q2. Were you already in position? Were you already where you were gonna be standing
- 37 during the breaching?
- 38 A. Um, I may, I was, the door had already been breached. So basically what I was doing
- 39 was I was through the threshold, as they took another step forward, I was gonna get right
- 40 into the line of...

- 1 Q2. Okay.  
2 A. ...what would be the line of fire, because I was gonna go ahead and make entry.
- 3 Q2. Did you happen to notice, were the shots coming from the house or were they being shot  
4 from the guys in front of you? Or the guys \_\_\_\_\_?  
5 A. Couldn't tell. Couldn't tell who, you know, the, the, especially the initial shots.
- 6 Q2. And what were you wearing?  
7 A. Uh, I was wearing my full SWAT gear. I had, uh, my body armor on, a duty belt with a  
8 side holster, a ballistic helmet, clear sunglasses, and I think I only had my handgun. I  
9 know, after all this happened, I ultimately had my rifle, but I think because typically as a  
10 supervisor you won't take a rifle in because it's kind of cumbersome and you don't do a  
11 lot of the normal clearing events. Uh, I had left I out in the, the, uh, bear cat. I'm not 100  
12 percent sure on that though.
- 13 Q2. What kind of markings are visible to, to let somebody know that you're a police officer?  
14 A. Uh, on my vest, I have a, uh, circular patch that says, uh, Sheriff on it. Um, I think on my  
15 back I have a, uh, Sheriff patch. I have shoulder patches, uh, on each arm that says  
16 Sheriff. Sheriff's written on my, uh, ballistic helmet. Um, and again we give, we had,  
17 uh, a fully marked vehicle out front with lights on and the siren had gone for too long  
18 actually. I had to tell 'em to turn it off.
- 19 Q. So if the average lay person saw you, they, they, do you feel like they would, they would  
20 think that you were a police, a police officer?  
21 A. Yes.
- 22 Q. Okay.  
23 A. And there were also, uh, several other marked vehicles, uh, within a house length or two  
24 of the, uh, the Red Water address with it's lights and sirens on as well.
- 25 Q. Okay. And it's safe to say that if anybody looked out a window they would have seen  
26 some kind of vehicle that, that was marked as a Sheriff's Department. They would know  
27 that the police are out front, out in front of their house.  
28 A. Yes.
- 29 Q. Okay. Uh.  
30 Q2. And at any time Sergeant Krygier, did you fire your weapon?  
31 A. No, I didn't.
- 32 Q. Um, and when we, when we go back to when, I'm sorry, when you guys start to, uh, start  
33 to clear these other houses, when you, when you forced entry into their house...  
34 A. Uh huh (yes).
- 35 Q. ...that's, that's with the, um, the, the s-, the \_\_\_\_\_ that there, there may be a,  
36 somebody who's potentially been shot inside the house.  
37 A. Yes.
- 38 Q. Okay.

- 1 A. That was the only reason we went in any other houses.
- 2 Q. Okay. All right. Well, do you feel like there's anything else you could, you could give  
3 us that would help us with the investigation?
- 4 A. Nope, that pretty much covers everything, I think.
- 5 Q2. Let me just ask you one last question. When you heard the gunfire.
- 6 A. Uh huh (yes).
- 7 Q2. I don't know if you've already said this, were you scared? Did you think you were gonna  
8 get shot? What was your thought process?
- 9 A. Yeah, I, I was scared. Um, you know, there were, there, there was so many rounds being  
10 fired. Um, and again, I think I was mostly scared because I couldn't see what was  
11 happening and I was literally inches away from the gunfight. Um, I was behind some  
12 cover, uh, you know, some stucco, but if you look at the house, you see these bullets are  
13 flying right through everything. Um, yeah, I was very scared actually. Uh, and, uh, I  
14 just, then I was, then I was making sure all the guys were okay and wanted to get them  
15 out of there and behind cover, so we could see what was going on.
- 16 Q2. And because you made entry into the house, to secure it, to make sure there was no  
17 parties injured and you happened to see the deceased suspect.
- 18 A. Uh huh (yes).
- 19 Q2. Were there multiple spent rounds next to him or on the floor, in the area, did you kn-,  
20 happen to notice that?
- 21 A. Yeah, there, there were all kinds of rounds. Um, there were rounds from the front door to  
22 him.
- 23 Q2. Okay.
- 24 A. Um, there were actually there was rounds, handgun rounds that appeared that had gone  
25 through something and didn't quite make it where they were going, but yes there were.  
26 There were holes in the walls, um, holes next to him, holes in the refrigerator, holes in the  
27 wall behind where he was. Uh, a lot of holes.
- 28 Q. OKAY. UM, TIME IS NOW 1313. WE'RE STOPPING THE RECORDING. \_\_\_\_\_.

29 WITNESS:

30 \_\_\_\_\_  
31 DETECTIVE FARMER #5964

32 TRANSCRIBED BY:  
33 J. KENNEDY, MAY 14, 2011