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

R. Andrew Murray
District Attorney

700 East Trade Street
Charlotte, NC 28202
Telephone: 704-686-0700
Fax: 704-686-0716

July 6, 2017

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

Re: Iaroslav Mosiiuk Death Investigation

Dear Chief Putney:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Iaroslav Mosiiuk on March 8, 2017. The case was investigated under complaint number 20170308125800. The purpose of this review was to examine whether the conduct of CMPD Officer Brian Walsh was unlawful. Faced with a man who placed himself in a firing position and pointed a rifle at the back of a fellow officer, who was running for cover, Officer Walsh's actions on March 8, 2017, were in conformity with the laws of North Carolina, and it is my conclusion that his use of deadly force was justified.

This letter specifically does not address issues relating to tactics or whether officers followed correct police procedures or CMPD Directives.

I, along with Assistant District Attorney Bill Stetzer, supervisor of my Homicide Team, responded to the scene of this incident and watched the interviews of pertinent witnesses. I personally reviewed the investigative file provided by the 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 DA is

the chief law enforcement official of the 26th Judicial District, the boundaries of which are the same as the County of Mecklenburg. The DA has no administrative authority or control over the personnel of the CMPD or other police agencies within the jurisdiction. That authority and control resides with each city or county government.

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 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 criminal prosecution is warranted. Even if the DA believes a shooting was avoidable or an officer did not follow expected procedures or norms, that does not make it criminal. 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 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 police officer does not lose the right to self-defense by virtue of becoming a police officer. Officers are entitled to the same protections of the law as every other individual. An imminent threat to the life of a police 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 others 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 529.

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.

D. The officer-involved shooting of Iaroslav Mosiiuk

It is clear from the accounts of people close to Mosiiuk and from the behavior that led to his death that the decedent was suffering from a severe mental breakdown at the time of his death. Mosiiuk's sister called police because Mosiiuk was acting irrationally, had not slept in days and was retrieving a rifle. She told the 911 operator that her brother was screaming that he "didn't want to live." She further informed the 911 operator that her brother was looking for the parts to the gun, and she was "hoping he doesn't find it." The sister fled the house. From the 911 call and her interview, it is apparent that she did not know for certain whether the gun was operable when police arrived. The part to which she was referring was apparently the bolt to the rifle. That bolt was found in the house inside an unlocked pistol case, which contained another firearm.

Officers Dezenzo and Walsh arrived in separate cars and approached the house. Officer Dezenzo knocked on the door, which had a small window at eye level. He announced that he was a police officer. Officer Dezenzo watched through a window in the front door and saw Mosiiuk walking down the hall toward the front door, armed with a rifle pointed at Officer Dezenzo. Officer Dezenzo yelled, "Gun!" and both he and Officer Walsh ran while Mosiiuk exited the house. Officer Walsh ran toward his patrol car while Officer Dezenzo ran in the opposite direction. A screen capture from Officer Dezenzo's body-worn camera (BWC) shows Mosiiuk pointing a rifle at Officer Walsh while Officer Walsh ran for cover. The photograph also demonstrates the location of each officer seconds before the shooting occurred. A diagram based on measurements from known locations and the BWC footage is also helpful in determining where the officers and Mosiiuk were located.

Officer Walsh ran toward his car, seeking cover. When he was behind his car, Officer Walsh turned and saw Mosiiuk facing away from him and pointing the rifle at Officer Dezenzo. Officer Walsh fired his handgun one time. That shot struck Mosiiuk in the mid-back and resulted in death.

It was later determined that while the rifle was loaded, it was inoperable.[1] In the legal analysis of this case, that fact would only matter if Officer Walsh knew for certain the gun was inoperable. There is no evidence that he or anyone else knew for certain whether the gun was operable. It was reasonable for Officer Walsh to believe the gun was operable, loaded and capable of causing death. The entire confrontation lasted mere seconds – most of which was during the time Officers Walsh and Dezenzo were running away from Mosiiuk in fear. What Officer Walsh saw when he fired was a man in a firing position and pointing a rifle at his partner. This is sufficient justification for the use of deadly force. The law does not require that Officer Walsh was correct that his fellow officer's life was in danger. The law requires a reasonable belief that the danger existed.

Officer Brian Walsh

- Officer Walsh stated during his interview that he arrived first to the scene and that Officer Dezenzo arrived behind him.
- Officer Walsh stated that he and Officer Dezenzo exited their vehicles and began walking toward the home. He told investigators he checked the side of the home, and that Officer Dezenzo started walking toward the front porch.
- As Officer Walsh walked around to the left corner of the home, he heard Officer Dezenzo scream, "Gun!" Officer Walsh stated that he turned the corner and saw Officer Dezenzo running from the porch, screaming, "Long gun, long gun, long gun."
- Officer Walsh told investigators he had not yet seen the gun but immediately started running toward the street. As he was running, he said, he turned and saw a white male, later identified as Mosiiuk, "charging out the front door" armed with a rifle. He also said Mosiiuk "had the rifle shouldered as if in a firing position." Officer Walsh stated that he did not have his own pistol drawn while running but did yell, "drop the gun."
- Officer Walsh told investigators he noticed Mosiiuk tracking him – moving himself and his rifle with the officer.[2]
- At this point, Officer Walsh told investigators, "I was scared out of my mind and my first thought process was I'm not gonna see my kids tonight."
- Officer Walsh said he was eventually able to take cover behind his vehicle. He said he checked over his shoulder and saw Mosiiuk had taken a kneeling potion, still pointing the rifle toward him. Officer Walsh said Mosiiuk then pointed the rifle in Officer Dezenzo's direction, and he did not know whether Officer Dezenzo had been able to take cover. Officer Dezenzo had previously been running with his back to Mosiiuk.
- Officer Walsh told CMPD he then discharged his firearm one time and saw Mosiiuk drop the rifle and roll off the hill.[3] Officer Walsh said he was approximately 15-20 yards from Mosiiuk when he discharged his weapon. He said he did not hear Mosiiuk's sister say anything that would have given him pause in discharging his weapon. He also said he did not give Mosiiuk a verbal warning to drop the gun before he discharged his weapon because he was "afforded no time." Officer Walsh explained that Mosiiuk was in a firing

[1] The owner of the rifle kept the bolt separate from the rifle. Without the bolt, the rifle would not fire.
[2] This assertion is consistent with what is seen in Officer Dezenzo's BWC footage.
[3] The rifle was recovered on the hill.

position with the rifle and he, civilian witnesses he had observed, and his fellow officer were all potentially exposed. He therefore made the decision to fire.
- The full transcript of Officer Walsh's interview is attached as exhibit 1 to this report.

Officer Michael Dezenzo

- Officer Dezenzo told investigators he arrived to the scene and parked behind Officer Walsh's patrol vehicle, stopping short of the target location.
- He stated that he and Officer Walsh exited their vehicles without their weapons drawn and approached the home.
- Officer Dezenzo told investigators he walked up the steps of the home and knocked on the front door while Officer Walsh was at the bottom of the steps.
- Officer Dezenzo knocked on the door a second time and was engaged by a white male, later identified to be Mosiiuk, armed with a rifle. Officer Dezenzo said the door was still shut, but Mosiiuk was pointing the rifle at him through one of the door's front windows. He also said Mosiiuk yelled, "What do you want?"
- Officer Dezenzo then yelled, "gun, gun, gun" and ran down the steps and across the street. He said Officer Walsh ran toward the patrol vehicles. He also said he did not hear Officer Walsh say anything while running.
- Officer Dezenzo stated that he saw Mosiiuk come to the end of the driveway and take a "kneeling shooting position." He also described the rifle as having an optical scope on it.
- Officer Dezenzo told investigators he was running away from Mosiiuk when he heard a gunshot. He stated, "I was running and I remember thinking gotta keep moving, get to cover and when that gunshot went off I remember thinking I'm not hit, there's more coming . . . get to cover I'm outgunned…."
- Officer Dezenzo stated that Mosiiuk was swinging the rifle toward him. "I expected there to be gunfire and to be shot," Officer Dezenzo told investigators.
- The full transcript of Officer Dezenzo's interview is attached as exhibit 2 to this report.

Olesya Tabaka

- Ms. Tabaka was interviewed by CMPD on March 8, 2017, at approximately 3:15 p.m.
- She is the biological sister of Mosiiuk, and the incident occurred at her home. She observed the incident while ducking behind Officer Walsh's vehicle beside Officer Walsh.
- Ms. Tabaka told CMPD that she followed two police vehicles to her home after calling 911 and seeing them respond to her call. She said the reason she had left the home and called 911 was because her brother had a gun, and she believed Mosiiuk to be having a psychotic episode.
- According to the transcript of her 911 call, Ms. Tabaka told the 911 operator, "I think he's having a mental breakdown. I think he's not right." She also said to the 911 operator that her brother (Mosiiuk) was "trying to grab my boyfriend's gun and I just left the house. My boyfriend . . . he legally has several guns, I mean we hid all the … ya know, the parts of the gun but I don't know, he's searching the house right now."[4] Later

[4] The 911 transcript of this call is attached as Exhibit 3.

in the call, when speaking about the "missing part"[5] of the gun, she said was "*hoping* he doesn't find it."

- During her interview with detectives, Ms. Tabaka stated that she saw two officers exit their vehicles and approach the home. She said they did not have their guns drawn but that they did have their hands on their guns while knocking on the door of the home.
- Ms. Tabaka said Mosiiuk then opened the door with a rifle in his hand, and police officers retreated from the home. She also said Mosiiuk began yelling at the officers and ran out of the home with the rifle. She said she does not remember how Mosiiuk was holding the rifle.
- Ms. Tabaka told CMPD that she began screaming at the officers, "please don't shoot him," "don't kill him," "he's just being crazy," "he doesn't know how to," and "I don't think he found all the parts."
- She told detectives that she did not know whether Mosiiuk had in fact found all of the parts to the rifle. She stated, "I think he could've found it … I don't even know if he found it or not."
- She said she saw one of the officers fire a single shot and then saw Mosiiuk fall to the ground.
- Ms. Tabaka also provided insight into Mosiiuk's mental state just prior to the incident. She told investigators the decedent had not been sleeping for days and appeared to have had some sort of psychotic break, stating "he just went psychotic is what I think happened."
- In addition, Ms. Tabaka told investigators Mosiiuk had recently been talking about suicide, and she stated "it's almost like he committed suicide or something by doing what he did today."
- The full transcript of her interview is attached as exhibit 4 to this report.

<u>Civilian witness #1</u>

- This witness was interviewed by CMPD on March 8, 2017, at approximately 1:51 p.m.
- She witnessed the incident from the passenger seat of a car parked across the street, facing the scene. The witness explained that she was "laying low" in her seat but "saw everything."
- She told CMPD that two police officers arrived to the scene and approached the home. She said both officers were wearing uniforms.
- After the officers approached the home, the witness said, a woman came over to her and stated that her brother was having a "breakdown."
- The witness told CMPD that the officers walked up to the home and then abruptly ran away from the home saying, "run." She said she witnessed a white male, later identified as Mosiiuk, coming from the home "with a large gun in his hand." The witness then told CMPD that Mosiiuk stopped on "that hill," gazed around and then began pointing the gun toward the police officers. "[H]e pointed it across in my direction, and then he pointed it up towards the other officer and that's when you heard the first fire." The witness said she heard one shot then saw the man fall on his back.

[5] It appears that the witness is referring to the bolt of the gun. The bolt was kept separate from the rifle.

- She clarified that she did not see the shooter, but she said she heard the shot come from "up the street."
- The witness said that Mosiiuk did not "die right away," but that he stood up after he was shot, waived his gun and then fell again.
- She clarified that the man with the rifle never shot his gun.

Civilian witness #2

- This witness was interviewed by CMPD on March 8, 2017.
- He was working for the City of Charlotte's water department at the time of the incident and observed the incident through the rearview mirror of his parked work vehicle.
- The witness told CMPD he saw three vehicles arrive to the scene in the following order: a police SUV, a police car and a black Mercedes-Benz. One officer exited the SUV, a second officer excited the car and a woman exited the Mercedes-Benz.
- The witness said the two officers walked up to the home and then ran from the home in separate directions. He said one officer ran behind a vehicle and that neither officer appeared to be holding a gun at this time.
- He told CMPD that a "white or Hispanic" male, later identified a Mosiiuk, appeared holding a rifle. He said Mosiiuk "came down like getting one knee" and seemed to be pointing the rifle. The witness told CMPD that he heard the officer near the vehicle say, "drop the gun." He then "heard something go pow" and saw Mosiiuk fall. The witness said he only heard one shot and did not see where the shot came from but believed it came from near a police vehicle.

Eugene Kemoko Conde

- The witness was interviewed by CMPD on March 8, 2017, at approximately 3:18 p.m.
- Mr. Conde does not have first-hand knowledge of the incident. His girlfriend, Olesya Tabaka, described the incident to him on the day in question.
- Mr. Conde told CMPD that on the day of the incident, he arrived to the scene after the incident had already occurred. He said he then approached his girlfriend, Mosiiuk's sister, Ms. Tabaka.
- Mr. Conde said Ms. Tabaka gave him the following information:
  - The police arrived to the scene and came to the door of the home.
  - Mosiiuk came out of the home screaming and holding a rifle
  - The police ran away from the home, and one of the officers shot Mosiiuk. Only one shot was fired, and Ms. Tabaka did not see which officer fired it.
  - The transcript of this witness' interview is attached as exhibit 5.

E. Forensic evidence

One casing was found at the scene. That is consistent with Officer Walsh firing one shot. The rifle held by Mosiiuk was recovered. It was missing the bolt, however, the rifle did have a

magazine with live .308 rounds and a round in the chamber. Without the bolt, however, the rifle would not have been operable.

The Medical Examiner's report indicates that Mosiiuk died from a single gunshot wound to the mid-back. This is consistent with the witness accounts and consistent with the account given by Officer Walsh that he fired at Mosiiuk while Mosiiuk was pointing the rifle at Officer Dezenzo. The Medical Examiner's report is attached as exhibit 6.

F. Conclusion

While the death of Iaroslav Mosiiuk is certainly a tragedy, it is not a crime. Officer Walsh was dealing with a mentally ill subject pointing a rifle at him, his partner and nearby civilians. The officer's decision to fire his weapon is justified under the law of self-defense. The evidence fully supports the conclusion that Officer Walsh was reasonable in his belief that deadly force was necessary.

We now know that Mosiiuk's rifle was not operable. But in the midst of the rapidly evolving circumstances of this incident, Officer Walsh could only observe the following: Mosiiuk exited a home with a rifle pointed at fleeing officers, there were innocent civilians in the immediate vicinity, Mosiiuk placed himself in a firing position and Mosiiuk aimed the rifle at Officer Dezenzo's back. Without having any certainty about whether Mosiiuk had been able to find the rifle's reportedly missing part, it would be reasonable for any person who witnessed these events to believe his own life, the life of another officer and the lives of nearby civilians could be at risk of death or serious bodily injury. In fact, when the fatal shot was fired, Officer Dezenzo said he believed he was about to be shot by Mosiiuk.

It is unfortunate that there was not more time for the officers to interact with Mosiiuk and attempt to diffuse the situation. Had the officers been given that luxury, perhaps they could have reasoned with him or even had the opportunity to learn the rifle was not operable. However, we cannot view these events from the comfort of our desks after cool reflection. The analysis in every self-defense case requires that we put ourselves in the position of the person who used deadly force. Officer Walsh was running from a man wielding a rifle and was not granted the luxury of time and reflection. Instead, he had to make a split-second decision. In this case, I have concluded that his decision was lawful and his use of deadly force was justified.

If you have any questions, please contact me directly.

Sincerely,

R. Andrew Murray
District Attorney

The rifle Mosiiuk was holding when shot (return to text)

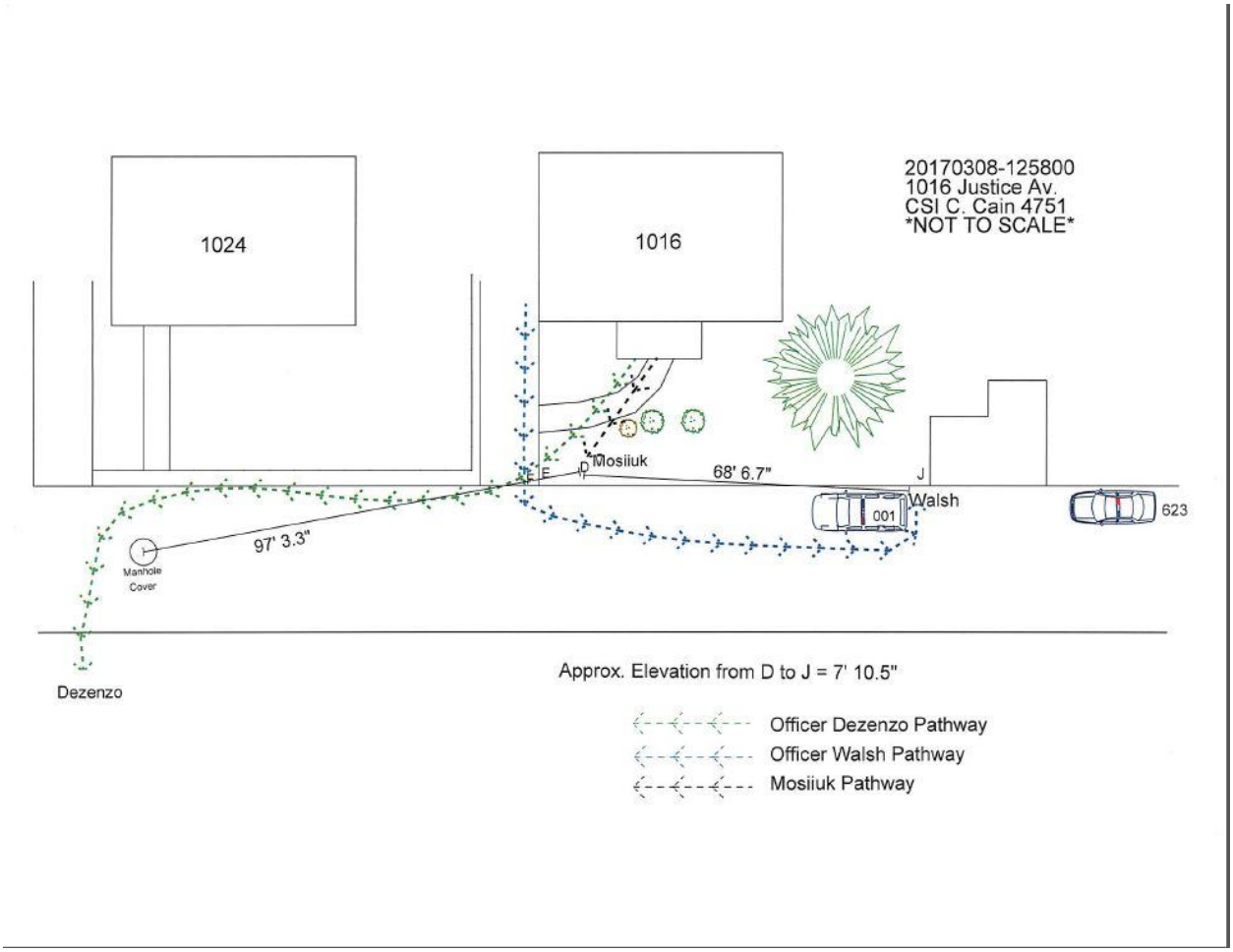
Close-up of rifle (return to text)

Image from Officer Dezenzo's BWC (return to text)

Image from Officer Walsh's BWC (return to text)

Image from Officer Walsh's BWC (return to text)

Diagram (Return to text)



Photograph of rifle bolt (return to text)

Exhibit 1

Charlotte Mecklenburg Police Department *Supplement Report ©*		COMPLAINT NUMBER **20170308-125800**	Page # 1 of 32
2. Victim Name **IAROSLAV MOSIIUK**		3. Original Offense / Charge **OIS**	
4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/9/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Ofc. Brian Walsh

[REVIEWED / CORRECED BY D. OSORIO #1176 ON 3/14/17]

OKAY, TODAY'S DATE IS THURSDAY, UM, MARCH 9TH, 2017. THE TIME RIGHT NOW IS 5:19 IN THE AFTERNOON. WE'RE IN INTERVIEW ROOM 2001 AT CHARLOTTE-MECKLENBURG POLICE DEPARTMENT POLICE HEADQUARTERS ON THE SECOND FLOOR, ROOM 2001. UH, PRESENT FOR THIS INTERVIEW IS, UH, OFFICER BRIAN WALSH, HIS ATTORNEY, MICHAEL GREENE, MYSELF, DETECTIVE D. OSORIO, CODE NUMBER 1176, WITH THE HOMICIDE UNIT AND, UH, SERGEANT JETER, ALSO WITH THE, UM, SUPERVISOR OVER THE HOMICIDE UNIT.

OSORIO: You got any questions before we start?

WALSH: No, sir.

OSORIO: Alright. Um, quick introduction about this interview, um, I'm Detective Osorio. Assisting me with this interview is Sergeant Jeter. Today's date is 3-9-, uh, 3-9-2017; time right now is 5:20...and this interview is being conducted at the Law Enforcement Center in interview room 2001. Due to your involvement in an officer-involved shooting, Sergeant Jeter and I would like to speak with you about your involvement in the case. At this time I would like to also note that, per your request, your attorney, Michael Greene, is present with you. As part of this investigation, our interviews are recorded and I want you, and I want to ensure that you know that this interview is being recorded. Are you okay with proceeding with this interview knowing that this interview is being recorded?

WALSH: Yes.

OSORIO: This is a voluntary interview, you're free to leave at any time, uh, anytime you like. Do you understand this?

WALSH: Yes.

OSORIO: You're not under arrest. Do you understand this?

WALSH: Yes.

OSORIO: I also want to inform you that there are two parallel investigations occurring right now. The first investigation is the criminal investigation which is what we, the

21. UCR Clearance Status] Open] By Arrest] Exceptional] Unfounded	23. Reporting Officer Code Assignment Date **Det. D Osorio #1176 Homicide 3/9/17**	
22. Investigative Status] Active] Inactive] Closed] Administrative	25. Case Referred To	26. Reviewing Supervisor, Code, Date

Homicide Unit, are conducting. You do not have to speak with us, but we would like to speak with you to gain your perspective and to assist us with our investigation. The second investigation is the internal administrative investigation, which is being investigated by Internal Affairs. They will speak with you about their investigation. Do you understand this?

WALSH: Yes.

OSORIO: The criminal investigation being held by the Homicide Unit, including this interview, will be shared with Internal Affairs as they conduct their separate but parallel investigation. However, it is important to note that information obtained by Internal Affairs during their separate but parallel investigation cannot be shared with the criminal investigators in the Homicide Unit. Do you understand that?

WALSH: Yes.

<CELL PHONE VIBRATES IN BACKGROUND>

OSORIO: Knowing this, with that said, are you willing to speak with us at this time?

WALSH: Yes.

OSORIO: Very well. Got another sheet here, the Officer-Involved, uh, Incident Interview. Um, do you have any, what's your date of hire, Officer Walsh?

WALSH: 4-17 of 2002.

OSORIO: 2002?

WALSH: Uh huh.

OSORIO: And, uh, Officer Brian Walsh, code number 3189?

WALSH: Correct.

2. Victim Name	3. Original Offense / Charge		
IAROSLAV MOSIIUK	**OIS**		
4. Location Of Offense **1016 Justice Ave**	5. Arrest Number	6. C.R. Number	
7. Original Report Date **3/8/17**	8. Supplement Date **3/9/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Ofc. Brian Walsh

OSORIO: You have any law enforcement experience, prior law enforcement experience prior to Charlotte-Mecklenburg?

WALSH: No.

OSORIO: Any military experience prior?

WALSH: No.

OSORIO: And your current assignment?

WALSH: Metro Division.

OSORIO: And what shift?

WALSH: First.

OSORIO: And what are your hours on first shift?

WALSH: 0615 to 1430.

OSORIO: And call sign on Metro?

WALSH: 2-1100-1.

OSORIO: And radio talk group?

WALSH: Metro.

OSORIO: And who was your supervisor yesterday?

WALSH: Uh, both of 'em were there, it was Sergeant Bean and Saunders.

OSORIO: And what uniform were you wearing yesterday?

WALSH: Class B.

OSORIO: And your height?

WALSH: 6'1".

OSORIO: And your weight?

WALSH: 230.

OSORIO: And, uh, amount of sleep you got the night or the day before, night before?

WALSH: Approximately 8 hours.

OSORIO: Did you have any off duty, uh, the night before?

WALSH: No.

OSORIO: And your vehicle number, you recall?

WALSH: 0-0-1.

OSORIO: Did, were you by yourself or did you have another officer with you?

WALSH: I was by myself.

OSORIO: Is it a marked vehicle?

WALSH: Yes.

OSORIO: Was there a D-M-V-R in, in the vehicle?

WALSH: Yeah, there was but it wasn't working.

OSORIO: And do you know what kind, your duty weapon?

WALSH: It's a Glock 21.

OSORIO: Uh, what caliber?

WALSH: .45.

OSORIO: Do you recall the serial number off hand?

WALSH: No, not off hand.

OSORIO: Okay. Uh, that was documented yesterday, correct?

WALSH: Correct.

OSORIO: Alright. Uh, how many magazines did you have on you?

WALSH: Three.

OSORIO: One in the weapon and two on you?

WALSH: Correct.

OSORIO: Three total?

WALSH: Three total, uh huh.

OSORIO: And they did an am, an ammo count yesterday, as well, correct?

WALSH: Yes.

OSORIO: Okay. Did you have any backup weapons on your person?

WALSH: I, I did deploy my SWAT-issued rifle.

OSORIO: Okay.

WALSH: <unintelligible, talk-over>

OSORIO: But on your person did you have any other, on your ankle or in your vest or any other kind?

WALSH: No, no.

OSORIO: But you did have a secondary, uh, weapon issued to you, right?

WALSH: Correct.

OSORIO: In, in the vehicle?

WALSH: Correct.

OSORIO: What was that?

WALSH: It's a, uh, A-R-15, annual defense.

OSORIO: Alright. Um...that was seized yesterday, as well? They did a ammo count on, on, on the A-R-15?

WALSH: That I don't know.

OSORIO: Okay.

WALSH: I left it in my car.

OSORIO: You left it in the car?

WALSH: Yes.

OSORIO: Um, do you recall how many magazines you had with your A-R-15?

WALSH: Yeah, at the time just one in there.

OSORIO: One in the, in the, in the rifle?

WALSH: In the, in the weapon, yeah.

OSORIO: Did you shoot that, uh, rifle?

WALSH: No, sir.

OSORIO: Alright, got that out of the way. Okay, um, well, let's just start, I got a few questions here and then we're just gonna go on and, um, we'll take it step by step. I got some maps here. Let me show you these maps that I got so you can use, uh, the maps, um, as you wish, in order to kinda talk about and walk us through what you remember, okay?

WALSH: <inaudible>

OSORIO: Um, are you familiar with that map there?

WALSH: Yes.

OSORIO: The street is, uh, Statesville Avenue.

WALSH: Statesville Avenue.

OSORIO: Kind of familiarize yourself with, with which direction it's going.

WALSH: I got it.

OSORIO: Got it.

WALSH: Yep.

OSORIO: Alright. Um...what kind of picture is this? Just briefly describe it, what you're looking at.

WALSH: It's, it looks, uh, on a aerial map of the Druid Hills neighborhood. Uh, there's houses in there, trees.

OSORIO: Can you see the streets, uh?

WALSH: Street names are on there, streets and street names.

OSORIO: Okay, can you see the particular address where this happened yesterday?

WALSH: Yes, it's clearly marked.

OSORIO: Okay, and the street where all this took place?

WALSH: Correct, yes.

OSORIO: Alright. Show you another map right here. Do you recognize that map?

WALSH: Yes, sir.

OSORIO: What is that?

WALSH: It's a closer view of the previous map, um, marked in the, the 1016 Justice Avenue. It's got Justice Avenue marked, Isenhour Street marked.

OSORIO: Okay. So it's basically just a, uh, close-up of this first map that I showed you, correct?

WALSH: Correct.

OSORIO: Alright. Um...do you recognize that, this picture?

WALSH: Yes, sir.

OSORIO: What is, what do you recognize from that picture?

WALSH: That's the, uh, residence we were called to yesterday, 1016 Justice Ave.

OSORIO: Okay. And this picture here? Can you familiarize yourself with that picture?

WALSH: Um, that appears to be the residence, but I never got a look from this direction to say...

OSORIO: Okay.

2. Victim Name		3. Original Offense / Charge	
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WALSH: ...one way or another.

OSORIO: Uh...how 'bout this picture right here; can you, do you recognize that picture?

WALSH: That, Justice Avenue, um...

OSORIO: I guess a good way...

WALSH: Yep.

OSORIO: ...yeah, you see the trash cans right there?

WALSH: Yeah, I see them in the driveway.

OSORIO: Yeah, if you look at this picture up here you could see the trash cans right here.

WALSH: Correct. Right, okay, I gotcha.

OSORIO: Okay.

WALSH: Alright.

OSORIO: So this picture here...

WALSH: Could be facing...

OSORIO: ...could be as you're, as you're driving up the street and the house, uh, your house would be on the right.

WALSH: Correct.

OSORIO: Right, got it?

WALSH: Yes, I got that, yeah.

OSORIO: Okay. On this picture here is Justice Avenue. Can you recognize, uh, the viewpoint from that picture?

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WALSH: It...

OSORIO: Looking at the trash can over here in that house?

WALSH: The trash can's there, this would be, um...uh...East, facing East towards the house.

OSORIO: Yeah.

WALSH: On Justice Ave.

OSORIO: So this would be coming down towards the house, but...

WALSH: <unintelligible, talk-over>

OSORIO: ...coming the opposite direction, correct?

WALSH: Correct.

OSORIO: Alright. So take us, uh, step by step. Let's talk about yesterday, um, what were you doing just prior to getting this call?

WALSH: I was actually on another call for service on Julia Avenue and I was, um, I heard this call come out over the radio. I knew I was close, I was finishing up that first call, then I heard Officer Dezenzo was dispatched to the call. Um, cause I was finishing up, I cleared off and I told the dispatcher that I volunteered to go on the call to back him up. Um, the call did come out, it was a suicide threat. Once I got the call onto the screen, I was able to read the call, and what I re, what I saw on the call was...

<BUZZ SOUND IN THE BACKGROUND>

WALSH: ...is a very basic, um, call, not, not much information in there but it did state, uh, a white female was in the house searching for a gun on a suicide threat. Um, I left Julia Avenue; I never initiated my blue lights or siren. I knew I was close and no reason for me to, to run really fast to get there. Um, turned right on Statesville

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Avenue, I followed Statesville Avenue down to Norris, I took a left on Norris Avenue, drove up to Isenhour, took a left on Isenhour. At that point I knew I was getting close, I called Dezenzo, see if he was getting close, he advised he was, he was on, getting ready to turn on Norris. Um, as I was approaching Justice, I held up cause I didn't see Dezenzo yet in my rearview mirror. I held up, I didn't wanna go in with the threat of a firearm, I didn't wanna go in by myself, I wanted my partner to go with me, so I held up short. Um, as soon as I saw Mike coming in my rearview mirror, we then proceeded. Um, uh, Officer Dezenzo, we then proceeded onto Justice. We took a left onto Justice. Um, prior to doing that, I pulled up my map to see where the house exactly was on the map cause I wasn't familiar with the house, the house number. Um, as I, uh, was doing so, it appeared that there was another house prior, just prior to where, um, 10-16 Justice Avenue was. As I pulled up, there was no house; there was a vacant lot. Um, so I pulled a little bit closer than I wanted to, but based off the map and I, where I was at, I still had good, I didn't have good cover with the threat of a firearm, my head's still good concealment with the, uh, woodline that was there. Knowing that I parked close, closer than I wanted to, I immediately exit my vehicle. Due to the threat of a firearm, I didn't wanna be stuck in a vehicle in case something happened. I immediately exited my vehicle and started walking toward the house. At that time, Officer, Officer Dezenzo was exiting his vehicle and he was following me to the house.

OSORIO: Did, did you and Officer Dezenzo pull up at the same time?

WALSH: Yes, sir.

OSORIO: Who pulled up first?

WALSH: I did.

OSORIO: And then he pulled up behind you?

WALSH: Yes.

OSORIO: Okay.

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WALSH: As I, we were getting ready to turn into the, uh, driveway. As I was turning into the driveway and Officer Dezenzo was with me turning in the driveway, the neighbor directly across the street, I, I don't know who she is, came out and said, uh, the homeowner's right there, and pointed up the street and there was a car pulling out into the street. At this point in time, we were already committed to the house and, and with the threat of a firearm and that call, we didn't wanna turn our backs to the house cause whoever, if there, if there was anybody inside at that time, they could see us. We didn't wanna turn our backs to the house and start walking away with the threat of a firearm if we continued forward. As I walked forward, my first instinct was to check down the left side of the house as you're looking at the house. I checked down the left side of the house to make sure there was nobody out there and, and a surprise from outside the house. I immediately walked around the front to the right side of the house, as you're looking at it, and checked down that side also. Officer Dezenzo started walking toward the front porch and I went, uh, so, I, I wanted to go back to the left side and do a more thorough check, and so as I walked around the corner of the left side, I heard, um, Officer Dezenzo from the front porch scream at the top of his lungs, "Gun!" Um, as he did so I turned and I noticed him running, jumping off the porch running and he is at this time screaming, "Long gun, long gun, long gun!" To me, that means somebody has a shotgun and/or a rifle. At this point I haven't seen anything. My first thought process was I'm on the SWAT team. I have a rifle. I have a long gun in my car. I need to get to it. I don't know what, I don't know what's transpiring but I need to get to my rifle. I immediately started running down the driveway and as I exited the driveway to the street, I look to my left and I see a white male come charging out the front door. He had the rifle shouldered as if in a firing position, he had his right hand, I believe his right hand was back near the trigger, and his left hand up on the, on the front stock with full grip of the, of the, what it, in my training experience, it had a scope and it looked like a rifle to me. I, uh...I start running a little bit faster and noticed as I'm watching him at this point I don't have my fire, I don't have my pistol out and I don't have time to stop and yell, "Drop the gun." My, my thought process changed from get to my rifle, now to get to cover cause as I'm running, he is literally, and I'm watching him doing it, he's tracking me, and when I say he's tracking me, as I'm running the rifle and him are moving with me, pointing right at me. Um, during all of this, the female homeowner, who at the time I did not know was his sister, I, I didn't find that out till later, she was outside of her car. So I immediately, she sees me running towards her and I immediately get to my

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vehicle and I, my rifle is mounted in the front of the vehicle and I, there is no chance for me to get my rifle. Due to that, what appeared to be a rifle to me, that rounds would've pierced right through my car. Through my training experience, the, what we've been taught through SWAT, that round was gonna pierce through my car. It, that's not gonna offer my any protection, but it was the closest spot I had at that point in time. So as I reached the front of my car, I do one more check over my shoulder and at this point I noticed he took a kneel, uh, firing position from a kneeling position still pointing the rifle at me. Um, I get to the back of my car and I'm able to put myself between him, him and, him and my car and her, this, the, the sister, of which I didn't know it was the sister at the time, but I was able to put myself between her. Um, all the while this is going on, I remember, um, and I'm sorry, let me backtrack just a little, as I'm exiting the driveway I watch Officer Dezenzo break off to the right going, it'd be westbound on Justice Avenue, and I broke to the left. I'm just gonna be, make sure I got my, my directions right. Yes, he went westbound; I broke to the left eastbound to get to my car. I knew that was my closest point of cover at that point in time. Um...get to my car and I, I, as soon as I get to the back of my car I immediately unholster. I realize that there was, uh, civilians that were out prior, I remember seeing a water truck as I pulled up. I didn't know where the water guy was. Um, the lady across the street was out there. His sister was out there. Um, not knowing his mental state, but he presented a firearm in the presence of a, a uniformed officer. I was in full uniform. Um...and not knowing, I know Officer Dezenzo as he's running he has his back towards everything that's going on, so I, at this point, I don't know if he knows what's going on. Um, when I broke out of there I, I knew my closest point of cover was the car. I looked, uh, when I saw I looked across the street, there didn't appear to be much cover in the way of cover besides getting behind the houses, which, that was a long, long run for me to get to there. I wanted to get to my car. Putting all this together and I came around, I had my, I, my <unintelligible>, uh, I raised my pistol and I came around the, if you're looking at the back of my car, I came around the right side of my car. Um, and like I said, knowing that the civilians were out there, um, not knowing his mental state, knowing Officer Dezenzo had his back and not knowing if he made to cover, not, and he doesn't know what's going on, I broke off to the right of the car and I immediately see him tracking in the direction that Officer Dezenzo was running. Um, at that point I discharged my firearm one time, um, and it, uh, immediately upon discharging my firearm, I noticed the suspect drop the rifle and roll off the hill. At that point, I didn't need to fire any

more. The, the imminent threat was, was, I shouldn't say it was done at that point cause I didn't know, but the rifle was out of his hands and he had, he had rolled off the hill into the driveway, so there was a good couple of feet. After I fired, my first instinct from my training was to move to a different spot of cover. During this incident, I couldn't tell, he was, I couldn't tell if he had any other firearms on him. I knew he had the rifle, but I couldn't tell if he had anything else on him, so my immediate instinct was to move to a different point of cover. I wanna get eyes on him. I wanna see him. I wanna know what's going on. So I left the sister behind my police car, um, and I broke off across the street. Found it, uh, or the very small amount of, uh, cover off of a little hill but I was able to see him. I noticed he was still moving; his hands were still moving around. Um...just to backtrack a little, even as he is tracking Officer Dezenzo with, with everything that was going on, there was no, I was afforded no time, um, and, and no, there was no timing there whatsoever that I could've given a warning for him to drop a gun. At, he, he already had, he was in, in a mounted firing position and it would've taken less than a second for him to get to a trigger to pull. I was afforded no time; I had to make that decision now. Um...move back over to, uh, when I get back over across the street from him, I'm covering him, I still have my pistol out. As I'm running across the street my first instincts were...I put out on the radio that it was a shot out and it was from me. I tell 'em I need more officers and I need MEDIC, and I did, and as I told 'em I needed it now. Um, as more officers, we couldn't at this point in time we didn't know if there was anybody else still in that house that could be injured or could be considered a threat with firearms, so we held our cover for a safety aspect on us just to make sure, till I got more officers up there. Officer Preston arrived, immediately assisted me, and other star, oth, other officers started arriving. I asked Officer Preston to cover him, I went to my car, I got my rifle out of my car, and I holstered my pistol and got my rifle out of my car and mounted my rifle. Once I knew I had enough officers, we made the decision to move. I moved up, I pushed past the suspect who was on the ground up through the driveway, and took a hard right into the yard. There was, uh, some lawn furniture. I knelt down behind the lawn furniture, I cover the front door. I don't want anybody else coming out with any firearms; I didn't know if there was anybody else with any firearms. I knew we had to go in and clear the house because of, we didn't know if there was anybody else inside that may've been injured. I covered the front door. Once I had enough officers up there, I, we moved in and cleared the house. I didn't find anything else inside, I don't

think there was any other persons inside. At this point I come back out the front door of the house. I noticed the suspect had been moved. I noticed Officer Preston was standing over the rifle that I saw the suspect holding and I was ushered back to my car at this point and pushed off to peer support officers and, and a sergeant.

OSORIO: Okay. Alright, pretty good. Um, let's back up to the beginning when you, uh, when, work our, work our way back a little bit.

WALSH: Okay.

OSORIO: Um...when you first got the call for service, do you remember what kind of priority call it was? Was it a routine call?

WALSH: It was, it was a priority one call.

OSORIO: Okay.

WALSH: So I did. It's blue lights and sirens, but that's at our discretion whether <unintelligible>.

OSORIO: Alright, alright, um, and when you got there, you got there before Officer Dezenzo did?

WALSH: Correct.

OSORIO: How much time did it take for Officer Dezenzo to come up behind you?

WALSH: Less than, probably around 30 seconds at the most.

OSORIO: Okay. And then you guys pull up together and you stop just short of the, just short of the house?

WALSH: Correct.

OSORIO: Um, and then you said as you're walking up to the house...

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WALSH: Uh huh.

OSORIO: ...the sister, the sister comes up?

WALSH: Uh huh.

OSORIO: Where was she, where did she come out of?

WALSH: Um, the neighbor across the street said the homeowner's pulling up.

OSORIO: Okay.

WALSH: At that time I didn't know it was the sister, but we were already committed to the house...

OSORIO: Right.

WALSH: ...and didn't wanna turn our back to the house.

OSORIO: Where was the sister at, was she coming up behind you guys or was she coming down...

WALSH: She was, I'm sorry, I'm sorry, I didn't mean to interrupt you, go 'head.

OSORIO: It's alright.

WALSH: Um, she was pulling down the street in her car onto Justice Avenue from Isenhour.

OSORIO: So she was coming in your direction?

WALSH: Correct.

OSORIO: Okay. Did she come all the way across down the street toward, toward you guys?

WALSH: No.

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OSORIO: Or did she stop up in front of you guys?

WALSH: I did a quick glance and I remember her parking, uh, it was behind, believe it was behind Officer Dezenzo's vehicle.

OSORIO: Okay. So she went by you guys, did a U-turn, and then parked behind Dezenzo or was she coming up behind you guys?

WALSH: Uh, well, I, the hou, the lady across the street said she was coming from the Isenhour...

OSORIO: Isenhour.

WALSH: ...direction.

OSORIO: Okay.

WALSH: She had said, could she have gone by us earlier, yes, I don't know.

OSORIO: Alright.

WALSH: I don't know.

OSORIO: And, you were already coming into the house, did she get out of the car and try and stop you guys to talk to you guys or anything that you recall?

WALSH: I don't recall her saying anything or yelling anything to that, to us when we're doing it.

OSORIO: Okay. And then you guys walk up, you and Officer Dezenzo walk up to the house...

WALSH: Right.

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OSORIO: ...and you already, you've already des, described that. Um, do you recall, you said Dezenzo was knocking on the door? Do, do you recall him knocking on the door or was, was he knocking on the door?

WALSH: I, I don't recall whether he was knocking on the door or, or what transpired up at the front.

OSORIO: Okay. Do you remember if anybody, uh, identify, did, did you or Officer Dezenzo identify yourselves when you were at the house as, as police?

WALSH: I, I did not.

OSORIO: Okay.

WALSH: I, I don't, I don't know if Officer Dezenzo did or not.

OSORIO: Alright. But you were both in your police uniforms, uh, Class Bs, guns, everything, clearly law enforcement.

WALSH: Clearly long, badges, yes, it was clear.

OSORIO: Okay. And then you're checking the sides of the house, Dezenzo's up on the porch, and then he turns around and says, "Gun?"

WALSH: I hear him scream "Gun!"

OSORIO: Okay. And, again, when he takes off running and then you take off running after him or?

WALSH: Correct, cause I, I had, at that point I had no idea what was going on.

OSORIO: Okay. Describe the, uh, the front porch as you're going up to the front porch. Describe the area.

WALSH: I'm trying to remember it. It was, it was, I was more focused at that point on the, the sides. I knew there was a couple of steps up and it appeared to be I think

like, kinda like white pillars but it looked like a normal front porch. I don't, I don't recall the, all the characteristics of it.

OSORIO: Uh huh. Um, was it, was it clear, was it cluttered? Uh, um, was it easy to, to see the front door? Was, was, uh, do you recall anything being on the porch that obstructed your view?

WALSH: I, I don't cause, and once again, I didn't go up on the front porch and I don't recall anything, I mean I did go up on the front porch later on, but at that time I don't recall anything being in the way. Um, but I can tell you once when we went in the clear, it was a free path into the house after, after everything was done.

OSORIO: Okay.

WALSH: And nobody else had been up there at that point.

OSORIO: Alright. Um, as you're, as you and Dezenzo are running away from the porch, um, do you hear this, uh, the subject? Um, do you hear him say anything?

WALSH: No, I didn't hear him say a word.

OSORIO: No?

WALSH: <clears throat, coughs> Excuse me.

OSORIO: You recall you said you were running away and you recall looking back and, and seeing him tracking you with the rifle?

WALSH: Uh huh.

OSORIO: Um, while he was doing that, he wasn't saying anything, wasn't yelling or screaming or saying anything at all that you recall?

WALSH: I don't, I don't recall him saying a word.

OSORIO: Was he, did he have the rifle in the air, was he pointing it down or he was literally tracking you with the rifle?

WALSH: He was literally tracking me with the rifle?

OSORIO: Okay. What did you feel at that point?

WALSH: Um, my honest, honestly, I was scared out of my, my mind and, uh, my first thought process was I'm not gonna see my kids tonight...and my family.

OSORIO: Uh huh. The rifle, I mean a rifle's got some pretty good range. I, uh, you know, I imagine, and if he's tracking you I mean what?

WALSH: I, I, I've been hunting since I've been 12 years old, I've been on the SWAT team for 10 years. You can take a hunting rifle and go out 500 yards and, and hit something. I've seen, I've seen our snipers do it from 500 yards. I've seen a video of our sniper sergeants hitting with a high-powered rifle at 1,000 yards. Um, I didn't know what kind of rifle it was. I just, it appeared to be a rifle to me and, and the, that round would've pierced my car, it would've pierced my vest. It would've, nothing would've stopped.

OSORIO: Uh huh. What was, uh, as you're running out of the house and running, trying to run for cover, did you see the, uh, the complainant then?

WALSH: I did.

OSORIO: Okay. Where was she at?

WALSH: She was near my car. I don't ex, remember exactly where she was, but she was near my car, and as I started running towards my car, she followed me in, behind my car.

OSORIO: Okay. Do you remember if she was saying anything or what she was saying, anything?

WALSH: It, I don't. She might've been, I don't remember hearing anything at that point. I was so focused on one thing.

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OSORIO: Right, right. Okay...you mentioned you've been on, you, you're on the SWAT team?

WALSH: Correct.

OSORIO: How long have you been on the SWAT team?

WALSH: It was 10 years in December.

OSORIO: Any other specialized, uh, units that you're on?

WALSH: At pre, uh, currently, no.

OSORIO: Okay. And, what's your assignment on the SWAT team?

WALSH: Uh.

OSORIO: Your, is there a particular job that you do?

WALSH: Um, I'm a entry breacher, breacher entry.

OSORIO: Okay. What kind of weapons do you, do you have assigned to you as a, as a SWAT team member?

WALSH: I have my, my Glock 21, my .45 pistol, M-A or 15 rifle, and I also have a .40 mm gas launcher.

OSORIO: Uh huh.

WALSH: And there's, and there's also a shotgun in my, my vehicle.

OSORIO: Okay. And you've been, you have any special training on, on those weapons?

WALSH: All of 'em.

OSORIO: Alright.

WALSH: All of 'em.

OSORIO: Do, are they usually in your vehicle at all times?

WALSH: Yes, sir. All the time.

OSORIO: Do you do extra...um, special training with the SWAT team on, uh, during, during the year?

WALSH: What, we do, uh, once a month, uh, at least for, for the breaching aspect of what we do, at least three days sometimes four days a month.

OSORIO: Okay. Um...you remember the other officers that showed up afterwards?

WALSH: I remember seeing Officer Preston, um, I remember seeing Officer Chris Greene running up. Um, members of our F-M-T Unit, I, I remember seeing them later. Uh, who, I don't remember everybody that cleared the house with us. I know I was the, I was point mangling through the door.

OSORIO: Right.

WALSH: I remember seeing Officer McTigue helping clear the house and I know Officer Greene helped clear the house. Other than that, I don't know who else came in the house cause I was busy actually clearing my area, making sure no other people and nobody else was hurt in there. There was, there was quite a few officers.

OSORIO: Right, right. Okay.

WALSH: Bless you, 'cuse me.

OSORIO: Using that map, can you draw and show me where it was that you parked when you pulled up and which way you came in?

WALSH: Do you want me to draw a line...

OSORIO: Yeah, uh huh.

WALSH: ...to show you which way I came in? I came in from here, I took the left here, and I parked right behind here.

OSORIO: Alright, and then Officer Dezenzo, where did he park?

WALSH: He parked a little bit behind me. I believe it was, um, um, and it's not accurate...

OSORIO: Uh huh.

WALSH: ...but I believe it's right in here.

OSORIO: And what kind of car were you driving?

WALSH: Uh, the Ford Explorer.

OSORIO: Explorer?

WALSH: Uh huh.

OSORIO: So it's, that's, um, it's a cover?

WALSH: Yeah.

OSORIO: I mean it's, it's, it's <unintelligible, talk-over>?

WALSH: <unintelligible, talk-over>, correct, it's a S-U-V.

OSORIO: Okay. You recognize this...this map or this picture right here?

WALSH: Yes, that's the driveway to the house, 10-16 Justice Avenue.

OSORIO: So would this picture be accurate if the way you drew the car right here, if you drew your, if you pulled up right here?

WALSH: Yeah, correct, it would.

OSORIO: Right?

WALSH: Yes.

OSORIO: Okay.

WALSH: You want me to draw my car <unintelligible>?

OSORIO: Uh huh. Alright, and then the house would be right up, the driveway that we're talk, that you described would be right up here, correct?

WALSH: Correct.

OSORIO: Okay. Do you know where Officer Dezenzo ran to after you took off running, you came back running toward the back of your car? Do you know where Officer Dezenzo at the time had gone to?

WALSH: No, all I <unintelligible> as we exited the driveway, I saw him break to the right and I broke to the left.

OSORIO: Okay. So he went somewhere in this direction?

WALSH: Correct.

OSORIO: Do you know if he ran around this house or up, over here across the street?

WALSH: No idea.

OSORIO: Okay. Um, you ran back over here to your car?

WALSH: Correct.

OSORIO: And where were you standing at when you saw him, when you saw the subject with the rifle? You said you ran, ran back to, to the back of your car; when you took your shot, where was the subject at?

WALSH: Subject was...it'da been right about here on the corner that, there's a little hill.

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4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/9/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Ofc. Brian Walsh

OSORIO: Okay.

WALSH: He's on top of that hill.

OSORIO: Alright.

WALSH: He was on that, he, an elevated position.

OSORIO: Uh huh.

WALSH: Which makes it even, if he's familiar with the rifle it's an even better shot for him.

OSORIO: Alright. So when he was at that hill where were you at?

WALSH: I was right off the, right back here, behind the car.

OSORIO: Okay.

WALSH: Can you see that?

OSORIO: Right behind your car?

WALSH: Yes.

OSORIO: To the right?

WALSH: Correct.

OSORIO: Do you have a clear vantage point looking at him down over here?

WALSH: I did.

OSORIO: Okay. And, when you fired the shot, describe again what made you, what made you fire a shot?

2. Victim Name		3. Original Offense / Charge	
IAROSLAV MOSIIUK		OIS	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	3/9/17		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Interview with Ofc. Brian Walsh

WALSH: <clears throat> It was several things that made me fire a shot. Um, number one, I knew that the, the civilian from directly across the street had come out. I didn't know where she was at.

OSORIO: Ok

WALSH: Uh, number two, I had the sister here that I knew she was here and I put myself between him and her, but I knew she, oh, I'm sorry it's...

OSORIO: It's alright, it's alright.

WALSH: Um, she was here with me. Uh, I knew there was a water guy in the area. I, cause I remember seeing his truck and, um, I knew Officer Dezenzo had run out the back and had his back turned as he was running away, um.

OSORIO: In what direction?

WALSH: It woulda been...

OSORIO: In this direction?

WALSH: Yeah, it woulda been eastbound.

OSORIO: Okay.

WALSH: Westbound, I'm sorry, westbound on Justice, he was running. Um, all of that conjunction as he, as he, I came around the right side, I see him still, uh, still with the, the weapon mounted, tracking in Officer Dezenzo's direction.

OSORIO: So he was pointing, he was pointing his rifle down in this direction?

WALSH: Correct.

OSORIO: Okay.

2. Victim Name		3. Original Offense / Charge	
IAROSLAV MOSIIUK		OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/9/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Ofc. Brian Walsh

WALSH: Correct. And, and, on top of that, I know those rifle rounds, I know they'll go through glass, and I know all these houses here, um, are in danger if anybody's inside of 'em. That's, at that point that's when I discharged my weapon.

OSORIO: Okay. Why did you discharge your weapon at him?

WALSH: He, at that point he was an imminent threat to, um, all the people in the neighborhood, the, like I said, I didn't know where she was. He was an imminent threat to his sister, um, he was just an imminent threat to myself, and he became an imminent threat to Officer Dezenzo.

OSORIO: Okay. Did you think he was about to shoot Officer Dezenzo?

WALSH: I did.

OSORIO: Cause Officer Dezenzo's running this direction?

WALSH: Correct.

OSORIO: And he's, he's clearly...

WALSH: He's track, he's...

OSORIO: ...pointing the gun down, down the street.

WALSH: He was clearly tracking that way, yes.

OSORIO: Okay. And once you fire, you fire one shot and what did he do?

WALSH: Uh, uh, soon as I fired my shot, he...I don't wanna say he lurched, but he kinda stood, straightened up a little bit and the weapon fell to the, to the ground at the top of that hill right there, and he rolled, kinda went rolling off the hill into the driveway.

OSORIO: Okay. And that, that one shot that you fired stopped the threat right there?

WALSH: It, correct, it then stopped the threat.

OSORIO: And you, he didn't, he didn't shoot after that?

WALSH: He didn't shoot.

OSORIO: No, no, yeah, actually he never did fire, never got the chance to, fo fire his rifle that you know?

WALSH: Correct, that I know of, yeah.

OSORIO: Okay. Any, any questions, anything you'd like to ask?

JETER: Do you recall saying anything to the, uh, what you found out to be the, the 9-1-1 call, the owner of the house; do you remember saying anything to her?

WALSH: Uh, yes, at one point I, I, she decided after, after I discharged my weapon she decided to start meandering in the street and she was, she was obviously distraught, and I was trying to get her to get back away so we can handle it. And at one point she did say, um, please help him, or please take care of him or some'um. But I, I, I yelled at her several times to get back, get back, get back, cause she was still in a danger area.

JETER: And after that point you said you radioed for a MEDIC call on the air?

WALSH: Correct.

JETER: Did you, uh, administer any medical aid to, um, the gentleman that was shot?

WALSH: I did not.

JETER: Did you see any other officer administer any aid prior to MEDIC getting there?

WALSH: I did not.

OSORIO: Mr. Greene?

GREENE: Um, yeah. How long had you been, um, patrolling that area?

2. Victim Name		3. Original Offense / Charge	
IAROSLAV MOSIIUK		OIS	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	3/9/17		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Interview with Ofc. Brian Walsh

WALSH: Uh, 7, it'll be 7 years in June.

GREENE: Okay. <inaudible> And when you said you saw the suspect when he first came out, um, what was his position?

WALSH: He was charging out the door with the rifle mounted to his shoulder. Um, I believe it was his right hand holding the rear stock and then his left hand up front and holding the front stock.

GREENE: Okay, and was he...

WALSH: Charging.

GREENE: Was he, and then at what point does he kneel?

WALSH: At, I don't know exactly but as I kept getting closer to the front of my car, I, I turned, gave a glance, and then he was kneeling at that point.

GREENE: And what is his, what did his kneeling signify to you?

WALSH: It signified a firing position, that he was ready, ready to, uh, pull the trigger and shoot.

GREENE: How far away were you from, from, from the individual?

WALSH: Fifteen, 20 yards?

GREENE: And, um, and at that point you didn't have your rifle?

WALSH: Correct.

GREENE: You didn't have your, um, shotgun?

WALSH: Correct.

GREENE: You just had your Glock?

2. Victim Name	3. Original Offense / Charge	
IAROSLAV MOSIIUK	OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/9/17	9. Correct Incident Classification
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes
13. Purpose Of Supplement Interview with Ofc. Brian Walsh		

WALSH: Correct.

GREENE: Compare the power of a Glock to a rifle.

WALSH: The…

GREENE: From your training and experience.

WALSH: From my training and experience, um, the, the Glock…I can tell you it, the, um…they call it a high-power rifle for a reason. It's for distance, it's for accuracy, for better accuracy, the way the barrel's rifled, and I can't go into all the details cause I don't know that, but I know the barrel's rifled for accuracy. And I know it's meant, um, there are certain rifles that are meant, that, to take down big game, 1,000 pound animals, and I don't know what kind of rifle he had, but I do know for, um, compared to the pistol, the pistol is a, uh, a low-powered weapon, more apt for close, closer quarter combat I guess you can say, whereas a rifle you can have standoff distance and, and, uh, able to shoot from longer distances and, and there's more, more ener, energy and more power into that round that's coming out.

GREENE: And prior to firing the shot, did the sister, what, or we now know is the sister, did she say anything that would give you pause that, that, that this individual wouldn't fire?

WALSH: I, I didn't hear anything that, along those lines that she would've said anything like that. I, like I said, my focus was…

GREENE: And she was hiding behind the car with you?

WALSH: Correct.

GREENE: She didn't step out in front of the car and say, hey, wait?

WALSH: Correct.

GREENE: He, uh, he's not gonna fire this, this, this ri, this rifle?

2. Victim Name			3. Original Offense / Charge	
IAROSLAV MOSIIUK			OIS	
4. Location Of Offense			5. Arrest Number	6. C.R. Number
1016 Justice Ave				
7. Original Report Date	8. Supplement Date		9. Correct Incident Classification	
3/8/17	3/9/17			
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement	
No	No	Yes	Interview with Ofc. Brian Walsh	

WALSH: Correct.

GREENE: She took cover as well, correct?

WALSH: Correct.

GREENE: Okay, and as far, you heard Sergeant Jeter ask you about rendering aid, had you, prior to that, had you cleared the house?

WALSH: No.

GREENE: Did you know if anybody else was in the house?

WALSH: No.

GREENE: Did you know anybody, if anybody else was in the house, armed?

WALSH: No.

GREENE: In your opinion, would it have been safe to render aid at that point?

WALSH: No, not at all.

GREENE: Okay. I, I don't have any other questions.

OSORIO: Anything else you'd like to add?

WALSH: Yeah, uh, I, I mean, we all take the responsibility when we take is job that we may have to do some'um like this, have to take, uh, have to discharge our weapon at somebody, and this is some'um I take very seriously. Um...so I, I just wanna let you know that this is, this is some'um very serious to me and, um, it, it affects you a little bit, you know what I mean? You, you had to do what you had to do to, to, to do this, but this is some'um I take very seriously and I just want everybody, I wanted to let you all know that.

21. UCR Clearance Status	23. Reporting Officer Code Assignment Date	
] Open] By Arrest] Exceptional] Unfounded	Det. D Osorio #1176 Homicide 3/9/17	
22. Investigative Status	25. Case Referred To	26. Reviewing Supervisor, Code, Date
] Active] Inactive] Closed] Administrative		

2. Victim Name		3. Original Offense / Charge	
IAROSLAV MOSIIUK		**OIS**	
4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/9/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Ofc. Brian Walsh

OSORIO: Sure. Okay...anything else? Alright, this concludes the interview. Time is, uh, 6:03 in the afternoon on March 9th, 2017.

DSO/DLJ/MG/olw

Corrected by D. Osorio #1176 3/14/17 DSO

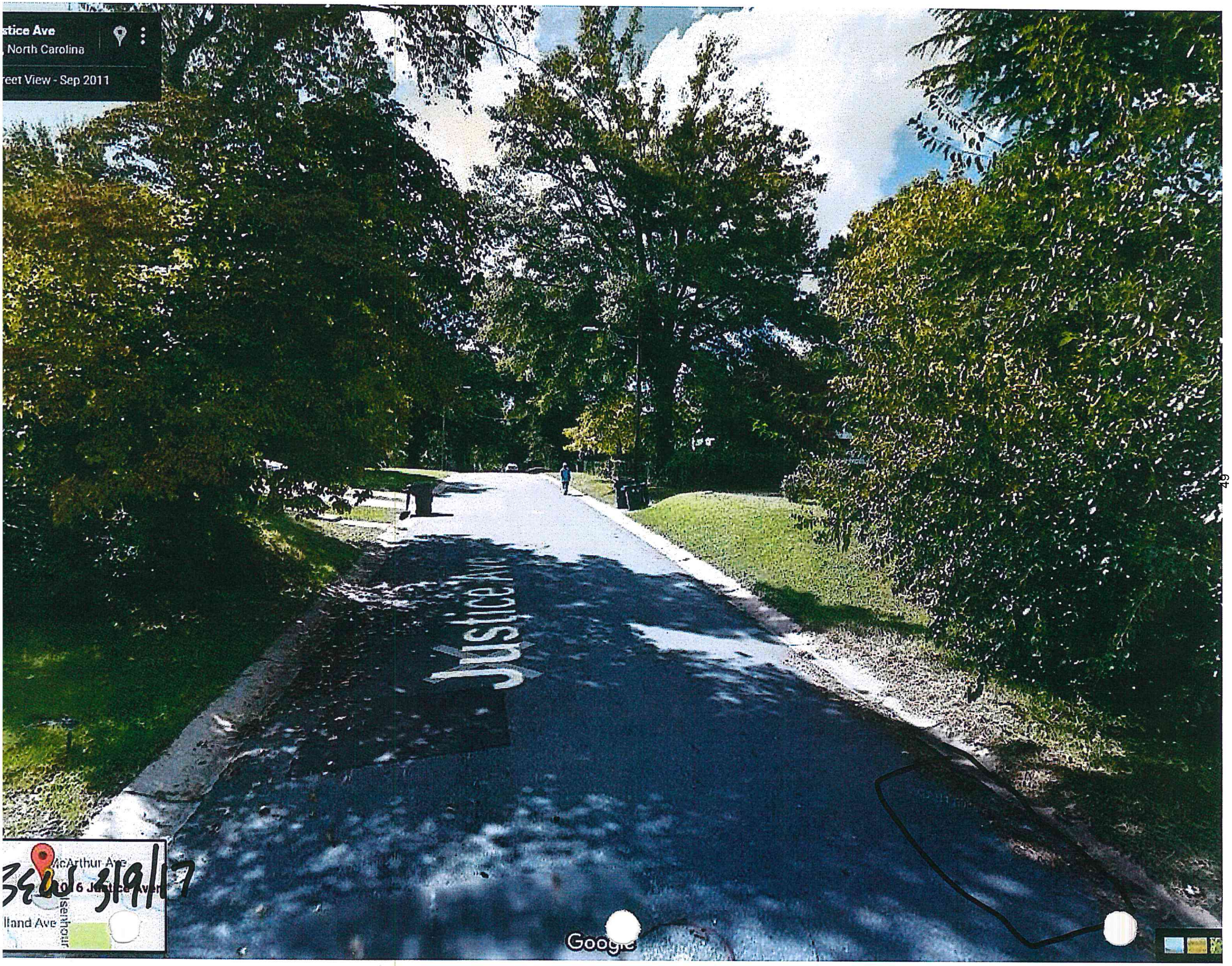
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Exhibit 2

Charlotte Mecklenburg Police Department Supplement Report ©		COMPLAINT NUMBER 20170308125800	Page # 1 of 41
2. Victim Name **Mosiiuk**		3. Original Offense / Charge **ADW on Officers / OIS**	
4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/8/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Michael Dezenzo

[CORRECTED BY DS OSORIO]

THIS IS DETECTIVE ROOKS, THE TIME IS 1542 HOURS; THE DATE IS MARCH 8TH 2017. THE COMPLAINT NUMBERS ARE 20170308125800. IN THE ROOM 2001 AT THE LAW ENFORCEMENT CENTER 601 EAST TRADE STREET. MYSELF, DETECTIVE A.S. ROOKS 3887, DETECTIVE A. ECHOLS 5005, ATTORNEY DANIEL ROBERTS AND MICHAEL DEZENZO D-E-Z-E-N-Z-O, DATE OF BIRTH 9/16/72 OFFICER CMPD.

Rooks: Um Michael you um …you know that this is being recorded and you're okay with that?

DEZENZO: Yes.

Rooks: You understand this is a voluntary statement…

DEZENZO: Yes.

Rooks: …okay you're not in any trouble.

DEZENZO: Yes.

Rooks: Alright um and so there is a form that we like to go through and kind a ask some questions regarding the course of your day and your employment here.

(Sneeze)

Echols: Bless you.

Rooks: What are your code?

DEZENZO: 2867.

Rooks: And your date of hire?

DEZENZO: Uh February 28th 2001.

Rooks: And did you have prior Law Enforcement or Military experience?

21. UCR Clearance Status] Open] By Arrest] Exceptional] Unfounded	23. Reporting Officer Code Assignment Date **Det A. Rooks #3887 Homicide 3/8/17**	
22. Investigative Status] Active] Inactive] Closed] Administrative	25. Case Referred To	26. Reviewing Supervisor, Code, Date

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		**ADW on Officers / OIS**	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	**3/8/17**		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	**No**	**Yes**	Interview with Michael Dezenzo

DEZENZO: No.

Rooks: Okay and your current division assigned?

DEZENZO: Um patrol Metro division.

Rooks: And your shift?

DEZENZO: First shift.

Rooks: And the hours?

DEZENZO: 6:15 a.m. to 2:30 p.m.

Rooks: 2:30 you said?

DEZENZO: 2:30 yes.

Rooks: And your call sign?

DEZENZO: Uh 02-1104-1.

Rooks: Okay and your talk group?

DEZENZO: Metro division.

Rooks: And that is...

DEZENZO: <Inaudible>

Rooks: Who your supervisors are?

DEZENZO: Uh both supervisors, there's Sergeant Saunders and Sergeant Bean.

Rooks: And your uniform is...class B?

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes
13. Purpose Of Supplement Interview with Michael Dezenzo		

DEZENZO: Yes.

Rooks: Your height?

DEZENZO: 5'11.

Rooks: And your weight?

DEZENZO: 210.

Rooks: And the amount of sleep that you had last night?

DEZENZO: Uh seven hours.

Rooks: Did you work any off duty prior to your shift?

DEZENZO: No…I don't even have an off duty permit.

Rooks: Okay. And your vehicle number?

DEZENZO: I was driving uh vehicle 623 today, Caprice.

Rooks: And are you the driver?

DEZENZO: Yes.

Rooks: And it's a marked vehicle?

DEZENZO: It is.

Rooks: Uh did you have a passenger?

DEZENZO: No.

Rooks: Do you have DMVR in that car?

DEZENZO: No.

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
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13. Purpose Of Supplement Interview with Michael Dezenzo		

Rooks: Do you have body worn camera, yes or no?

DEZENZO: Yes.

Rooks: Is there assigned number to that body worn camera?

DEZENZO: Uh there is, there's a...there's an identifying mark uh...<Talkover - inaudible>

Rooks: Do you know it off hand, if not it's okay.

DEZENZO: I don't.

Rooks: Okay.

DEZENZO: I don't.

Rooks: And your duty weapon?

DEZENZO: Uh I carry the uh M & P...Smith and Wesson M & P 40.

Rooks: I'll get your serial number in just a second. How many magazines do you carry?

DEZENZO: I carry a total of two spare magazines with one in the magazine, total of three.

Rooks: And what I'd like to do is um get a count...

DEZENZO: Okay.

Rooks: ...so what I'm asking you to do um is go ahead and make the gun safe, if you will...

DEZENZO: Okay.

Rooks: ...<Inaudible>... And before you put it on the desk or anything, um the firearm, if I can ask you just um...did anyone but you today uh touch the gun...

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
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13. Purpose Of Supplement Interview with Michael Dezenzo		

DEZENZO: No.

Rooks: ...anybody involved in this incident touch your gun?

DEZENZO: No.

Rooks: Just you?

DEZENZO: Yes.

Rooks: Okay. Okay <Inaudible>

DEZENZO: You want <Inaudible> magazines separate <Inaudible>

Rooks: <Inaudible> SA9845 is the serial number.

DEZENZO: Excuse me.

Rooks: <Inaudible>...load 'em back <Inaudible>

DEZENZO: <Inaudible>

Rooks: Just gonna count 'em out loud one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen. And that was the one that came out of the gun?

Echols: <Inaudible>

Rooks: So there's one came out a there <Inaudible>...fifteen. One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen <Inaudible> ...three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen <Talkover - inaudible>

Echols: <Inaudible>

Rooks: <Inaudible> ...do all that.

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
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13. Purpose Of Supplement Interview with Michael Dezenzo		

DEZENZO: <Inaudible>

Rooks: <Inaudible>...put it back you're more than welcome.

DEZENZO: <Inaudible>

Rooks: Yeah absolutely.

DEZENZO: ...re-chamber?

Rooks: Uh huh. Alright, and do you carry a secondary weapon?

DEZENZO: I do not.

Rooks: Okay. <Inaudible>...secondary and then there's another one say's back up, same thing, no correct?

DEZENZO: <Inaudible>...no, no back up gun or secondary.

Rooks: And Daniel Roberts is your attorney?

DEZENZO: Yes.

Rooks: Okay. So I have some maps um to help you but if we can I just kind a wanna run through from beginning of the call to when you came here and then if you need maps <Inaudible>...

DEZENZO: Okay.

Rooks: ...we'll pop those out and you're more than welcome to use whatever...

DEZENZO: Okay.

Rooks: ...you need to demonstrate.
DEZENZO: Okay.

Rooks: Okay, go for it.

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
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13. Purpose Of Supplement Interview with Michael Dezenzo		

DEZENZO: Um when you say at the beginning of the call, you mean where...where I'm at at the time of dispatch?

Rooks: Please.

DEZENZO: Okay. I had a meeting today um at 1:30 with uh Sergeant Saunders and it was a post pursuit meeting from the pursuit meeting...uh that occurred back in December with myself <Inaudible>...many officers were involved in. I was out of service at the Metro office um... This call for service came in it um was in my response area, I put myself back in service and then uh respond to the call.

Rooks: Your uh response are would be one?

DEZENZO: I'm response area one.

Rooks: Okay.

DEZENZO: Um...I'm on Norris Avenue as I'm responding to the call I...I've seen comments that say's they we're attempting to locate and checking he uh welfare of a Kee Moss um, comments state that he is having a mental break down. Uh comments are that they're wearing yellow boots and jeans and there were additional comments added as <Inaudible>...travelling that he has a firearm, did not specify rifle, handgun, shotgun; um that the...he's hidden...he's disassembled the weapon and hidden some of it, a part of it, inside the house. Um...I'm on Norris Avenue, Officer Walsh, Bryan say's that he's standing by for me on Isenhour at...<Inaudible> Holland or Isenhour and Roddy, I'm not sure and at this point I'm turning onto Isenhour and I said Bryan I'm on Isenhour now off of Holland, or correction off of uh Norris and I look up bout 75 yards in front of me and I see the rear of his patrol vehicle. Um he starts responding to the call um I'm behind him and um we take a left onto Justice Avenue and we stop short um of our target location which, I believe, was 1016 Justice Avenue and uh stopping short there's a uh...a natural barrier of tree's obstructing our view of that house as well as anyone at that house, his view of us. Um I said hey to a...a female was outside at a...at a house directly to my left, hey I know you...hey I know you too. How are you? And uh...I remember saying...and I'm...I'm...I'm handling something else right now. Um we approached the front of the house uh on Justice. I checked

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
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13. Purpose Of Supplement Interview with Michael Dezenzo		

down the left side of the house um Officer Walsh is walking up the sidewalk towards the front of the steps, he then uh walks to the right side of the house and I begin walking towards the front of the house, up the steps to the front door. Um...on the front door I observe that there's there windows um <Inaudible>...a foot high, they're...they're several inches wide and they're <Inaudible> steps, it's one...two...three and I look through those windows and I don't see anybody or anything, I don't hear any type of disturbance and I knock on the door. Um I hear no answer, I'm not greeted but the door is...is...what I believe, is unsecure, the door is...is...is loose and I'm not knocking on the door hard enough for it to open inwards but the bolts not striking against the striker plate <Inaudible>...I'm thinking that the door is...is uh...is unsecure. Um Officer Walsh is uh...while I was walking up the stairs and standing on the front porch I turned to Officer Walsh and I said I'm going hot um which means I am turning on my body camera. He told me that he had his body camera already on um that's a ...that's a phrase that I use on every call <Inaudible> letting officer's know I'm turning my body camera on or as officer's approach me on this video you'll see officer's approach me asking if I'm okay and I'm letting 'em know hey I'm still hot, letting him know my body camera's on. Um I knock on the door a second time and exploding into view in front of me is a male armed with a rifle, he has showed the rifle, he has leveled the rifle directly at me, the door is stull shut, he's pointing the rifle uh directly towards the...me from the door looking through the window and um...he's within, I would say, ten feet of me. I uh don't have my service weapon in my hand um...I do an about face, I immediately begin screaming at Bryan gun...gun...gun. I uh...run down the steps, jump off the steps and Bryan and I do a criss cross, he is at the right side of the house and he is running from my right towards uh uh...a 10 o'clock position and I am running to the right towards a 2 o'clock position and we were criss crossing and I remember yelling at Bryan get some cover, I don't know how many times I repeated it and I saw Bryan running towards the patrol vehicles and I remember yelling at him thinking that that...this...this isn't gonna get it done today, this man has a rifle and his...his patrol rifle...those...those patrol vehicles were...were...well within an area where ...where he could put directed <Inaudible> fire on us...

Rooks: Uh huh.

DEZENZO: ...with a rifle and I remember yelling he's got a rifle, just making sure <Inaudible> he's got a rifle. I uh...I run out into uh Justice Avenue, I'm looking for cover, I'm

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
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10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes
13. Purpose Of Supplement Interview with Michael Dezenzo		

trying to find cover and I do an about face and ...and I see that this individual has...is at the end of his driveway or at the driveway, he has taken a kneeling shooting position, he is in a static shooting position and it is a supported shooting position with a rifle with a scope on it. Uh...a gray stocked rifle with a matte blue barrel. Um I...I see what I believe is a...um...a magnified optical...optic on it, a scope and I also see that it's...I don't see a pump action on it, I don't see a lever action, I don't see a bullet action on it and <Inaudible>...semi automatic rifle. And he is in that static um...kneeling supported position and he has <Inaudible>...began rotating towards me. Um I had my service pistol in my hand at this point and I lock out on that...him. Um...he starts running towards me and I realize, based upon my knowledge and my abilities that I am in...I'm in no man's land. This...this guy's got a rifle, he's got an optic on it, it's semi automatic and I'm with a handgun at 30 yards and I'm...I'm...I know that I can't put accurate direct fire on this guy and he's in a...he's in a kneeling support position with a rifle and uh I can't get in a sustained gunfight with this guy and I was like, you know, I'm...I'm out a range with this handgun and I turn around and I start hauling ass for cover and I uh...at this point I'm...I'm running for cover diagonally and I hear a single gunshot. Um and my fir...my first...my first thought was I'm not hit, my second thought was that sounds kind of muffled um...I didn't recognize it as a sharp crack of a high powered rifle, I didn't recognize it as a sharp crack of...a short barreled handgun, was muffled like a shotgun and I ran, as I'm running I get to a brick house on the other side of Justice Avenue and I recall hearing uh traffic, shots fired, etcetera and Bryan has advised that this suspect has gone mobile, this is what I'm recalling and I can't tell you which house I ran around but when I got around the corner of the...that house I began...cause I've heard that he's gone mobile, I began scanning for a threat and I come around the corner back to the target location and I see this suspect um lying on the ground in a fetal position uh...on his right side. I can't make out uh if there's anything in his hand still or not. And the suspect is still moving and uh...there's radio traffic <Inaudible> communicating what's going on and I don't know what address I am at at this point but I do know that my thought process is...I am still out of range to defend myself with this individual with the rifle. I moved up one house to 1039 Justice Avenue, I believe it is...and I remember thinking that I now have cover and <Inaudible> I'm way out there, he's gonna have to break cover to come to me if this...if he goes mobile again, I'm gonna hold right here. Um...there was a...some...somebody was on the front porch of this house, I have no idea who it is, I scream at him to get in the house and about this time I hear radio traffic

from...I identified the voice as Officer Preston. Bryan's calling for help, Preston say's where are you guys at? I even tried to get on the radio and I think we were just walking <Inaudible> each other at that point and um...I see Officer Preston come up arrive in a patrol vehicle, he's in a Crown Vic and he retrieves a shotgun and at this point I'm not seeing the rifle is behind the suspect about...I would say maybe ten feet away from him at the crest of uh a hill in the grass, front yard of his house. He's laying at the end of the driveway and um...

(Inaudible background conversation)

Rooks: I am.

Unknown: Okay.

Rooks: Yes, thanks.

DEZENZO: And I began thinking about how we're gonna deal with this, are we going to break cover and...or are we gonna get more of our friends here and...and how are we gonna get this guy in handcuffs. I see the rifle lying about ten feet behind him, he's on the ground, he's not moving at this point and um we communicate that we're gonna move forward and...and 72 this individual and Bryan say's hold up a second I'm gonna grab my rifle and uh...Bryan retrieves ...well I believe Bryan retrieves his rifle uh and we communicate that we're gonna move up, I break cover where I'm at and begin moving towards uh this individual. Uh...Bryan communicates to me that he's going to...he and Preston will cover the house while I um...well I said I'll cuff...I'll cuff... I probably said I'll cuff, you guys cover, but I remember saying I'll cuff. And when I approached and like...and I got up on this uh individual I observed that uh there's an injury, uh I believe at that point it was a gunshot wound um...he was bleeding, I observed blood on his uh upper chest on his middle to left side, I rolled him over he was limp. Um...I secured him in handcuffs behind his back as he laid face down and while Preston and Walsh were covering the house I did like a modified fireman's drag, I...put my arm underneath his right arm and I began dragging him um down Justice Avenue by the arm trying to get him and myself away from directly in front of that house where unknown threats still existed. And I also wanted to get him to a position where Medic could tend to him. Um...I dragged him, again he's limp...uh drag him about...I don't know 30 maybe 40 maybe 50 yards and some officers were

arriving and one of 'em is Officer Webster. I remember yelling get his legs, get his legs and about this time a patrol vehicle goes blowing by us and I yell stop!...and my thought is is okay we're out a direct line a sight, what I...I...I think is direct line of sight at this house where unknown threats are at, let's use this vehicle as a cover for us and I can...least have a staging area to evacuate him to Medic or scene secure for Medic and they can come up and treat him. Um...Officer Webster rolls him over, he is uh facing up and Officer Webster starts performing chest compressions on him. And other officers are arriving on scene and at some point, I don't remember when I said can I tap out or something <Inaudible>...meaning can I...you guys got it from here? I'm...I...I need to get ...I need to ... You guys got it. Um... that's pretty much it.

Rooks: Okay. So I think maybe pictures might help um illustrate if you're good with that and then um if I could just um <Inaudible>...bring you back...

DEZENZO: <Talkover - inaudible>

Rooks: ...and... So initially, can you tell me who else is on the call, is it just you and Walsh?

DEZENZO: Yeah I recall it's just uh Walsh and I.

Rooks: Okay.

DEZENZO: Just two.

Rooks: So just two and that's um 1104 is you?

DEZENZO: Yes.

Rooks: And then do you know his um call sign?

DEZENZO: Yes he's 2-1100.

Rooks: Okay. Okay and if you can remember just, to the best of your knowledge, when they're giving that description and I know you talked about clothing, did they say race at all?

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
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DEZENZO: Not that I recall.

Rooks: Okay.

DEZENZO: <Inaudible>...my...my <Inaudible>...description, I don't remember if that was broadcast by a dispatcher. It comes from the comments in the call.

Rooks: Or if you read it?

DEZENZO: Yes.

Rooks: Okay. Um have you ever been to this location before that you can remember?

DEZENZO: Not that I recall, I don't recognize the name.

Rooks: Okay. Um I know you said you had an interaction with a female um as you were riding down the street, is your window up or down um on your passenger side, driver's side...and if you don't remember that's okay too.

DEZENZO: I know the passenger side was up because that window doesn't work.

Rooks: Okay.

DEZENZO: And I do not remember if my window was up or down.

Rooks: Okay. When you had that conversation do you think that um...did she come on your passenger side or your driver's side?

DEZENZO: She was on my driver's side...

Rooks: Okay.

DEZENZO: ...she was in the front yard...

Rooks: Okay.

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
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DEZENZO: ...directly to the left of where we parked our patrol vehicles. And I believe that my window was down and I believe that she said something to me while my window was down and then I rolled it up and then we had a few more words after I exited the car.

Rooks: Okay.

DEZENZO: Now that I think about it.

Rooks: Okay um and do you remember if um...you said your window was potentially down when you exited the car?

DEZENZO: I think it might've been yeah.

Rooks: Okay, did you hear anything on your way to the call as far as um anything from that house or anything that drew your attention?

DEZENZO: <Inaudible>

Rooks: Okay. Did you notice any vehicles that were in the driveway when you approached?

DEZENZO: Um no not that I recall.

Rooks: Okay.

DEZENZO: <Inaudible>

Rooks: Do you have a um rifle in your vehicle?

DEZENZO: I do.

Rooks: Okay and did you get it out at any time?

DEZENZO: No my rifle was in its rifle case, it's rifle number one, Metro one in the trunk of that car.

2. Victim Name	3. Original Offense / Charge		
Mosiiuk	**ADW on Officers / OIS**		
4. Location Of Offense **1016 Justice Ave**	5. Arrest Number	6. C.R. Number	
7. Original Report Date **3/8/17**	8. Supplement Date **3/8/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Michael Dezenzo

Rooks: Okay. So they're numbered?

DEZENZO: Yes.

Rooks: <Inaudible>...rifle number one?

DEZENZO: It's rifle number one.

Rooks: Okay and that protocol, if you do take a rifle out is what?

DEZENZO: Um at this point we uh...we just have 'em in our secure room and we...and we're allowed in by our supervisors and at this point we don't have a...a log in or log out book for those rifles <Talkover - inaudible>

Rooks: Okay and then if you take 'em out of your trunk, per say, do you have to call on the radio or do something?

DEZENZO: Yes...yes I would notify them, deployed my patrol rifle.

Rooks: Okay. Do you remember hearing anybody say that on the radio?

DEZENZO: I recall that um...I recall Officer Walsh saying <Inaudible> hold up <Inaudible>...I'm gonna get my rifle. I recall another officer, don't recognize her voice...

Rooks: Uh huh.

DEZENZO: ...I...I...I'm <Inaudible>...I heard an officer say I have a rifle. Then I remember calling for a rifle to come to me at 1039 um...<Inaudible>

Rooks: Okay. And if um I can fast forward to after you guys get there and you're facing um...this is the easiest way to write on the map, the pens don't work unfortunately so...you tell me the best vantage point um at where you parked your patrol car.

DEZENZO: Okay.

2. Victim Name	3. Original Offense / Charge		
Mosiiuk	ADW on Officers / OIS		
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Rooks: Um...and <Inaudible> just make sure that I have the...the right house too, it may look different obviously in Google maps um do you recognize this photo here?

DEZENZO: Kind a.

Rooks: Okay.

DEZENZO: I mean kind a... Yeah I...I...I believe that's the...um...<Inaudible> location at 1016 Justice Avenue, I believe this is the row of trees that we parked our vehicles behind as well, down the road.

Rooks: Okay and I'll show you another one so that um...

DEZENZO: Yes.

Rooks: ...<Inaudible> Well let's start with this one and um <Inaudible>...target location is the only thing here but if you can kind a, ya know, if you know the streets...

DEZENZO: Uh huh.

Rooks: ...um if you can kind of guide me and if you don't know these and these um...

DEZENZO: Okay.

Rooks: ...just let me know but if you could let me know what this street is if...if you do know that.

DEZENZO: I believe that's Montreat.

Rooks: Montreat?

DEZENZO: Yes M-O-N-T-R-E-A-T.

Rooks: m-O-N-... I'm sorry?

DEZENZO: T-R-E-A-... T-R-E-A-T.

2. Victim Name	3. Original Offense / Charge		
Mosiiuk	ADW on Officers / OIS		
4. Location Of Offense	5. Arrest Number	6. C.R. Number	
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10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Interview with Michael Dezenzo

Rooks: Right. Okay. And that is um this one here?

DEZENZO: I believe that's McArthur Avenue.

Rooks: You're saying Montreat is this one then?

DEZENZO: This is...yeah.

Rooks: Okay.

DEZENZO: This is...

Rooks: And you're good with me writing that on there?

DEZENZO: <Inaudible>

Rooks: And to your knowledge you think that this one is McArthur?

DEZENZO: Yes.

Rooks: Okay. <Inaudible>

DEZENZO: Actually no I think it's Waynewright and I'm sorry for that...

Rooks: <Talkover - inaudible>

DEZENZO: Can I take a <Inaudible>...can I take another look at it?

Rooks: Yeah absolutely.

DEZENZO: Yeah, yeah. Um...gosh um...

Rooks: If you're unsure that's <Talkover - inaudible>

DEZENZO: Yeah I'm unsure <Inaudible>...it's either McArthur or...yeah it's McArthur.

Rooks: This one here?

2. Victim Name	3. Original Offense / Charge		
Mosiiuk	ADW on Officers / OIS		
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10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Michael Dezenzo

DEZENZO: Yes, that is McArthur.

Rooks: Okay so we'll just leave <Inaudible>

DEZENZO: <Inaudible>

Rooks: Okay um do you happen to know which one this is?

DEZENZO: That is Isenhour <Talkover - inaudible>

Rooks: Is that with a E or an I?

DEZENZO: It's I-S-E-N-H-O-U-R.

Rooks: Okay. And would you happen to know which one this is?

DEZENZO: I believe that's gonna be um...I'm not sure if it's Roddy or if it's Holland.

Rooks: Okay.

DEZENZO: I believe its uh Roddy Avenue.

Rooks: Okay. And if you could, can you tell me um...how you...which direction you came in, if you could just kind a draw that for me?

DEZENZO: Sure, out of view of this is um...Norris Avenue.

Rooks: Okay and <Talkover - inaudible>

DEZENZO: Uh actually...actually out of view of this is...is Norris Avenue and Statesville Avenue um...

Rooks: Which direction is that in?

DEZENZO: Um...

2. Victim Name	3. Original Offense / Charge		
Mosiiuk	ADW on Officers / OIS		
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Rooks: If you know?

DEZENZO: I would've travelled um...I would've travelled this direction of travel um this...this...this would be Statesville Avenue and I took um...I was actually coming from Atando ...

Rooks: Uh huh.

DEZENZO: ...so I came up Statesville, there's a...median there you can't...you have to go out and around, I took a left on Norris Avenue, I continue on Norris Avenue till I hit Isenhour then I took a left.

Rooks: Is it fair to say that um Norris is parallel to Justice...

DEZENZO: <Talkover - inaudible>

Rooks: ...just further away?

DEZENZO: Yes.

Rooks: Okay um so then you came up Isenhour?

DEZENZO: Yes.

Rooks: And if you could, approximately, can you tell me where you would've seen um Walsh's car.

DEZENZO: Um he was either at this intersection waiting for me uh or the one before I'm...I'm pretty sure he was standing back <Inaudible> at this intersection <Inaudible>

Rooks: Okay can you put a W for me just so that I...

DEZENZO: Sure.

Rooks: Thank you. Um and so do you know what kind a...what car number he is, if you don't know that's okay.

DEZENZO: I think it's 001.

Rooks: Okay.

DEZENZO: It's an Explorer.

Rooks: It's an Explorer?

DEZENZO: Uh huh.

Rooks: Does he typically drive that car?

DEZENZO: Yes.

Rooks: Okay.

DEZENZO: It's his take home patrol vehicle.

Rooks: And somewhere on the corner of Isenhour potentially here <Talkover - inaudible>

DEZENZO: Yes.

Rooks: Okay further...further back right?

DEZENZO: Yes.

Rooks: Um how long did you guys pause there before you made it to the house?

DEZENZO: Um when I turned on to, just before I turned onto Isenhour from Norris, as I was turning onto Isenhour from Norris, I had line of sight of Walsh and he was advising me that hey Mike...I'm standing by for you here at Isenhour and again, it was either Roddy or Isenhour and Holland and I let him know his line of sight about 75 yards in front of me that I'm on Isenhour from Norris now and he began moving towards Justice Avenue.

Rooks: Okay so there was um...was there any getting out of the cars, the conversation here?

2. Victim Name	3. Original Offense / Charge		
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10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Interview with Michael Dezenzo

DEZENZO: No.

Rooks: Okay um and so then you guys travel...

DEZENZO: Yes.

Rooks: ...up Isenhour?

DEZENZO: Uh huh.

Rooks: Um and if you can just take me to where...did you make a left here on Justice?

DEZENZO: <Talkover - inaudible>...made a left on Justice and we parked our vehicles on the right curb edge of Justice Avenue directly in front of this house right here...

Rooks: Okay.

DEZENZO: ...right here.

Rooks: And do you remember if you clicked arrived or not?

DEZENZO: I don't.

Rooks: Okay.

DEZENZO: I do not.

Rooks: Um so if I... <Inaudible>...which photo is either <Inaudible> ...will help you with where you <Inaudible> parked, and again if they do not just let me know.

DEZENZO: Okay.

Rooks: Um...either of these depict where you might've parked your patrol car if this is a house here?

21. UCR Clearance Status	23. Reporting Officer Code Assignment Date	
] Open] By Arrest] Exceptional] Unfounded	Det A. Rooks #3887 Homicide 3/8/17	
22. Investigative Status	25. Case Referred To	26. Reviewing Supervisor, Code, Date
] Active] Inactive] Closed] Administrative		

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		**ADW on Officers / OIS**	
4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
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10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Michael Dezenzo

DEZENZO: Um... I parked, we parked our patrol vehicles in the direct area where this individual's walking...

Rooks: Okay.

DEZENZO: ...and that cars right in that direct area.

Rooks: Okay.

DEZENZO: Uh huh.

Rooks: Um if you could just put uh...did you...park behind Walsh?

DEZENZO: Yes.

Rooks: Okay if you'll just put in the general vicinity of where you um...might a parked.

DEZENZO: Okay.

Rooks: And that is photograph...five. And then you guys exited here...um... Do you...either of you have your firearms out?

DEZENZO: No.

Rooks: Okay um what is the first thing that you see or hear from uh this location, is there anyone outside?

DEZENZO: No.

Rooks: Hear anything?

DEZENZO: No.

Rooks: Okay um so if I can I'm gonna go back to the house and I don't know which picture would be easier for you, does this... better picture?

DEZENZO: Yes.

2. Victim Name	3. Original Offense / Charge		
Mosiiuk	ADW on Officers / OIS		
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No	No	Yes	Interview with Michael Dezenzo

Rooks: Okay if you can, kind a walk me here of how you guys approach um…if we can use W for Walsh and D for you that would…be fine for me if it works for you.

DEZENZO: <Inaudible>…walking up the driveway…

Rooks: Okay.

DEZENZO: …and…Officer Walsh is in front of me leading and uh Officer Walsh then begins walking on the sidewalk towards the front of the…the house and I begin walking to the left side of the house and then looking in windows, looking down the left side of the house and I don't see or hear anything. Um…I then begin walking up the sidewalk and at this point Officer Walsh has walked to the right side of the house and I've walked up the front steps um and I'm standing at the front door. Continue?

Rooks: <Talkover - inaudible>

DEZENZO: Again? Okay.

Rooks: And if you could tell me um…are there…cause I know this picture could be taken at any point um is there anything in the yard that's different or if…if you can remember that um is not accurate here uh is there any obstructions, vehicles…things that you remember that are different than this picture?

DEZENZO: Trash can wasn't there.

Rooks: Okay.

DEZENZO: Sticks in my mind that there was a lot more overgrowth on the left side of the house, it was more like a funnel I was looking down <Talkover - inaudible>

Rooks: Okay.

DEZENZO: But other than that I…I can't recall the specific details of any other thing.

Rooks: Sure.

2. Victim Name Mosiiuk		3. Original Offense / Charge ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
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10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Michael Dezenzo

DEZENZO: I don't recall <Inaudible> looks like <Inaudible>

Rooks: <Inaudible>...ask you.

DEZENZO: <Talkover - inaudible>...recall.

Rooks: If you remember, if you could um see inside the house here.

DEZENZO: I don't recall.

Rooks: Can you remember the door, was it solid or was there um a...uh...either a screen door or a um...

DEZENZO: It was a solid door, wood door, light brown and again it had uh...there are three windows and...tiered stairs, there's one above it, tier then three.

Rooks: Within the door?

DEZENZO: Yes...

Rooks: Okay.

DEZENZO: <Inaudible>...about eye level to me and uh...they're about maybe a foot tall and about that wide...

Rooks: Okay.

DEZENZO: ...that I could see through.

Rooks: And when you looked in there um...could you see, initially, could you see anyone inside the house?

DEZENZO: I looked, I didn't see anybody.

Rooks: Okay.

DEZENZO: Didn't hear anything, didn't see anybody.

Rooks: Could see any lights on?

DEZENZO: Um...that I recall, there were no lights on um it looked...it looked uh... You could see but there were no lights <Talkover - inaudible>

Rooks: Okay. So um is it fair to say when you're at the door here where's Walsh?

DEZENZO: Walsh um, at this point, has walked over, he's standing at the bottom of the stairs when I first uh...I just let him know that I'm turning my body camera on <Talkover - inaudible>

Rooks: <Talkover - inaudible>...hot?

DEZENZO: I said I'm going hot.

Rooks: Yeah.

DEZENZO: And he has let me know that he already is and he is standing at the bottom of the stairs about right here. As I am knocking on the door he just walked behind me to the left side of the house over in this area.

Rooks: Okay and do you know, um how many times you knocked, was it just kind a like...once, twice?

DEZENZO: I knocked uh...knock, knock, knock a total of two times...I did two series of knock, knock, knock.

Rooks: Okay did you say anything verbally?

DEZENZO: I don't recall uh identifying myself as a Police officer, no.

Rooks: Okay and um just to go over this, you were wearing uh uniform that you had on today?

DEZENZO: Yes...yes.

Rooks: Okay and Walsh is wearing his as well?

DEZENZO: Yes.

Rooks: Okay um how long do yall wait before the next thing happens?

DEZENZO: Um I wait approximately um…five maybe ten seconds before I began knocking again and at this point immediately uh again there's a male <Inaudible>…from, I don't recall if it's the left or right but there's a rifle in his hands, he is squared off at me, he is leveled off at me from ten feet or closer and he shouldered it and then looking down the barrel of the rifle and he yells who is it or…no, excuse me, what do you want? Um…and at that point I yell gun, gun, gun and I either run down or jump off the steps and I move this direction and Walsh moves this direction towards where our patrol vehicles at.

Rooks: Okay um when you see this individual, can you tell his race at that point?

DEZENZO: Um white male to me…that I recall, um…white male um…light skinned, I can't tell you anything else but I was more worried about what was in his hand <Inaudible>…I don't care. <Inaudible>

Rooks: Okay um and if I could, just so I understand the door um…the picture, the…the windows.

DEZENZO: Yes.

Rooks: Can you um…just depict how…how the squares are I…I think I understand but just…

DEZENZO: Sure…sure. I can't draw a straight line but forgive me. <Inaudible>

Rooks: Okay um are they about eye level to you?

DEZENZO: Yes.

Rooks: Okay.

DEZENZO: Yes.

Rooks: Um and which one um…do you remember first seeing him, was it um…towards the left, middle or to the right if you remember?

DEZENZO: <Inaudible>…I…I can't…I can't get that <Talkover - inaudible>

Rooks: Absolutely.

DEZENZO: But uh…I don't recall.

Rooks: Okay. Do you know which…you said laterally which side he came from?

DEZENZO: I don't.

Rooks: Okay um but the first thing that you remember is, and if you could just demonstrate with your hand what um…how you saw him holding the rifle.

DEZENZO: <Inaudible>…when he came out right in front of me he had the rifle shouldered um…like this pointed directly at me in the door and that's when he said what do you want?

Rooks: Okay and if you're um him and I'm you can you just kind a demonstrate um potentially how far back, would I be further out the door?

DEZENZO: Yes.

Rooks: Okay.

DEZENZO: I would say a…a good rule of thumb would be between where you're at now and no further than the rear of that wall.

Rooks: Okay.

DEZENZO: <Inaudible>…yeah.

Rooks: Okay so from the threshold maybe a little bit further back to where you're seated in the chair?

DEZENZO: Yes, yes.

Rooks: Okay.

DEZENZO: Yes.

Rooks: And, if I understood you correctly, you leave the front steps, there are some stairs here...

DEZENZO: Yes.

Rooks: ...and I know it's hard to see.

DEZENZO: Yes.

Rooks: Um and you run this way?

DEZENZO: Yes.

Rooks: And uh Officer Walsh is coming here and kind of crosses over?

DEZENZO: Yes.

Rooks: Okay um at any point do you see him, I know you guys re approach the house later um but do you know where he went when he ran this way?

DEZENZO: No I do not know for sure, no.

Rooks: Okay and then, I'm not sure if they'll be on here... If you could help me with this. Um...if this is the front of the house...

DEZENZO: Uh huh.

Rooks: ...would you say that you ran in this direction?

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		ADW on Officers / OIS	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	3/8/17		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Interview with Michael Dezenzo

DEZENZO: Uh...yes uh...<Inaudible> paper but yes <Talkover - inaudible>

Rooks: <Talkover - inaudible>

DEZENZO: <Talkover - inaudible>...down...down the edge of the driveway in this direction and I...I...I believe I ran either around this house, yes I believe I ran around...actually this house and moved to this house for cover...

Rooks: Okay.

DEZENZO: <Talkover - inaudible>...twice.

Rooks: Can you just um...put a circle there so I know, so you ran across the street and you described it as a brick house.

DEZENZO: Yeah.

Rooks: Okay.

DEZENZO: Yes.

Rooks: Alright.

DEZENZO: So circle this?

Rooks: Sure.

DEZENZO: <Talkover - inaudible>

Rooks: And at this point when you said Walsh ran this way you don't know where his...uh...where he went? Okay.

DEZENZO: <Talkover - inaudible>

UCR Clearance Status	23. Reporting Officer Code Assignment Date	
] Open] By Arrest] Exceptional] Unfounded	Det A. Rooks #3887 Homicide 3/8/17	
22. Investigative Status	25. Case Referred To	26. Reviewing Supervisor, Code, Date
] Active] Inactive] Closed] Administrative		

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes
13. Purpose Of Supplement Interview with Michael Dezenzo		

Rooks: Um and then, at that point, you said that um...you were trying to...see what was going on and then you heard some radio traffic as far as he was on the move, is that correct?

DEZENZO: <Talkover - inaudible>...something about <Inaudible>...yeah I heard something about him uh...being mobile and as I was on the back side of this house I remember expecting to either be confronting uh someone coming around the house at me uh from my left or from my right. Um I kept <Inaudible> while I was running to this location because I just...I just...kept expecting to hear uh more rifle shots, more gunshots um...but yeah I...I heard some...something about being mobile and...at that point I took a quick peek around the uh front <Inaudible>...well if you're facing towards the house, the front right corner of the house, I took a quick peek back towards this location, that's where...saw him in the fetal position, on his side, on his right side.

Rooks: Okay. Um if I could take you back here, when you were on the front porch and you see the firearm...

DEZENZO: <Talkover - inaudible>

Rooks: ...can you tell me what you're feeling at the front door?

DEZENZO: I uh...feel like I'm about to be shot um...I'm expecting there to be gunfire coming uh through, from the house inside the house at me. I'm expecting uh...uh...I can't see what's beyond there I... um I don't know if there's other people inside. I...I remember doing about face expecting there to be gunshots and I remember thinking can my vest stop this, now it's a rifle threat, what kind a rifle is it and... uh...that's what I was thinking at the time.

Rooks: Okay um at any point here did you uh take your gun out of your holster?

DEZENZO: I don't recall exactly when I had my gun in my holster uh for sure, I believe it is when I jump down from the steps and was...my first priority was to get off those steps and as I...once I made it down to the ground I drew my firearm.

Rooks: Okay and did you um...retreat from here to here while your firearm is out? Do you have your firearm in your hand?

2. Victim Name Mosiiuk		3. Original Offense / Charge ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Michael Dezenzo

DEZENZO: Yes I...I stopped briefly though in between the front door and this location, I did stop briefly. Um...I stopped...somewhere... Can I mark?

Rooks: <Talkover - inaudible>

DEZENZO: I stopped somewhere right through here, give or take, and that's when I...I did an about face, I turned around and that's when I observed um...this individual at the end of the driveway uh in a static, kneeling uh supported firing position with a rifle.

Rooks: Can you um... <Inaudible> demonstrate that to me...

DEZENZO: Yes.

Rooks: <Talkover - inaudible>

DEZENZO: If you're me, my first ...when I turned around saw him, I saw him like this <Inaudible>...I guess a static uh, ya know, supported position and I saw him rotate towards me.

Rooks: Initially um where was he pointing if you're this way, was he pointing forward <Talkover - inaudible>

DEZENZO: It's...it was...it was uh more towards Officer Walsh.

Rooks: Okay do you know where Officer Walsh is at that time?

DEZENZO: No I <Inaudible>...when I say towards Officer Walsh, what I mean is I know Officer Walsh is crossed going to...as I'm going to the right, to the left he is...more in that direction of the right.

Rooks: In the direction of where Officer Walsh ran?

DEZENZO: Yes.

Rooks: Okay um when you saw him here was he saying anything?

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
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10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes
13. Purpose Of Supplement Interview with Michael Dezenzo		

DEZENZO: I didn't hear anything.

Rooks: Okay. Um did you say anything to him?

DEZENZO: No.

Rooks: Okay. Um did you raise your firearm towards him when you turned around?

DEZENZO: Yes...yes.

Rooks: Okay.

DEZENZO: I locked out.

Rooks: Um could you see if there was anybody with him?

DEZENZO: I didn't see anybody else around him no.

Rooks: Okay um and ... <Inaudible> Will this picture here, will picture <Inaudible> help you at all um in where he would've been in relation to here?

DEZENZO: Yes um...

Rooks: Okay.

DEZENZO: I think it's fair and accurate to say that he was in that ...that firing position about where that trash can is out at the end of the driveway <Talkover - inaudible>

Rooks: Okay, would you park...mark an S...

DEZENZO: <Talkover - inaudible>

Rooks: ...where you think he was.

DEZENZO: <Inaudible>...black on black <Inaudible>

Rooks: You're fine, I can see it. And that is where you saw him in the kneeling position?

DEZENZO: Yes.

Rooks: Okay. Do you remember how long you stayed um behind this house or um in the vicinity of ...of these homes here?

DEZENZO: Less than 30 seconds.

Rooks: Okay um if you could, tell me the vantage point, I know you said there's some obstructions.

DEZENZO: Uh huh.

Rooks: Do...could you see uh clearly, across the street in the front yard?

DEZENZO: Yes um...I could.

Rooks: Okay.

DEZENZO: <Inaudible> At this point um I can't...I...I don't recall the front yard what I...when I came around that corner of this house at this location, that's where I first observed this suspect on...on the ground crawling on his side still moving. It wasn't until I moved up one house which <Inaudible>...I remember looking at...calling for a rifle on...at 1039 Justice. I plainly at that point, then I could see the front yard, I don't remember what I saw other than the gun was in plain view <Inaudible>...when I was at this location.

Rooks: Okay.

DEZENZO: I don't know if other things in the yard were...

Rooks: Absolutely. So and you're here um and you turn around and you see him yelling um I know you mentioned earlier that you heard some kind of muffled shotgun, do you remember where you were when you heard that?

DEZENZO: Yes um...I was still in Justice uh was still on the street, I had not crossed over the street yet and uh...like I said I...I...I turned around, saw him in that shooting

position <Inaudible> he began to swing that rifle to me I knew that I was out of range and I was...I was screwed. Uh...I...I can't put accurate direct fire on him, he's got a rifle scoped and...and I got a handgun and I'm...I'm out a range, I gotta get to cover and uh...I was still on the paved section of the road or just at the edge of it when I heard that...that single shot.

Rooks: Okay. Um and just to clarify, when you saw him in the uh kneeling position...

DEZENZO: Yes.

Rooks: ...was that before you heard the muffled shot?

DEZENZO: Yes.

Rooks: Okay and then um as you're running is that when...<Inaudible> but you're still in the street, is that when you next hear the muffled...

DEZENZO: Yeah.

Rooks: ...shot, I mean is that...

DEZENZO: Yeah.

Rooks: ...fair to say?

DEZENZO: Yeah I remember...I...I was running and I remember thinking gotta keep moving, get to cover and when that...when that gunshot went off I remember thinking I'm not hit, there's more coming...get to cover I'm outgunned and uh I only heard one.

Rooks: Okay. Um do you hear anything else, anybody talking besides radio traffic um...

DEZENZO: Yeah Bryan and I are communicating some uh we're...we're trying <Inaudible>...I'm trying call shots fired and we walk on each other in...in the intricate details of what was...

Rooks: Uh huh.

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		**ADW on Officers / OIS**	
4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/8/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Michael Dezenzo

DEZENZO: ...communicated, I...I can't say that I know that we were communicating, that there was communication that this...<Inaudible> gone mobile and uh we're calling for cars...

Rooks: Are you...

DEZENZO: ...shots fired, where...ya know, where the hell are ya?

Rooks: Are you communicating uh with anyone verbally <Inaudible> anyone that's around you here?

DEZENZO: When I'm at this location, no.

Rooks: Okay. Alright. Um and then you say that you come around uh here and then you move to here and that's when you see him in the fetal position?

DEZENZO: I had already seen him in the fetal position from this location...

Rooks: Okay.

DEZENZO: ...he was still moving <Talkover - inaudible>

Rooks: Can you describe that movement for me?

DEZENZO: Yes, he was in the...uh the fetal position on his right side, his uh...right arm was out in front of him he...he was like crawling trying to move um...trying to move, trying to crawl on his side.

Rooks: Was he saying anything?

DEZENZO: I didn't hear no.

Rooks: Okay.

DEZENZO: Then I uh...was using the wall of this house to support...I was out of range and I determined I've got to get closer where I can defend myself if I have to. I'm well within ...I don't...I don't know if he has a rifle or not still in his hands. I...I haven't

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		ADW on Officers / OIS	
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1016 Justice Ave			
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10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Interview with Michael Dezenzo

determined that yet and I can't see but I've determined that I have to get closer, I've gotta break cover and I gotta get somewhere where I can engage and defend myself if I have to. He's got...I...I gotta get closer.

Rooks: Okay.

DEZENZO: Um and that's when I moved to this location and there was a lady on the front porch that I screamed and yelled to get...get in the house.

Rooks: Okay when you see him in the fetal position um could you tell where the rifle was?

DEZENZO: Immediately no, when I was at this first location I never saw the rifle. As I moved to this location and got my bearings, I then saw the rifle, I...I remember getting on the radio, I...I don't...I...I can't see what's in his hands or maybe it never got out but then I saw the rifle in the grass.

Rooks: Can you um...tell me where, in relation to him, it would a been in the grass here?

DEZENZO: <Inaudible>

Rooks: Sure.

DEZENZO: <Inaudible>...if he is approximately this location <Inaudible> trash cans <Inaudible>...right here.

Rooks: Okay. Can you put an R for the rifle there in picture number one? And where is he lying at that point <Inaudible>

DEZENZO: He is still um...at this...approximate location...

Rooks: Okay.

DEZENZO: <Talkover - inaudible>...trash can <Inaudible>...where the trash can is.

Rooks: Okay. And then um...what is the next thing that you do um...from this location?

DEZENZO: Um...Officer Preston has arrived at this point in patrol vehicle.

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		ADW on Officers / OIS	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	3/8/17		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Interview with Michael Dezenzo

Rooks: Do you know where he pull...pulls up?

DEZENZO: He travelled uh on Justice Avenue from uh the direction of Isenhour and um...

Rooks: So you see him coming from this way?

DEZENZO: Yes.

Rooks: Okay.

DEZENZO: And uh...I see his vehicle stop, he's actually pulled a little bit past our vehicles and I see him emerge from uh his vehicle with a shotgun.

Rooks: Okay.

DEZENZO: And what we do next is we <Inaudible>...we communicate let's...let's...let's go 72 this individual and Bryan says hold up, stop...let me go get my rifle and I had broke cover, started to move forward towards the gunman and I quickly backed up to cover once Bryan had obtained his rifle it was communicated <Inaudible> radio... <Inaudible> Was communicated through <Inaudible> that they were gonna cover the house and I remember yelling at them I'm gonna...I'll cuff, you cover, I'll cuff or something like that.

Rooks: Okay so um while you're cuffing, do you holster your firearm or just...

DEZENZO: Yes.

Rooks: You do?

DEZENZO: Yes.

Rooks: Okay and um when you ...uh encounter him, how is he lying?

DEZENZO: He is still on ...in the fetal position in the driveway at the end of it um on his right side.

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		ADW on Officers / OIS	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	3/8/17		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Interview with Michael Dezenzo

Rooks: Okay and which way do you place him?

DEZENZO: Um...

Rooks: Do you know if you place him prone or...?

DEZENZO: He was face down from the handcuffing <Inaudible> he was face down and prone, handcuffing position when I...I rolled him over on his...on his stomach.

Rooks: Okay. Um and then you described carrying um...fireman carrying him.

DEZENZO: Uh huh.

Rooks: Um to that, to you, is that under...

DEZENZO: Um his back was...his...he was facing away from me, I had him...his back to me and I came up under his...uh...his right arm which was handcuffed behind his back with his left arm and I began dragging him down the road.

Rooks: Okay.

DEZENZO: Head first with his feet out behind him.

Rooks: Okay um and when you...you said when you came up here you observed some blood on his chest?

DEZENZO: Yes.

Rooks: Was...um when you approached was he moving anymore?

DEZENZO: No he was...he didn't...he was motionless and when I first placed hands on him and to place handcuffs on him he was <Inaudible>...he did not offer...<Inaudible> offer any resistance, I didn't hear anything or...

Rooks: Okay. Um and then you said Officer Webster arrived at some point?

DEZENZO: Uh huh.

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Michael Dezenzo

Rooks: Um do you know where Officer Webster parked if not...

DEZENZO: Um...I don't know for sure but um I'm 99 percent sure he, as I was dragging the gunman...

Rooks: Uh huh.

DEZENZO: ...down Justice away from the house in this direction towards Montreat Officer Webster came from the area of Montreat, where he parked at I...I don't know <Talkover - inaudible>

Rooks: Yep.

DEZENZO: <Talkover - inaudible>...I don't know.

Rooks: And um did he assist you on moving him at all?

DEZENZO: I don't know who helped me.

Rooks: Okay.

DEZENZO: I don't know who helped me I just know uh...that he was right there when I asked for help, I know that I got some help from somebody and next thing I know we get covered behind a <Inaudible>...Police car and he's doing CPR.

Rooks: Okay. Um and that's the point that you um...<Inaudible> you're gonna tap out, stop?

DEZENZO: I'm...I'm ...I'm out, yeah.

Rooks: Okay um...

DEZENZO: <Talkover - inaudible>

Rooks: Did you ever re approach the house?

2. Victim Name	3. Original Offense / Charge	
Mosiiuk	ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave	5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes
13. Purpose Of Supplement Interview with Michael Dezenzo		

DEZENZO: Um...I approached about halfway back towards it because somewhere during all this the keys that I had to the patrol vehicle that I had stuffed down my...front of my belt, they became lost so I thought I'd go back and try to find 'em but I made it to the edge of the crip tape and we'll worry about that later.

Rooks: Okay.

DEZENZO: Yeah.

Rooks: Alright and then what's the next thing that you remember happening?

DEZENZO: I remember um...Sergeant, I remember um...Webster telling me to sit in the back of the car and I'm like dude I'm good...I'm...I'm fine, I'm...<Inaudible>...somebody else trying to get me to my car, I'm good...and I remember Sergeant Bean coming to me and putting his hands <Inaudible> I said I'm hot Sarge, he goes I know <Inaudible>...said you guys alright, and I said yeah I'm alright. I remember uh...Lieutenant checking on me, I remember um Sergeant Sherwood from Central walking over checking on me and um...some point Sergeant Rosenschein came over and...got me and uh...

Rooks: Do you remember um if you turned off your body worn camera or someone else did?

DEZENZO: I turned off my body worn camera um...I...and I remember asking the Sergeant um afterwards I...I don't know if I had permission to turn it off or if I told somebody I was turning it off but I remember turning off my body worn camera and I remember asking, telling Sergeant Bean that hey I'm gonna power the camera off so it doesn't reactivate and he said that's fine.

Rooks: Okay. Um...when you holstered your gun here to cuff him did you ever take your gun back out?

DEZENZO: No.

Rooks: Okay. Alright.

DEZENZO: No.

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		ADW on Officers / OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Michael Dezenzo

Rooks: Um. Do you have any questions <Inaudible> Okay. Um...like I just wanna reiterate your feelings...

DEZENZO: Uh huh.

Rooks: ...so <Inaudible> obviously um you said that he had a gun pointed towards you?

DEZENZO: Yes he had a rifle.

Rooks: Um and you're feeling in fear of your life here um...

DEZENZO: Yes I expected...I expected to be <Inaudible>...I expected there to be gunfire and to be shot.

Rooks: Okay. Um and then you continued that um sentiment in the interview while you're on the street and you saw him in the kneeling position pointed as well?

DEZENZO: Uh huh.

Rooks: And this was pointed in your direction at some point correct?

DEZENZO: He began swinging towards me and, like I said, at that point I was...I...I knew I was in no man's land, I'm screwed...I'm out a range with this handgun I can't... I gotta get to cover.

Rooks: Okay. Um and you also conveyed in that interview that you were unsure of other occupants or subjects in the house as well?

DEZENZO: <Talkover - inaudible>...I'm not sure.

Rooks: Okay. Alright is there anything that you think that I didn't cover, anything that's important for <Inaudible>

DEZENZO: No I think we hit it all.

Rooks: Okay, the interview is completed at 1640.

21. UCR Clearance Status] Open] By Arrest] Exceptional] Unfounded	23. Reporting Officer Code Assignment Date Det A. Rooks #3887 Homicide 3/8/17	
22. Investigative Status] Active] Inactive] Closed] Administrative	25. Case Referred To	26. Reviewing Supervisor, Code, Date

Charlotte Mecklenburg Police Department *Supplement Report ©*		COMPLAINT NUMBER **20170308125800**	Page # 41 of 41
2. Victim Name **Mosiiuk**		3. Original Offense / Charge **ADW on Officers / OIS**	
4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/8/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Michael Dezenzo

AR/AE/rge

Corrected by DS Osorio 4/5/17

. UCR Clearance Status] Open] By Arrest] Exceptional] Unfounded	23. Reporting Officer Code Assignment Date **Det A. Rooks #3887 Homicide 3/8/17**	
22. Investigative Status] Active] Inactive] Closed] Administrative	25. Case Referred To	26. Reviewing Supervisor, Code, Date

Exhibit 3

Charlotte Mecklenburg Police Department *Supplement Report ©*		COMPLAINT NUMBER **20170308-125800**	Page # 1 of 6

2. Victim Name **Mosiiuk**			3. Original Offense / Charge **OIS**	
4. Location Of Offense **1016 Justice Ave**			5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/8/17**		9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement 911 call – Olesya Tabaka	

911 operator: Charlotte 911, do you need Police, Fire or Medic?

TABAKA: <Inaudible>…uh it's…it's Police and medical matter, I just don't know…my brother's going crazy in my house, I just left, he is trying to get my…like he…he has some kind of mental, he hasn't slept for days and he just trying to grab…ya know, trying to grab my boyfriends gun and I just left the house. My boyfriend has…ya know, he's working and he…ya know, he legally has several guns, I mean we hid all the…ya know, the parts of the gun but I don't know he's searching the house right now.

911 operator: What is the address mam?

TABAKA: It's 1016 Justice Avenue.

911 operator: Okay repeat that address for me.

TABAKA: 1016 Justice Avenue.

911 operator: Okay are you on speaker phone?

TABAKA: No you…you're…you're not, no.

911 operator: Okay what…what is the phone number <Talkover - inaudible>

TABAKA: <Inaudible>…my car cause I just left the house, I just ran away in my car.

911 operator: Okay…okay, well what's the phone number you're calling from?

TABAKA:

21. UCR Clearance Status] Open] By Arrest] Exceptional] Unfounded	23. Reporting Officer Code Assignment Date **Det. D Osorio #1176 Homicide 3/8/17**	
22. Investigative Status] Active] Inactive] Closed] Administrative	25. Case Referred To	26. Reviewing Supervisor, Code, Date

2. Victim Name Mosiiuk		3. Original Offense / Charge OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement 911 call – Olesya Tabaka

911 operator: Okay is he just um having like a mental break down or is he trying to kill himself?

TABAKA: I think so, I think he's having a mental break down, I think he's not right.

911 operator: Is he suicidal?

TABAKA: He hasn't slept in days and uh he was in my house, I was trying to give him some herbal medicine, ya know, like <Inaudible>…

911 operator: Okay mam…

TABAKA: …I was begging him to sleep but he's cra…screaming he doesn't wanna live…

911 operator: Oh…

TABAKA: …and he knows like we have a …a rifle under the bed and…and the gun, but it's closed I mean but he's learning…looking for parts to it I mean I don't know what …where…ya know, my boyfriend hid a key somewhere <Inaudible>…hoping he doesn't find it.

911 operator: Are you still in front of the home?

TABAKA: No I left, I'm <Talkover - inaudible>

911 operator: Okay what is his name?

TABAKA: I'm in the neighborhood.

911 operator: What is his name mam?

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		OIS	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	3/8/17		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	911 call – Olesya Tabaka

TABAKA: His name is Jay.

911 operator: Is that J-A-Y?

TABAKA: J-E-Y…uh huh.

911 operator: G-E-Y?

TABAKA: J like Jerry…J-E-Y…uh huh.

911 operator: Okay and what is his last name?

TABAKA: Um it's uh M-O- uh…

911 operator: M-O-N- that's it?

TABAKA: Yeah M-O-S-S-I-Y-… it doesn't matter just send somebody I mean I just don't know like…

911 operator: Right I…I understand, there's still questions that I have to ask so they…they know.

TABAKA: <Talkover - inaudible>…I don't know what the spelling for sure in his…

911 operator: Oh…okay.

TABAKA: <Inaudible>…last name.

911 operator: Alright is he black, white, Hispanic or Asian, describe him.

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		OIS	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	3/8/17		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	911 call – Olesya Tabaka

TABAKA: No he's white…he's blonde white.

911 operator: Okay, what was he wearing the last time you saw him in case he's running down the street?

TABAKA: He has um…yellow like construction boots on, tee shirt…I don't know if he's gonna have coats and like…I think blue jeans.

911 operator: Okay and he's um…how far away from the home are you so Police can talk to you?

TABAKA: Just around the corner. I'm like…if they… I'm just like on an opposite street.

911 operator: Okay. Did he get any other weapons out while you were there?

TABAKA: No he just…he grabbed the rifle from under the bed and he tried to load the magazine but they…the main like part to it is hidden, one…like ya know we take it apart like hide it. I don't know anything about guns miss like honestly like it's not my gun, it's my boyfriends gun I just really don't know, I know it's like you can't put it together just by, ya know…

911 operator: Okay.

TABAKA: …it…it was in a box under our bed.

911 operator: Okay, what is your name?

TABAKA: I know that you can't … yeah.

911 operator: What is your name?

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		OIS	
4. Location Of Offense		5. Arrest Number	6. C.R. Number
1016 Justice Ave			
7. Original Report Date	8. Supplement Date	9. Correct Incident Classification	
3/8/17	3/8/17		
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	911 call – Olesya Tabaka

TABAKA: Uh may name is Olesya...O-L-E-S-Y-A.

911 operator: Okay and what kind a car are you in so officers know to stop and talk to you?

TABAKA: I have a Mercedes...it's a black Mercedes 350.

911 operator: Okay and how far from the house are you, like are you on the same street but just a little bit further down?

TABAKA: Not the same street, like two streets over.

911 operator: What street are you on?

TABAKA: Oh I don't know I haven't...ya know, what the name of the street is I just <Inaudible>... uh Roddy Avenue.

911 operator: Are you saying Roy Avenue?

TABAKA: Roddey...Rodey...

911 operator: Rodey? Okay.

TABAKA: ...R-O-D-E-Y.

911 operator: Okay. So you're at the intersection of Rodey and what other street?

TABAKA: Uh near the park, there's a park, it's near the park.

911 operator: Okay, alright I put in a request for service we'll dispatch Police out there as soon as possible okay.

2. Victim Name			3. Original Offense / Charge	
Mosiiuk			**OIS**	
4. Location Of Offense			5. Arrest Number	6. C.R. Number
1016 Justice Ave				
7. Original Report Date	8. Supplement Date		9. Correct Incident Classification	
3/8/17	**3/8/17**			
10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement	
No	**No**	**Yes**	911 call – Olesya Tabaka	

TABAKA: Alright thank you.

911 operator: You're welcome.

DO/rge

21. UCR Clearance Status	23. Reporting Officer Code Assignment Date	
] Open] By Arrest] Exceptional] Unfounded	**Det. D Osorio #1176 Homicide 3/8/17**	
22. Investigative Status	25. Case Referred To	26. Reviewing Supervisor, Code, Date
] Active] Inactive] Closed] Administrative		

Exhibit 4

Charlotte Mecklenburg Police Department *Supplement Report ©*		COMPLAINT NUMBER **20170308-125800**	Page # 1 of 29
2. Victim Name **Mosiiuk**		3. Original Offense / Charge **OIS**	
4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/8/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Olesya Tabaka

[REVIEWED / CORRECTED BY DET. D. OSORIO 3/15/17] DSO

ALRIGHT THIS IS DETECTIVE D.S. OSORIO, ALSO CONDUCTING THIS INTERVIEW IS DETECTIVE OVERMAN. THIS IS AN INTERVIEW IN REFERENCE TO COMPLAINT NUMBERS 20170308285800. UM PERSON BEING INTERVIEWED RIGHT NOW IS LES...OLESYA O-L-E-S-Y-A, LAST NAME TABAKA T-A-B-A-K-A, WHITE FEMALE, DATE OF BIRTH 7/22/1978, SHE LIVES AT 1016 JUSTICE AVENUE HERE IN CHARLOTTE NORTH CAROLINA 28206. SHE'S GOT A CELL PHONE NUMBER OF UM SHE'S HERE WITH HER BOYFRIEND EUGENE CONDI. UM THIS INTERVIEW IS BEING CONDUCTED AT POLICE HEADQUARTERS, 601 EAST TRADE STREET CHARLOTTE NORTH CAROLINA ON THE SECOND FLOOR IN INTERVIEW ROOM 2005. UH TODAY'S DATE IS UH MARCH 8TH 2017; THE TIME RIGHT NOW IS 3:15 ...UH 3:15 IN THE AFTERNOON.

Osorio: Okay uh Olesya um my name is Detective Osorio, I introduced myself uh Detective uh Overman's my partner here. Um...we wanna go over what happened uh this afternoon with...with uh...involving your brother Jay um, ya know, we've...we don't...don't know you, never met Jay...I...I've never met Jay and I don't know that any of the officers that he ...that he was involved with uh earlier in this incident ever met Jay so um...um I don't know what was...what was going on, we're trying to figure out what led to whatever happened today so if uh...if there's anything that...that you can help us out with or enlighten us on um, you know, that's what we...that's what we...we'd like to know. Um...tell me...tell me about your brother Jay.

TABAKA: Um...you know he's a good kid, uh...I didn't grow up together uh I...I went to Canada when I was 16 to study and he was 4 years old, we're from the same parents, shortly after our parents divorced. I stayed in Canada studying and then I got married and just stayed permanently, he all this time lived in Ukraine.

Osorio: Who did he live with in Ukraine?

TABAKA: Uh he uh lived, ya know after the divorce...briefly was my Mom, was my Dad and then he was live...just...he was living at the grandmother.

Osorio: Uh huh.

TABAKA: Um he...he has a university degree; he went to university um...

21. UCR Clearance Status] Open] By Arrest] Exceptional] Unfounded	23. Reporting Officer, Code, Assignment, Date DET. D. OSORIO 1176 Hom 3.8.17
22. Investigative Status] Active] Inactive] Closed] Administrative	25. Case Referred To / 26. Reviewing Supervisor, Code, Date

2. Victim Name Mosiiuk			3. Original Offense / Charge OIS
4. Location Of Offense 1016 Justice Ave			5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17		9. Correct Incident Classification
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Olesya Tabaka

Osorio: Where'd he go to school at?

TABAKA: <Inaudible> University, I think he had degree in marketing and business.

Osorio: Um hum

TABAKA: He graduated, ya know, but ...<Inaudible>...three years ago maybe.

Osorio: What...where at?

TABAKA: In Kiev, In Kiev

Osorio: Okay. Um...when did he...

TABAKA: I...I...<Inaudible> didn't live...we didn't live in the same country for very, very long time so although we are blood fully related...

Osorio: Uh huh.

TABAKA: ...we've not got...we were not super close.

Osorio: Right.

TABAKA: That way...that you would be with a brother or a sister.

Osorio: Okay.

TABAKA: <Inaudible>...I mean I visited like for a week or two every couple years, ya know. This is the third time he came to visit me.

Osorio: Is he here visiting right now or <Talkover - inaudible>

TABAKA: He's on a visitor Visa yeah.

Osorio: When did he come here <Inaudible>...I guess, when did he come here this last time to visit you?

2. Victim Name Mosiiuk		3. Original Offense / Charge OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Olesya Tabaka

TABAKA: A year ago.

Osorio: So he's been here for a year?

TABAKA: Uh huh.

Osorio: You remember when he came?

TABAKA: I do, it was the...end...end of February it's like almost exactly a year <Inaudible>

Osorio: So February 2016?

TABAKA: Like 29 <Inaudible>

Osorio: Okay.

TABAKA: <Inaudible>

Osorio: Um how long was he supposed to stay visiting?

TABAKA: Uh he was supposed to stay six months but I think he was working uh was like uh...um he applied to <Inaudible> like further his stay he was working <Talkover - inaudible>

Osorio: Okay.

TABAKA: Um the reason he wanted to...he came together with my Mom but my Mom went back after a while.

Osorio: So he came down here...he came here with your mother?

TABAKA: He wanted to stay...he wanted to stay...he wanted to stay a little extra because of the war in Ukraine and I was...I really didn't like it, I said you should just go home, ya know <Inaudible>...he's like no I'm gonna fight for the Visa to stay longer because um after war in Ukraine he was afraid they gonna enlist him into the Army <Inaudible>...he'd never been to the Army but he was afraid of that so a lot

of his…his friend <Inaudible> tried to escape to go away from Ukraine cause they enlist anybody under a certain age, it doesn't matter if you have Military training or not.

Osorio: Uh huh.

TABAKA: So I mean we are from a very good family, our Dad is um former Mayor of Kiev and he has a PHD in theoretical physics and our Mom is a former high school principal and our parents do very well in Ukraine and um…think he had like some kind of psychotic he…he just went psychotic is what I think just happened now.

Osorio: When?

TABAKA: Um it's been a week since he's not been sleeping at all like he's not been sleeping for days.

Osorio: Uh huh.

TABAKA: And he just like said words randomly, ya know, like his sentences didn't make sense and I just said you really need to sleep this off. I was begging him to sleep just to get some sleep but I mean he wasn't like violent all the time, ya know, he was just odd, just like that just only started a week ago or so.

Osorio: This…this uh episode that…that he's been having started about a week?

TABAKA: Yeah…yeah.

Osorio: Prior to that uh what was he like?

TABAKA: <Talkover - inaudible>

Osorio: Normal?

TABAKA: Fine I mean, ya know, I mean he's a normal 25 year old, ya know, he partied a few times got drunk and stuff…

Osorio: Uh huh.

2. Victim Name Mosiiuk		3. Original Offense / Charge OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Olesya Tabaka

TABAKA: ...but like, ya know, he's never been violent <Inaudible> telling you for sure.

Osorio: Uh huh.

TABAKA: Ya know he <Inaudible>...like, ya know, all drunk <Inaudible>...so it's been like...never tried to attack people basically.

Osorio: Uh huh. Is he...

TABAKA: I think <Inaudible>...for some reason he was depressed, that's what I got a feeling, I talked to my Mom, I talk... when he um...I was trying to search the...today, right before everything happened for like psychiatrists to take him to um and then he just...he progressed so quickly into violence.

Osorio: Uh huh.

TABAKA: Um he was saying like he didn't wanna live anymore, he was scaring me, he started...

Osorio: <Talkover - inaudible>...when did he start saying that?

TABAKA: Today.

Osorio: Okay.

TABAKA: Yeah.

Osorio: Now how did...well is he on any medication?

TABAKA: No. Uh uh.

Osorio: Has he been to see a doctor lately?

TABAKA: <Talkover - inaudible>...no, no.

Osorio: Okay.

21. UCR Clearance Status] Open] By Arrest] Exceptional] Unfounded	23. Reporting Officer Code Assignment Date	
22. Investigative Status] Active] Inactive] Closed] Administrative	25. Case Referred To	26. Reviewing Supervisor, Code, Date

2. Victim Name Mosiiuk		3. Original Offense / Charge OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Olesya Tabaka

TABAKA: And I was looking for somebody to see him I just didn't got to it...

Osorio: Uh huh.

TABAKA: ...because he just went crazy like so quickly like it just happened within like hours where he <Inaudible>...and I mean he was weird acting as I said, ya know. Um there was another accident couple days ago where he broke a window.

Osorio: At the house?

TABAKA: At a friend's house.

Osorio: <Inaudible>

TABAKA: Randomly just threw something into the window, it was so crazy. Um...and then <Talkover - inaudible>

Osorio: <Talkover - inaudible>

TABAKA: ...with my...with my um...I thought that he can just sleep it off because he wasn't sleeping I bought some over the counter...like uh herbal <inaudible> and stuff like that, nothing prescription. I bought that in Walmart and I thought that if he takes some and just sleeps it off and...I was...I was talking to my parents like I said may...ya know, somehow maybe we can send...I can send him back home um...and my parents don't have a active Vis...Visa right now to come so I ...and...and I said my Dad can arrange for like bring him back home but I wanted to get him like, ya know, he can get help at home, back home they can have parents and his friends can help him.

Osorio: Uh huh.

TABAKA: So um the idea was to get him to come down, ya know, start sleeping a little bit and then I was hoping to uh maybe fly back like together with him...<Talkover - inaudible>

Osorio: Uh huh. What do you think happened a week ago cause you said up until about a week ago...

TABAKA: <Talkover - inaudible>...three days ago.

Osorio: Okay.

TABAKA: Well <Talkover - inaudible>

Osorio: Three, four days ago, up...up until <Talkover - inaudible>

TABAKA: <Talkover - inaudible>...sleep at night <Inaudible>...I don't know what happened, I'm telling you, I really don't know he just random...I mean he's always been like that like he would go to bed like super late but he will always go to bed like even if he would go to 2 or 3 o'clock in the morning just watching TV's or whatever but eventually he'd fall asleep and <Inaudible> I used to get like upset like you were sleeping too long in the mornings, ya know, he would sleep in and...but then from my <Inaudible>...like the last week he's not been sleeping for...at one time for like two days like I wake up in the middle of the night and he's just sitting there like, ya know, I sleep and then I hear him walking around the house all the time and he was...like I am tired cause he wasn't letting me sleep either, ya know, pulling back and forth, back and forth like <Inaudible>...the house, out of the house, I just...

Osorio: Is he watching...

TABAKA: Ya know I'm not a medical doctor I don't know how this things happen, it's almost like he had some kind of...like random schizophrenia like just hit him somehow, I really don't know what to tell you.

Osorio: Uh huh.

Overman: How did you learn about the uh...episode where he broke the window at a...at a friends house, how did... Did he tell you about it or did the...the...<Talkover - inaudible>

TABAKA: Well I was working, it was this past Saturday, I was showing some houses for my work, a friend of mine he was <Inaudible> during the day um he...she called me

2. Victim Name Mosiiuk			3. Original Offense / Charge OIS
4. Location Of Offense 1016 Justice Ave			5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17		9. Correct Incident Classification
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Olesya Tabaka

in panic and she said uh he came over little bit like he was kind of been drinking but not like super drunk, ya know, like a little bit of drinking.

Overman: Right.

TABAKA: But he...and...and then um...<Inaudible>...and he picks up a table and threw it towards the window like...and then the Police came and she told them that it was her friend, they don't need to arrest him.

Osorio: <Talkover - inaudible>

TABAKA: And that was...it was in Gastonia...

Osorio: <Talkover - inaudible>

TABAKA: ...and that was on Saturday.

Osorio: Uh huh.

Overman: <Talkover - inaudible>

TABAKA: <Talkover - inaudible>...I was working so Eugene my boyfriend got in a car went picked him up and he stayed, ya know, and we were trying to just, ya know, and he didn't...ya know, after <Inaudible>...ya know he was...he didn't act cra...ya know, um violent and I...I...gave him some Melatonin and he actually end up sleeping I think...uh today's what Wednesday, on Monday during the day he slept for about five hours, that was like the longest sleep I've seen him do. I think he <Inaudible>...but I don't think he'd slept since then very much.

Overman: Did he talk to you about what happened at that house at all or...?

TABAKA: No I keep asking him why, what ...and um no he didn't discuss the details uh...I'm really not sure <Inaudible>...I don't know, I honestly just don't know why <Inaudible> he went like...it's almost like he...I just hate to say this, almost like he...ya know...this is what he...like he committed a suicide or something by doing what he did today.

2. Victim Name Mosiiuk		3. Original Offense / Charge OIS	
4. Location Of Offense 1016 Justice Ave		5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/17	8. Supplement Date 3/8/17	9. Correct Incident Classification	
10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes	13. Purpose Of Supplement Interview with Olesya Tabaka

Osorio: Uh huh. Has...has he ever talked about...

TABAKA: Not before, this morning...

Osorio: <Talkover - inaudible>...suicide or...?

TABAKA: Yeah see this morning he said um...I want this dream to end but I said you haven't slept like this is not a dream. I really don't know what was going on. He wasn't right in his head. I just don't know guys like...I don't know what to tell you.

Osorio: <Talkover - inaudible>

TABAKA: And we called to Dad, we talked to the Dad and I don't know because he wasn't on his speaker, he talked to Dad for a while <Inaudible> talked to friend on a speaker actually, a girlfriend of mine that lives in Miami who used to live here and she knows him and she was telling <Inaudible>...you have to get some sleep because you know when you don't get sleep enough your body starts shutting down, you really gotta force yourself. And she was just trying to tell him that, that happened like just couple hours before this all went down. She was trying to convince him to just rest for a little bit. I was working, filling out paperwork, ya know, planning my day for tomorrow and he was just sitting there on a couch um, ya know, pretty quiet at one point um until then he just started acting randomly weird like he went and opened the back door <Talkover - inaudible>

Osorio: That's today?

Overman: <Talkover - inaudible>

TABAKA: I said...I went to the kitchen and I said why is the back door open...and he didn't say why and then I went and closed it and then a minute later he went back and opened it again <Inaudible>...almost like <Inaudible>...why are you doing that? And then um...we have...it's crazy, we have this vent on the floor in the corner, ya know, for um...it's kind of big, it's for the air conditioning ventilation I think, he...I was on the phone with somebody, he opened that vent and the he try...put his legs inside as if he was gonna climb in there like...I pushed, like I said like what the hell...like I start screaming cause I got scared like screaming <Inaudible>...I said get the hell off the vent like what the hell are you doing like...

2. Victim Name		3. Original Offense / Charge	
Mosiiuk		**OIS**	
4. Location Of Offense **1016 Justice Ave**		5. Arrest Number	6. C.R. Number
7. Original Report Date **3/8/17**	8. Supplement Date **3/8/17**	9. Correct Incident Classification	
10. Juvenile Case **No**	11. Multiple Case Clearance **No**	12. Supplement Confidential **Yes**	13. Purpose Of Supplement Interview with Olesya Tabaka

Osorio: Uh huh.

TABAKA: ...you scared the hell out of me. Like he <Inaudible>...like he was kind a pushy and rowdy at that point and I mean I need to push him back into the living room and we have like a door that closes in the living room and this little hallway and I went to my bedroom so I can see that vent and I called my boyfriend and then uh...and he's like ...and then um...I...<Inaudible> call back my Dad <Inaudible>...then I say I'm gonna try to get him home but he...I said okay I'm gonna research some psychiatrists right now and see if um...ya know, I can take him somewhere right now, ya know, like I was just sitting there and literally on the phone trying to...and I have a friend on Facebook that I know is a psychiatrist I was trying to get...and then he walks into the bedroom, said what are you doing? I'm like nothing just sitting in here working and he laughed and <Inaudible>...he came back in and he's like what are you doing? I said nothing and he pushed me away and we have that rifle that Eugene has under the bed and then he just grabbed it, pushed ...I said what are you doing, leave it alone, he's like I'm gonna kill myself, I'm gonna kill...<Inaudible>...I was scared he's gonna kill me.

Osorio: You got scared he was gonna kill you?

TABAKA: Yah...yah.

Osorio: Uh huh.

TABAKA: Ya know I just don't know like what...what he was gonna kill himself, me, I don't know, it was scary ...I mean I really don't know I mean it was scary and...and you know, he start putting it back together and you know honestly I mean he...we hide it and <Inaudible> there's this little thing you put in in order to shoot it...

Osorio: Uh huh.

TABAKA: ...like that was hidden somewhere else but the thing is like he was looking for it and I...I mean I...I think he could've found it... I don't even know if he found it or not.

Osorio: Uh huh.

2. Victim Name Mosiiuk		3. Original Offense / Charge OIS	
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TABAKA: He might've...I just...because I just got so freaked out I just left the house and I said well I'm gonna...and I called my boyfriend again I said I just don't know what to do anymore I feel like...I just don't know cause he's so wild like cr...crazy and violent and then ...and then Eugene said well just call 911 they'll take him to the hospital and ya know like...sedate him or do something to him I just really didn't know he was gonna jump like that on the officer's like I really like...and then the... I went around the corner and then was like the next street and then I saw two Police cars, they were...driving and two...two of them stand in front of the house and I pulled behind the officer's and they just like randomly approaching the house, I didn't see them draw their guns, they were holding their hands on their guns...they came to the door start knocking and he opened the door and started screaming and he had rifle in his hand, ya know, that's when the officer freaked out, they just like ...they freaking ran off and one of them shot him, I heard one gunshot <Inaudible>...and I was screaming this whole time at the officer's, please don't shoot him I don't think he has the...ya know, the key to the gun to shoot it. But in the same time I don't know if he found the parts to it, do you understand like...

Osorio: Uh huh.

Overman: Yeah.

TABAKA: <Talkover - inaudible>

Overman: The bolt?

TABAKA: <Talkover - inaudible>...we hide it, we take it apart, we hide it like...

Osorio: Yeah.

TABAKA: ...like a kid wouldn't be able to do anything with it, ya know.

Osorio: Uh huh.

TABAKA: Um but...

2. Victim Name Mosiiuk		3. Original Offense / Charge OIS
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Osorio: But when you left...when you left he was looking for the parts?

TABAKA: Yeah that's what he was putting together, the magazine and he was searching like looking in the closet <Talkover - inaudible>

Osorio: Uh huh.

TABAKA: I don't know if he found it or not I just went in the room.

Osorio: So did you call 911 or...or...

TABAKA: I did.

Osorio: ...did you run into <Inaudible>...or did you...you just happened to see the officers out in the neighborhood?

TABAKA: No I called 911.

Osorio: Okay.

TABAKA: I said just my brother's psychotic, he's being psychotic and he is looking for some, ya know, for the gun I said and he's being psychotic, I said I don't...I told the officers, I don't think he can find it cause, you know, I mean he would take some time to find it because we try to hide that type of stuff, ya know, Eugene did and um...and honestly I just don't know the rest, I mean it's just like a blur as I said, I just know why he ran out of the house holding a gun like this and he was screaming...

Osorio: Uh huh.

TABAKA: <Inaudible>...I can see how the officer's got scared of that.

Osorio: What was he ...what was he screaming?

TABAKA: I just don't know like...ahhhh.

Osorio: Uh huh.

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TABAKA: I don't think any words.

Osorio: Just kind a commando style...ah...ah yelling and screaming?

TABAKA: <Talkover - inaudible>...really don't think he has any special aggression toward the Police.

Osorio: Uh huh.

TABAKA: Our Grandfather was a Police officer and he was like a very high ranked Police officer. Um...I really don't think there's anything...I think he's just went crazy guys like honestly, he had just some kind of psychotic episode, just went berserk.

Overman: Did...how did he...did he buy the rifle here?

TABAKA: No, it's Eugene...Eugene has all the permits, he bought it ya know they've um...

Overman: It's your boyfriend's rifle.

TABAKA: Yes it's his <Inaudible> well no...no my brother, ya know, he's not... he doesn't have anything like that, it's all my boyfriends.

Overman: So at some point your boyfriend had that rifle operational I mean it was a...a working weapon.

TABAKA: We...I...I even went with him one time to the uh...shooting range.

Osorio: Uh huh.

TABAKA: <Talkover - inaudible>

Osorio: It shoots?

TABAKA: Yeah.

Osorio: Yeah.

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TABAKA: Yeah.

Osorio: Well how did…how did uh…how did Jay know <Talkover - inaudible>

TABAKA: Jay never been to shooting range <Inaudible>

Osorio: Yeah.

TABAKA: <Talkover - inaudible>…I've been.

Osorio: Yeah how did Jay know the rifle…

TABAKA: <Talkover - inaudible>

Osorio: Jay knew where the rifle was at right?

TABAKA: <Talkover - inaudible>…under our bed I mean like…

Osorio: Yeah.

TABAKA: …ya know?

Osorio: Uh huh.

TABAKA: It's like, ya know, <Inaudible> that case it's not just laying around it's in a case.

Osorio: Uh huh.

TABAKA: So…that's all.

Osorio: Were you there, I mean were you there behind where the officer's when the shooting happened?

TABAKA: Yes.

Osorio: Okay.

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Overman: What kind a car do you drive?

TABAKA: A Mercedes.

Overman: Okay what color is it?

TABAKA: Black.

Overman: Black? Okay.

Osorio: Did you see…did you see Jay pointing…pointing the rifle at the officers?

TABAKA: I don't know, I just saw him <Inaudible>

Osorio: <Inaudible>

TABAKA: <Talkover - inaudible>…bushes…

Osorio: <Inaudible>

TABAKA: …in front of the house, ya know, um…but yeah.

Overman: Did you take any pictures of…

TABAKA: I did not.

Overman: …anything that was happening or…?

TABAKA: I didn't take any pictures <Inaudible> recording um, I think the neighbor…I saw some people like uh standing but honestly I didn't pay attention, I think somebody did but I didn't. I didn't have a chance, I wasn't even thinking of that. I was just screaming please don't shoot him, don't kill him, he's just being crazy …just…I was screaming that he doesn't know how to…he had…I…I don't think he found the part to the gun honestly.

Osorio: Uh huh.

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TABAKA: I just said I don't think he found all the parts I...

Osorio: But you weren't...but you didn't know for sure if he did or not I mean he could have...right?

TABAKA: I don't know.

Osorio: <Inaudible>

TABAKA: I don't think he would have enough time cause everything went down so quickly. I just don't know <Inaudible>...honestly I just don't know what to say right now.

Osorio: Uh huh.

TABAKA: Why he did this, it almost like he committed a suicide.

Osorio: Uh huh.

Overman: I can see why you would say that.

TABAKA: Because I told him, ya know, when he was in this country <Inaudible> not the Ukraine, Ukraine some cops don't even carry guns. I said, ya know, you can't just play with people here in this country, it's just a different country ya know, you just...you gotta be very careful, like you have to be good ya know. I mean he's never been bad, he'd never been arrested in Ukraine or anything it's just that we are from very intelligent family and he had a very good upbringing, I mean I just don't like why would something <Inaudible>

Overman: <Talkover - inaudible>

Osorio: <Talkover - inaudible>...I'm...I'm...ya know, I'm...I'm sorry ya know that this situation happened but, ya know, I guess if you put yourself in the officers...in the officers uh position, ya know, the...the officer's don't know that, ya know...the officer's, first of all, they don't know your...they don't know your brother.

TABAKA: <Inaudible>

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Osorio: Ya know. Has he ever dealt with law...with...with Police, has the Police ever had to come out and talk to Jay or have been out to your house before?

TABAKA: No, as I said not in my house...

Osorio: No?

TABAKA: ...no, uh uh.

Overman: Just the one time in Gastonia?

TABAKA: That one time <Talkover - inaudible>

Osorio: Gastonia?

TABAKA: <Talkover - inaudible>...this past Saturday.

Osorio: Yeah.

Overman: <Inaudible> Saturday? Do you...had he...had he been drinking or using any drugs today that you know of?

TABAKA: Honestly I don't think so I have...because he's been with me all morning I didn't see him take...I made...I forced him to take a sleep pill, it's not like a pill <Inaudible> like a herbal pill like Mel...Melatonin.

Osorio: Uh huh.

TABAKA: I force him to take four of those and he didn't <Inaudible> Like I would bust out if I had that many in one point.

Osorio: <Talkover - inaudible>

TABAKA: I don't know what's in his head.

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Overman: Have you ever known him to take any drugs uh prescribed or otherwise...or...or <Talkover - inaudible>

TABAKA: Well I mean he drink...I mean maybe smoke some weed, I mean not in front of me. I don't do drugs I'm sorry I...I don't even smoke weed like my drug is like <Inaudible> beers that's it.

Osorio: Uh huh. Is there any history of...of uh mental illness or anything like that in your family?

TABAKA: They have like a...like a second cousin, my Dad's cous...cousin that had a mental illness, she...she...she...that happened after she was extremely stressed so <Inaudible>...she just had like a psychotic break down. Uh honestly no my parents are normal people, as I said, like my Dad is uh...uh very well known in Kiev um...uh my Mom, she does actual real estate now but she was a Vice Pr...she's a math teacher...

Osorio: Uh huh.

TABAKA: ...high school math teacher and she was a Vice Principal at the school. My grandmother was a Vice Principal at school. Our grandfather was a Police officer.

Overman: Was uh...was Jay dating anybody uh while he was here, seeing anybody?

TABAKA: Um he did like when...like he...like <Inaudible> first came in, about a month later he met this girl at a party, Ukrainian girl, but they haven't been...he hasn't been talking to her for...like they broke up after like a months, I don't know <Inaudible>...this 25 year old...well don't ask me.

Osorio: Uh huh.

Overman: Yeah.

TABAKA: But I think he was a little bit upset about the girls because um he was having hard time meeting...he wanted to meet some people but like I guess um...ya know he's foreign and like I mean few people have turned him down <Inaudible> what I know but he hasn't spoken about anybody lately, that I know of, although, you

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know, I don't control him that way, I mean if he's...he's talking on the phone <Inaudible>...like to talk a lot.

Overman: Yeah, did he use uh...things like social media like Facebook and those types of things?

TABAKA: Um a little bit, lately not the thing is like um...even his friends complain that late...may...he was lately the last month or so <Inaudible>...last months or two he stopped like calling some of his old friends in Ukraine, actually one of his friend like wrote me a Facebook message saying why is he not calling me back, like haven't called me in weeks so I don't know what was go...started to go on in his head like, you know what I mean but...

Osorio: Uh huh.

TABAKA: ...for me...I asked him, I say why you not calling your parents or your friends and he was telling me that he just was tired of everybody and he wanted to like take break from...

Overman: Had a little distance?

TABAKA: Yeah...yeah.

Osorio: Does he have a...does he have a computer <Talkover - inaudible>

TABAKA: No he doesn't have a...and his phone broke, he was...like lately, the last few weeks he was without his phone either.

Osorio: <Talkover - inaudible>

TABAKA: He dropped it and broke it and he was...<Inaudible>...he...like he...I have...we have uh two personal phones and uh we have one phone that we use just for busin...Eugene owns like a...appliance repair company and that phone some... I would let him use that phone sometimes like if he had to call but...

Osorio: Uh huh.

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TABAKA: ...a friend recently have given him a phone for free we just didn't get a chance to go turn it on yet.

Overman: <Talkover – inaudible> (Ringtone in background) Um...did you uh...did you say that your boyfriend, he was not there when this happened?

TABAKA: No he was working.

Overman: He was working?

TABAKA: But I called him and...and the stuff was in the house and he's like get out, ya know, I said I don't know how to do... can you get here quickly I just don't know, he's been really crazy and he's like just leave the house and I first left the house and I'm like what do you think I should do like what...what did I do and I run off I just dropped the key which was already in my pocket because he was scaring me earlier and I just ran to my car and <Inaudible>...ya know, he's putting that rifle and I said I don't know what he's gonna do <Inaudible>...whoever, I mean I just don't know what is in his head and he's like you know just call 911 tell them that, that's what my boyfriend told me, I said I don't know what to do cause it's progressing so crazily and so quickly that I just like...ya know...he's my brother but I'm thinking like if he got a hold of all the parts to that gun I mean who knows.

Overman: Yeah you did the right thing, you had to take care of yourself.

TABAKA: I mean I don't know what I'm gonna tell my parents but I just like...I don't know, ya know...

Osorio: Uh huh.

TABAKA: ...it's just...it's just craziness like...

Osorio: Yeah it's surreal right now.

TABAKA: <Inaudible>

Osorio: Yeah.

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TABAKA: And that's...that's <Inaudible> ...Dad had a heart attack like a year ago or so just...I don't know, he has a such weak heart I'm like I don't know...and they don't have even a Visa to come here so...

Osorio: Uh huh.

TABAKA: ...right now <Inaudible>

Osorio: Well... we're gonna investigate this case and, ya know, um...I know you're...I know you're hurting uh and I know that's your brother, I'm sorry. I'm very sorry for ...for what happened. Uh...and I don't think any officer in this department wants to...wants to cause any pain like this to anybody um...but, ya know, officer's also have to...have to defend themselves and protect themselves when they're encountered with a uh...with a situation like this and not knowing Jay, not knowing any of his background uh just looking at the...looking at the big picture as it is, as it's unfolding, as it's happening...ya know, officer's ya know they...they have to...they have to defend themselves too.

TABAKA: I understand

Osorio: Ya know? So I'm not...ya know.

TABAKA: I just wish I could've done something quicker.

Osorio: Yeah.

TABAKA: Ya know I just don't know, ya know.

Osorio: Yeah.

TABAKA: And I was begging my parents to do something, come get him, get <Inaudible>...didn't know what to do because it happened so quickly, as I said...I only found out on Saturday that he was just...<Inaudible> that first case of violence was just on Saturday.

Osorio: Uh huh.

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TABAKA: Ya know, before that...like even when he got drunk few times like he was never violent, he's not a violent person.

Overman: How much time would you say passed between the time that you first started noticing him opening the door and then doing the thing where he's in the air condition vent, from that time...how...how...how much time passed before you actually left the house and...and called 911?

TABAKA: I left the house probably within two, three minutes. <Talkover - inaudible>

Overman: But I mean ...I mean like...

TABAKA: <Talkover - inaudible>...shaking and he pushed me aside and he's never been violent to me and like <Inaudible>...love me and he's <Inaudible> sister and pushed me I said what I are you doing? Stop it. I tried to push him away but he violently shoved me to the side and he opened the <Inaudible> I was standing at first looking what he was doing for like couple min...like a minute or so, I don't know how long and he opened that box and he dropped the gun and I was...I see him putting bullets into the magazine, ya know...and I just don't know where...I mean I really don't know that much about gun like I <Inaudible> been to shooting range once.

Overman: Yeah.

Osorio: Uh huh.

TABAKA: Like I did...seriously and...and I <Inaudible>...I call <Inaudible>...I called Eugene while I was still in the house I said what the hell <Inaudible>...he's like <Inaudible>...

Overman: <Talkover - inaudible>

TABAKA: ...like get in the car drive away ya know.

Osorio: So when...

Overman: You had said you noticed that he opened the door and left the door open.

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TABAKA: Oh that...that...that whole thing <Talkover - inaudible>

Overman: So from...from...from then to...<Talkover - inaudible>

TABAKA: ...well couple hour...well it was like an...an hour or two before this accident as I said.

Overman: So this transpired over a couple a hours?

TABAKA: Yeah.

Overman: Okay, that's what I was <Talkover - inaudible>

TABAKA: <Talkover - inaudible>

Osorio: <Talkover - inaudible>

TABAKA: <Talkover - inaudible>... opening this door and trying to climb into the vent in the floor.

Osorio: But you finally left when you saw him messing with that gun <Talkover - inaudible>

TABAKA: <Talkover - inaudible>...yeah it was the gun, yeah.

Osorio: <Talkover - inaudible>...putting the gun together and putting the maga <Inaudible>...putting the bullets in the magazine that you're talking about and...and he was looking for the rest of the gun to put together...is when you finally left?

TABAKA: Yeah.

Osorio: Alright and...and...

TABAKA: He was ...just like just the way he...like he just had too much anger and stuff.

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Osorio: Uh huh.

TABAKA: Ya know, I just don't know...I just like freak out and like ran out of the house, get in my car and left.

Osorio: And from the time you got in your car and you left the house to the time you encountered these officers and came back with these officers how much time had gone by?

TABAKA: I prob...I drove outside, I still talked to Eugene I said what to do then I called to the dispatcher, I probably did like couple runs around the block while I talked...dispatched took the information and then she's like where you are? I mean it didn't took very long really not cause I was...I stopped by the park on Roddy Avenue, she asked where are you...I said by the park and then I saw one car go another car go, as soon as I saw those car go I followed the cars <Talkover - inaudible>

Osorio: Okay so you followed the Police cars back so...

TABAKA: Yeah.

Osorio: ...how much time would you say, 10 minutes?

TABAKA: <Inaudible>...probably.

Osorio: Okay.

TABAKA: <Inaudible> ...station close by...

Osorio: Right.

TABAKA: ...and, ya know, um...so they <Talkover - inaudible>

Osorio: <Talkover - inaudible>...out there pretty quick?

TABAKA: I think they were responded very quickly.

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Overman: When you called 911 did you explain to them that he was searching for parts to a …to a rifle or did you…what did exactly…

TABAKA: <Inaudible>…remember what I… I said something about him like trying to find a gun in our house, he knows there's a gun in our house, I said he's been psychotic he just needs medical attention, he's being crazy, he's acting weird I said and he's looking …but the thing, these officers didn't start…<Inaudible>…went to the door to knock, they didn't like had his gun…their guns drawn when they walked to the door.

Osorio: Uh huh.

Overman: Yeah.

Osorio: They were just …just casually knocking on the door.

TABAKA: Casually I mean they had their, ya know…

Osorio: Right.

TABAKA: …hands on the gun…

Osorio: They were alert.

TABAKA: …they were walking. I mean I didn't see them like running like this, ya know with a gun to the door, ya know, whatever.

Overman: Yeah.

TABAKA: They were holding their hands on their gun, they came to the door and then they were like screaming shit he <Inaudible>…and they just ran off and the one officer that was kind of one…one side another and one that was <Inaudible> I saw him shoot him once.

Osorio: You saw him shoot him once?

TABAKA: Yeah.

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Osorio: What...when you saw him shoot Jay what was Jay doing at the time?

TABAKA: He just dropped.

Osorio: No, before that...was...was...<Talkover - inaudible>

TABAKA: He run out of the house with the rifle...

Osorio: With the rifle?

TABAKA: ...to...further out into the yard...

Osorio: Okay.

TABAKA: ...like in front of the yard. He... he wasn't standing in front of the door he was like in the end of the driveway.

Osorio: <Inaudible>...the driveway, and what was he doing with the rifle, what was Jay doing with the rifle?

TABAKA: <Talkover - inaudible>...I don't remember, I just...that part...

Overman: So you don't remember if he was carrying it up and then, ya know, or was he pointing it out...out in front of him, did he have it <Talkover - inaudible>

TABAKA: <Talkover - inaudible>

Osorio: <Talkover - inaudible>...yelling, screaming <Talkover - inaudible>

TABAKA: Honestly I can't tell you that. I just don't remember how he was holding.

Osorio: Okay.

TABAKA: Like I wish I could know that.

Overman: That's fine, everything happened pretty fast I'm sure.

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TABAKA: Yeah.

Osorio: Okay.

Overman: So you saw him deteriorate pretty quickly over...over the course of a couple hours?

TABAKA: Uh huh, from uh going...acting strange and trying to climb into the vent and opening that door randomly and just <Inaudible> to come into my bedroom and I was sitting in the bedroom. The only reason I was sitting there is because I opened the door in the bedroom so I can see that vent so he wouldn't climb into the damn vent.

Osorio: Aside from that...from the rifle are there any other guns in the house?

TABAKA: Yes, yes...there is a...there's another um...um...hand...pist...what do you call it, uh...

Osorio: Handgun.

TABAKA: <Inaudible>...Beretta, small one.

Osorio: Okay.

TABAKA: But that one has like a lock around it...

Osorio: Uh huh.

TABAKA: ...in a case and it was hidden in a different...different um...behind the T.V. I don't ev...I don't even know what...he knew <Inaudible> that was honestly, we don't really <Talkover - inaudible>

Osorio: Behind the T.V. in...in the...in your bedroom?

TABAKA: Yes <Inaudible> in our bedroom.

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Osorio: Okay. Any other guns?

TABAKA: <Talkover - inaudible>...he could not possibly <Inaudible>...as I said it...it's completely lock ...

Osorio: It's got a lock?

TABAKA: ...and the key is just hidden like...I don't even know where it is actually, where the key is <Talkover - inaudible>

Osorio: Okay any other guns besides that one...besides the Beretta and...and that rifle?

TABAKA: <Inaudible>...nothing else.

Osorio: Okay. Anything else you'd like to tell us about, what happened today or you got any questions for us?

TABAKA: I just...I... <Inaudible> I don't know if I can think straight right now, I'm kind of in shock.

Osorio: Uh huh.

TABAKA: I might have questions but I just can't think of right now anything.

Osorio: Uh huh.

Overman: <Talkover - inaudible>

Osorio: Well what's gonna happen from here is uh Jay will go down to um...um our Medical Examiners office...

TABAKA: Okay.

Osorio: ...and uh our Medical Examiner will uh...will uh...conduct an examination...

TABAKA: Uh huh.

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Osorio: ...um should take a...probably a day or two and you'll be ready to...<Inaudible> Medical Examiner ready to release...release the body.

TABAKA: <Talkover - inaudible>...are they gonna call me or...<Talkover - inaudible>

Osorio: Yeah they'll have you...I'm...I'm gonna give them your information so that when he's ready to be released you can go, you can make arrangements to have him picked up.

TABAKA: <Inaudible>

Osorio: Okay?

TABAKA: <Inaudible>

Osorio: And um...I'll give you some phone numbers and some information for that Medical Examiners office and...um...I'll be the detective in charge of this case so if you...uh...I'm a leave you my card, if you have any questions after today feel free to call me. Okay?

TABAKA: Okay yeah.

Osorio: And uh...and we'll be in touch. Anything else?

TABAKA: <Inaudible>

Osorio: Alright, you have anything?

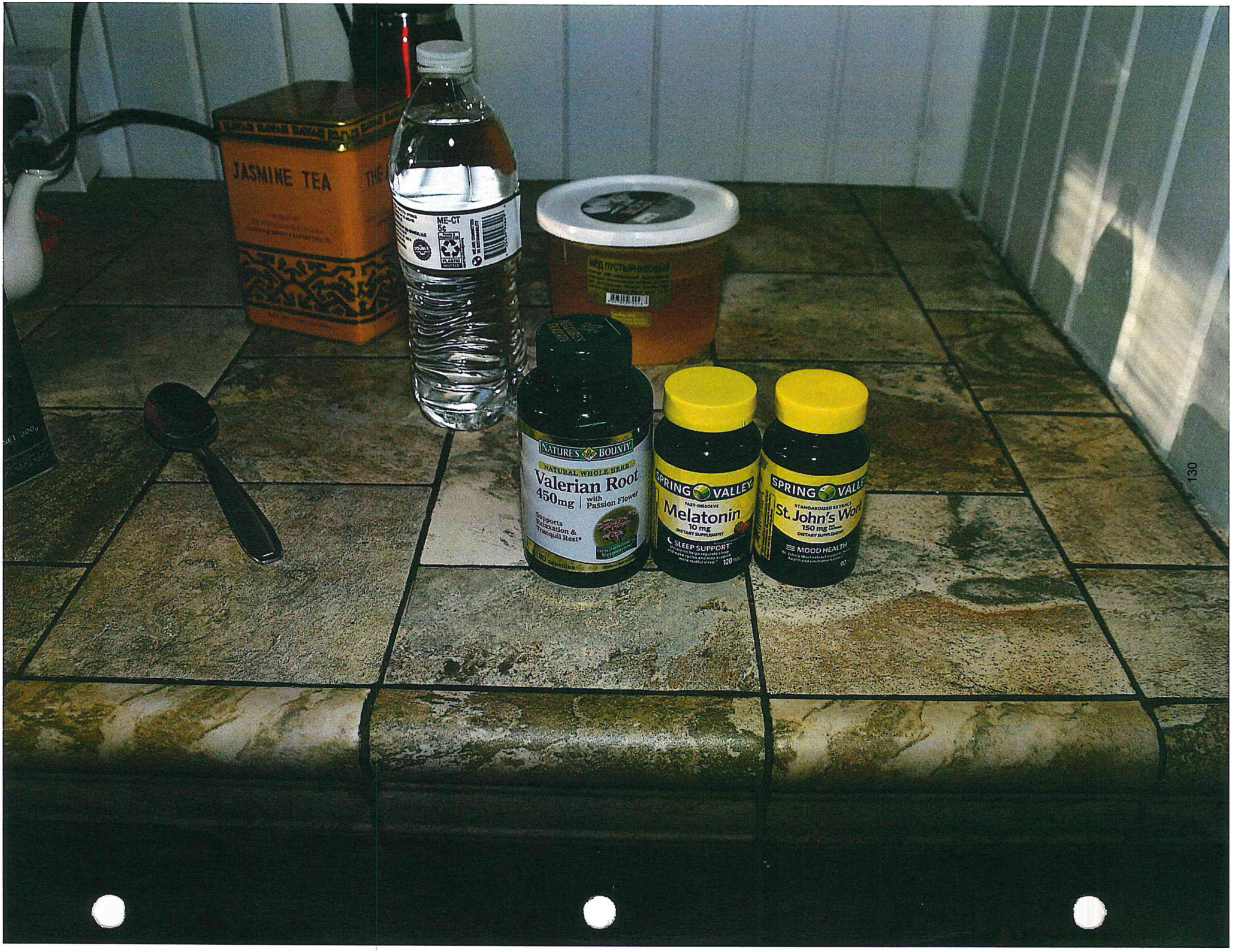
Overman: <Inaudible>

Osorio: Alright this concludes this interview uh the time is 3:47 in the afternoon...Wednesday March 8th 2017.

DO/BO/rge

DSO

21. UCR Clearance Status [ ] Open [ ] By Arrest [ ] Exceptional [ ] Unfounded	23. Reporting Officer Code Assignment Date	
22. Investigative Status [ ] Active [ ] Inactive [ ] Closed [ ] Administrative	25. Case Referred To	26. Reviewing Supervisor, Code, Date


JASMINE TEA
NATURE'S BOUNTY
NATURAL WHOLE HERB
Valerian Root
450mg
with Passion Flower
Supports Relaxation & Tranquil Rest*
SPRING VALLEY
FAST-DISSOLVE
Melatonin
10 mg
DIETARY SUPPLEMENT
SLEEP SUPPORT
120
SPRING VALLEY
STANDARDIZED EXTRACT
St. John's Wort
150 mg
DIETARY SUPPLEMENT
MOOD HEALTH
130


SPRING VALLEY
FAST-DISSOLVE
Melatonin
10 mg
DIETARY SUPPLEMENT
SLEEP SUPPORT
120

Exhibit 5

Charlotte Mecklenburg Police Department Supplement Report ©		COMPLAINT NUMBER 20170308125800	Page # 1 of 35

2. Victim Name	3. Original Offense / Charge	
Iaroslav Mosiuuk, W/M, DOB: 4/3/1991	Murder	
4. Location Of Offense 1016 Justice Ave Charlotte, NC 28206	5. Arrest Number	6. C.R. Number
7. Original Report Date 3/8/2017	8. Supplement Date 3/15/2017	9. Correct Incident Classification

10. Juvenile Case	11. Multiple Case Clearance	12. Supplement Confidential	13. Purpose Of Supplement
No	No	Yes	Transcript Review of Interview with Eugene Conde

THIS TRANSCRIPT WAS REVIEWED BY DET. T.M. GONCALVES #4542 ON 3/15/2017 AT APPROXIMATELY 1445 HOURS.

TODAY'S DATE IS MARCH 8TH, 2017; CURRENT TIME IS 15-18 HOURS. I'M DETECTIVE GONCALVES, BADGE 4-5-4-2. NEXT TO ME IS ALSO DETECTIVE LADD AND WE'RE HERE TODAY WITH MR. EUGENE, E-U-G-E-N-E, KEMOKO, K-E-M-O-K-O, CONDE, C-O-N-D-E.

GONCALVES: And what's your birthday, sir?

CONDE: April 20th, 19-79.

GONCALVES: Okay.

CURRENTLY LIVES AT 1-0-1-6 JUSTICE AVENUE IN CHARLOTTE, NORTH CAROLINA, 2-8-2-0-6. BEST CONTACT NUMBER IS AND HE'S LIVED AT THIS ADDRESS FOR ABOUT TWO YEARS.

GONCALVES: And Mr. Conde, as we explained to you earlier, you're not under arrest, you're free to leave, um, you're here voluntarily, and you have any questions about that?

CONDE: No.

GONCALVES: We appreciate you taking time out of your day to talk to us. Um, so as we touched on earlier, who else lives at that address with you?

CONDE: Uh, Olesya Tabaka, my girlfriend.

GONCALVES: Alyssa?

CONDE: Olesya, um, with O.

GONCALVES: Could, could you spell that for me?

CONDE: O-l-e...

21. UCR Clearance Status	23. Reporting Officer Code Assignment Date	
] Open] By Arrest X Exceptional] Unfounded	T.M. Goncalves #4542 Homicide 3/15/2017	
22. Investigative Status] Active] Inactive] Closed] Administrative	25. Case Referred To	26. Reviewing Supervisor, Code, Date

2. Victim Name	3. Original Offense / Charge	
Iaroslav Mosiuuk, W/M, DOB: 4/3/1991	Murder	
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13. Purpose Of Supplement Transcript Review of Interview with Eugene Conde		

GONCALVES: Uh huh?

CONDE: ...s-y-a.

GONCALVES: Uh huh?

CONDE: Tabaka, T-a-b-a-k-a.

GONCALVES: And this is your girlfriend?

CONDE: Yes.

GONCALVES: Okay. Who else, anyone else at the residence?

CONDE: Uh, it was, uh, uh, Jer, Jeremy, um, his, uh, name, uh, real name Yaroslav.

GONCALVES: Urislav?

CONDE: Uh, Yaroslav, Y.

GONCALVES: Uh huh?

CONDE: ...a-r-o-s, uh, l-a-v. Um, Mosiiuk, M-o...

GONCALVES: Uh huh?

CONDE: ...s-i, I think it's u or y.

GONCALVES: Okay.

CONDE: Uh, k.

GONCALVES: And what does he go by, Yari, you said?

CONDE: Uh, Jay, Jay.

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13. Purpose Of Supplement Transcript Review of Interview with Eugene Conde		

GONCALVES: Jay?

CONDE: Yeah, everybody call him Jay.

GONCALVES: Jay. Okay.

CONDE: Yeah, so he, uh, sometime he leave with us, sometime not with us, so,

GONCALVES: Uh, what, what did you see today, what happened today?

CONDE: I didn't see nothing. She call me when, uh, it, it start to happen. Uh, she call me like, uh, screaming that, uh, he going for my rifle and for my gun, you know?

GONCALVES: For her, for her rifle?

CONDE: My, my my.

GONCALVES: Oh, your rifle?

CONDE: It's mine.

GONCALVES: It's your rifle.

CONDE: My rifle, it's my rifle, yes.

GONCALVES: Okay.

CONDE: It's my rifle. Yeah, I got a rifle and a gun. So, but, um, I tell her, I tell her, he can't do nothing with it. It's no pin inside of the rifle, you know?

GONCALVES: Uh huh.

CONDE: I say make sure he don't find the pin in the bedroom, you know? He start, he push her away <unintelligible>. He said, she said she pushing me. He's, uh, he

like fighting and she tried to fight her, and, um, and she start to frisk him, uh, bedroom, you know?

GONCALVES: What's he looking for?

CONDE: Um, looking for pin, you know?

GONCALVES: Okay.

LADD: Uh huh.

CONDE: Alright, uh, so, I tell her, okay, get out and call the police because you never know.

GONCALVES: Uh huh.

CONDE: Or if he gonna find it or not, you know? I tell her to get out of the house, call the police, and that's it. And, uh, anything else, I don't know anything else. Uh, she hang up, she call, she run to the car to, to drive off.

LADD: Uh huh.

CONDE: And to call the police, you know?

GONCALVES: The only gun you have is that rifle?

CONDE: And, uh, I got, uh, .8 mm Beretta.

GONCALVES: Okay, was that in the house, too?

CONDE: It's in the house but it's on the lock <unintelligible>.

GONCALVES: It locked?

CONDE: It's locked and there's no key over there.

GONCALVES: Okay.

CONDE: Keys, uh, I have the key.

GONCALVES: And the rifle you intentionally removed the pin out of it?

CONDE: Yes, I intentionally removed the, the pin, the, the big pin.

GONCALVES: Yeah, and that's stored in a separate location?

CONDE: Yes, separate location, yeah.

GONCALVES: Where, where do you normally leave the guns? Where do you normally leave the rifle stored and where do you normally leave the gun?

CONDE: The rifle goes under my bed.

GONCALVES: Okay.

CONDE: In a case.

GONCALVES: Uh huh.

CONDE: And, uh, the gun usually I, it's, I got the, uh...

GONCALVES: Vaults?

CONDE: No, no. I got the closet, uh, put behind the closet but I got a lock it on it, uh, on a pistol itself, you know?

GONCALVES: What about the pin for the rifle?

CONDE: The pin, uh, was on rifle but I don't remember. I think it was a somewhere, uh, somewhere in a cabinet over there.

LADD: In a cabinet in your room or in <unintelligible, talk-over>?

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No	No	Yes	Transcript Review of Interview with Eugene Conde

CONDE: Yes, in my room, yes.

LADD: Okay.

CONDE: It was separate from the gun for sure. I know, I always do that, you know?

LADD: Okay.

CONDE: I put it separate from.

LADD: Um, if you don't mind us asking, I wanna know <unintelligible>, um, where are you from originally?

CONDE: Um, I'm born in Russia.

LADD: Okay.

CONDE: So, but I'm up here since I was 21.

LADD: Okay.

CONDE: Yeah.

LADD: Cause you have an accent but you're a very good master of English.

CONDE: Oh, yes <chuckles>. Um, I speak Russian, French, and British.

LADD: Excellent.

CONDE: Yeah.

GONCALVES: That's awesome.

CONDE: Uh huh.

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LADD: When you're saying 'she', are you talking about Olesya?

CONDE: Yes, Olesya.

LADD: Okay. And that's Tabaka, is she also Russian?

CONDE: Uh, she's, uh, Ukrainian.

LADD: Ukrainian? Okay.

CONDE: Uh huh. Ukrainian but, uh, she had, uh, she's, uh, uh, lives up here for 16 years, probably.

LADD: Okay. And is that what you call her, Olesya?

CONDE: O, Olesya, Olesya.

LADD: Does she have a nickname?

CONDE: Uh, you can call her Lisa.

LADD: Lisa?

CONDE: Yes, some people call her Lisa.

LADD: Okay. Lisa, is she related to Jay or <unintelligible>?

CONDE: He's, uh, her young brother, the only brother.

LADD: Okay. How long have you known Olesya?

CONDE: We know each other for two and half years.

LADD: Okay. Uh, do you, now how long...

CONDE: No, I've been <unintelligible> three, three.

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No	No	Yes	Transcript Review of Interview with Eugene Conde

LADD: Okay. Do you and her have a relationship?

CONDE: Yes, we were living together since two, probably almost three years.

LADD: Okay. Uh, Jay, how long has he been here?

CONDE: He been here for about a year approximately.

LADD: Okay. Has he been living with you all for, for a year?

CONDE: No, he was not, all the time.

LADD: Okay. When did he, so when did he decide, when did he start living with you?

CONDE: Uh, yeah, I, I had a call from, um, my friend, uh, one of my friends, um, he hear some kind of disturbance <unintelligible>.

LADD: Okay.

CONDE: So, and, uh, one of them <unintelligible> picked him up.

LADD: Okay.

CONDE: Um, so he was not well, some, I don't know, some, something happened and was, he depressed, he was not sleeping. I don't know, depressed, not depressed, but something wrong, was wrong with him, you know?

LADD: Uh huh, okay. And that was how long ago?

CONDE: It was like, uh, day, uh, two days ago, two or three days ago.

LADD: Okay. So he doesn't normally live with you?

CONDE: No, no, he doesn't live, right now he doesn't live. When he, uh, first came up here he was living with me after he was living in our apartment.

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LADD: Okay.

CONDE: We got another apartment and so he was living over there, but after he start living with friends, all kind of stuff.

LADD: Okay. Was there any trouble with him before? I mean, you said he was, he was definitely not well.

CONDE: Just what, uh, just he had that <unintelligible> trouble like couple of days ago when I pick him up two or three days ago.

LADD: Okay, uh huh. Tell me about that, tell me about, what was the trouble?

CONDE: Oh <sigh>, I don't know he, the same thing, he went, he went bonkers, crazy, throw the table at window, people, peoples' window.

LADD: Okay. Over at their house, over there <unintelligible, talk-over>?

CONDE: Yes, in their, in their house, you know, so it was like rowdy.

LADD: Okay, and they called you?

CONDE: Uh, yes, sir. She called me to pick him up, you know?

LADD: Okay.

CONDE: And I pick him up.

LADD: Did you actually in fact go out there and pick him up?

CONDE: Yes, I in fact went out there and picked him up, you know.

LADD: Okay. And he, you took him back to your house?

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CONDE: Uh, yes, I took him back and about to calm, calm him down, and, uh, give him like a Valerian and told him to go sleep and he slept. <unintelligible> he calmed down and next day he called his friend and left, uh, left to spend the night again at this house.

LADD: Okay.

CONDE: And, uh, they brought him this morning. I was not home, I was, uh, already at work.

LADD: Okay. What time did you…

CONDE: She brought him, huh?

LADD: What time do you go to work?

CONDE: I left, uh, I left probably at 10, probably 10:00, 10 a.m.

LADD: Okay.

CONDE: I left and, and, uh, he came after I left.

LADD: Okay.

CONDE: He came to the house. She…

LADD: How does he get, how does he get around?

CONDE: Huh?

LADD: How does he get around?

CONDE: Uh, one of the guys, one of the friends, he drove him.

LADD: Okay, okay.

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10. Juvenile Case No	11. Multiple Case Clearance No	12. Supplement Confidential Yes
13. Purpose Of Supplement Transcript Review of Interview with Eugene Conde		

CONDE: So I told her I said give him some, um, uh, some Valerian, some, uh, you know, sleeping pills?

GONCALVES: A Valium? Okay.

CONDE: Not, not Valium, no, uh, Valerian, uh, Valerian roots. It's like purple.

GONCALVES: Oh, oh, okay.

CONDE: Purple pills, yeah. We don't have pills <chuckles>.

GONCALVES: <chuckles>

CONDE: So, uh, yes, I, I told him to give him some, uh, calm medicine because he didn't sleep again for a night, you know? Um, but he stopped, she said. I said give him, uh, so he can go to sleep and stuff.

GONCALVES: Uh huh.

CONDE: And, um, after she said, uh, she, she told me that he just, uh, start to do strange stuff, you know? He get up and tried to go like in a, I guess what she call in the house where the ventilation, tried to go inside.

GONCALVES: Okay.

CONDE: She, she pull him out and he still tried to, he push her, he still tried to go. Alright, she pull him, pull him out from there and, uh, she tell him calm down, go sit down, go from there...

GONCALVES: Yeah.

CONDE: ...all that stuff. Alright, he sit down for a, for a little while and when she run to, to the room, she sit down and she call me. She said he, something wrong with him, you know? <unintelligible> this time, at this time he went, thinks he went to the room.

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No	No	Yes	Transcript Review of Interview with Eugene Conde

GONCALVES: Uh huh.

CONDE: That's what she said he went to the room, he push her and start going for guns, you know? For the, the rifle, you know?

GONCALVES: Okay.

CONDE: Yes.

LADD: You said that you, you were called, you were at work; is that where you were?

CONDE: Yes, it's my company.

LADD: Okay. Uh, where is that at exactly?

CONDE: It's appliance repair, uh, I do, I do, uh, repairs to people house...

LADD: Okay.

CONDE: ...uh, people house, yeah. Uh, I do repair of frigerators, dryers.

LADD: Okay. You actually have a business place?

CONDE: I, I have, uh, my business place in my house so I don't need the actual office.

LADD: Okay.

CONDE: Because all we're repairing in people's house.

LADD: So when she called you, you were at someone's house?

CONDE: Yes, I was at their, uh, at the people's houses.

LADD: Okay. And the number you gave me this that's the number she called you?

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CONDE: I'm sorry? Yes! yes.

LADD: Okay. What's her number?

CONDE: Uh, I think <unintelligible>. Turn that off.

LADD: How 'bout Jer, uh, Jerry or <unintelligible>, does he have, does he have a phone?

CONDE: Um, well, right now he don't have phone, he didn't have phone or <unintelligible>.

LADD: Okay. Other than the, the Valerian, the herbs, is there anything that he's taken?

CONDE: It was a herb pill, so only herb pills.

LADD: Okay.

CONDE: It was in the house.

LADD: They're all in the house.

GONCALVES: It's like a holistic medicine.

CONDE: Yes, uh, like a, in Walmart, we pay, I picked it up yesterday.

GONCALVES: Okay.

CONDE: For him, you know?

GONCALVES: Yeah.

LADD: Uh, to your knowledge he doesn't drink?

CONDE: Huh? He drink, uh, sometime but not, uh, it's bad, you know? Like, a beer most of it, yeah.

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LADD: 6-0-6-4?

CONDE: Yes.

LADD: Okay.

GONCALVES: Thanks. The, um...

LADD: You said that she called you on the phone. Can you show me what call where she called you?

CONDE: <unintelligible, talk-over> She called me several times, so, because she was calling to police, too.

GONCALVES: Yeah.

CONDE: I don't know, it started right here, 11:54, 12:11, 12:12.

GONCALVES: 12:12?

CONDE: Yeah, 12:12. Really we're just staying on the phone <unintelligible>.

GONCALVES: Okay. Last call 12:12?

CONDE: Uh huh.

GONCALVES: Okay.

CONDE: I think so, but I know 1:0-1 last call, this one police probably came in.

GONCALVES: Oh, 1:01 is the last?

CONDE: Uh huh.

GONCALVES: Okay, yeah.

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CONDE: This one he got shot probably. Yeah, I was, um, I was already in driving.

LADD: So...

<CELL PHONE VIBRATES IN BACKGROUND>

LADD: When you talked to him, is he normally alright to talk to, does he respond to you, did he know who he is, where is he?

CONDE: Yes, he was responding but two days before when I picked him up, uh, he was a little bit, uh, not normal, you know?

LADD: Well, help me out with that, what?

CONDE: Uh...

LADD: I know what I think is normal and I...

CONDE: Yes, uh...

LADD: I don't know what you think is normal, so.

CONDE: Because he was not sleeping, I think.

LADD: Yeah.

CONDE: Something got, got wrong with him, you know? Um, he spoke, he spoke to himself at night, you know?

LADD: He talks to himself?

CONDE: He start talking to himself at night, yes, he had that.

LADD: That's, that's odd.

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CONDE: Uh huh.

LADD: Do you remember what he was saying when he talked to himself?

CONDE: Um, he <unintelligible> he was saying stuff and don't make no sense.

LADD: Now, well, give me an example. What was he, what was he saying?

CONDE: I don't know, he was, I don't even remember. I didn't try to remember cause <chuckles>, he was speaking like a, how to help this world, how to, I don't know. I don't, I didn't even understood what he's saying, you know?

LADD: Uh huh.

CONDE: <unintelligible> what to do, or what to do now, <unintelligible> like this, you know?

LADD: Did he act like he heard voices or hearing people or?

CONDE: No, he didn't act like...

LADD: Talking to <unintelligible, talk-over>?

CONDE: He just, uh, to, to himself. He was just talking to himself.

LADD: Okay. <unintelligible, talk-over>...

CONDE: He, he was getting up all night; he getting up and all, to go outside and stand on porch and go back in. I heard him all the time because, uh, I didn't, I didn't sleep good because...

LADD: Sure. But when he's talking does it sound like the way you're talking to me now or is it lower and muffled like <simulating muffled speech>?

CONDE: No, low, low, no, not low, just regular, regular. He just is saying like phrases, that's it.

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LADD: Okay. Was, uh, these are all...

CONDE: Because I say, I, I was thinking he's on, on my phone or something, but, uh, when I came in, there was nobody.

GONCALVES: So he's having a full blown conversation with himself?

CONDE: Uh, he would <unintelligible>, he's like, uh, had, uh, like two or three words.

GONCALVES: Yeah, okay.

CONDE: That was it. Two or three words and that's it, you know? I came out, I was thinking he's, uh, maybe on the phone, but he didn't have a phone on the hands.

GONCALVES: Uh huh.

CONDE: He just was talking, yeah.

GONCALVES: So he doesn't have sleep, you said he talks to himself at night?

CONDE: Yeah, he didn't sleep for a long time, you know.

GONCALVES: What's a long time?

CONDE: I think he didn't sleep, uh, because I, I ask my guys over there where he was in the house.

GONCALVES: Yeah.

CONDE: He was not sleeping before that, like three days or I don't know how many. He, uh...

GONCALVES: Three days consecutive, no sleep?

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CONDE: Yeah, he, yes, he would sleep like two, three hours and again he don't sleep again, long time, you know?

GONCALVES: Oh, wow.

CONDE: And, uh, again when he came into our house, I made him sleep, uh, for 7 hours, you know?

GONCALVES: Uh huh.

CONDE: And after he didn't sleep again for long time, you know? And, uh, right now like yesterday he left, uh, he left in the morning. I didn't know that he, uh, leave, you know, because I didn't want him to leave. But he left and he went to the house again and, uh, she told me he didn't sleep again. He didn't sleep again.

GONCALVES: Last night he didn't sleep?

CONDE: Yeah.

GONCALVES: Okay.

CONDE: And <unintelligible>, uh, that friend brought him, brought him here, uh, to my house and that's it.

GONCALVES: What did you say earlier, he was trying to, is it like a air conditioning vent, is that what you were describing?

CONDE: Yes. It's what Olesya told me, yes. It's what Olesya told, she told me that he tried to go in, in the vent. I tried to pull him out and, uh, he tried to go inside, back in.

GONCALVES: Humph.

CONDE: Yeah, something is happening with his head, you know? I don't know.

LADD: So you get a call from Lisa?

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CONDE: Uh huh.

LADD: About the third one, you, you know it's pretty bad, you're <unintelligible, talk-over>?

CONDE: Yeah, I just drop everything and just go.

LADD: Okay.

CONDE: I told her to call the police because, uh…

GONCALVES: Yeah.

CONDE: He grabbed, uh, rifle, I, I don't know what he gonna do. I don't know if he gonna hurt her or, or another people, you know?

LADD: Yeah.

CONDE: I didn't wanna take a risk, that risk, you know?

LADD: Sure.

GONCALVES: Understandable.

LADD: Tell me about, uh, when you get home, what, what's the first thing you see when you driving home?

CONDE: Drive home I saw people, a lot of, uh, a lot of police cars <chuckles>, and <unintelligible>.

LADD: Okay.

CONDE: <unintelligible>, uh, closed, so.

LADD: Did you have an opportunity to talk to, uh, Lisa?

CONDE: Uh, yes, we was all this time, uh, when I came in, uh, since then, uh…

LADD: Okay.

CONDE: …all this time I'm with her.

LADD: What, what is your understanding of what happened; what did she tell you what happened?

CONDE: My understanding what happened that, uh, he just, uh, start acting crazy, push her when she was in the bedroom. She <unintelligible> on the bed, she, she pushed her and start screaming, just was screaming, uh, and start to pull out the rifle, you know? She got scared of him, so she started to pull out the rifle and, uh, tried to put it together, but there's no piece.

GONCALVES: Right.

CONDE: For him, yeah. I said don't worry, it's no piece, but still get out because I don't know if he gonna find it, you know?

LADD: Okay.

CONDE: Uh, that's it.

GONCALVES: Oh, wow.

LADD: Did she say anything about, about seeing what had happened?

CONDE: Seeing what happened?

LADD: Uh huh. Did she say anything about seeing what had happened to him?

CONDE: Yeah, she saw, she practically, she said she saw the, how he shot him. She said that, uh, police came in, they came to the door and, uh, she, he came out, uh, uh, with a gun, screaming, with a rifle screaming, you know? They just, uh, they just

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<unintelligible, chuckles> and scream, oh, shit. This time run away from, um, one of the, uh, I mean the one of the officers shot him, yeah.

LADD: Okay. She said that one of the officers fired?

CONDE: Yes.

LADD: A weapon? Did she say which one?

CONDE: Uh, no.

LADD: How many shots?

CONDE: She said one. Only one.

LADD: Okay. Did she explain to you exactly, uh, where he was hit or shot?

CONDE: No, she didn't see.

LADD: Okay, fair enough.

CONDE: I ask her earlier, she didn't <unintelligible>.

GONCALVES: Yeah.

LADD: But she doesn't know which officer it was that fired?

CONDE: Yeah. She was not worried about that, she was worrying about, uh, his life, you know?

LADD: Sure.

GONCALVES: Did she mention how he had the gun, the brother, the rifle?

CONDE: Yes, she said that he, uh…

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GONCALVES: Like he <unintelligible, talk-over>.

CONDE: Yes, yes, he came out, there was a gun, she said yes, he came out, there was a gun and screaming and stuff.

GONCALVES: Okay.

LADD: Other than this weekend, other than before today, did he act crazy at all with you?

CONDE: Well, uh, no.

LADD: From what you saw?

CONDE: Possibly, no, he was normal kid, you know? I don't know what, what happened to him.

GONCALVES: Has he, um, has he made, you know what's like suicide is?

CONDE: Uh huh.

GONCALVES: Has he made threats to hurt himself in the past? Has he sought help for anything like that?

CONDE: No, no, no, not, uh, that I know. Yeah, I know him for a year, you know, but, uh.

GONCALVES: Yeah.

CONDE: No, I never heard from him stuff like that, you know?

GONCALVES: Did your, did your wife ever mention anything about her younger brother?

CONDE: No, never. We even, uh, talked to his mother, you know?

GONCALVES: Uh huh.

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CONDE: Because of all that happened, we call her parents. Uh, the parents then ask him it is, what happened, you know?

GONCALVES: After what happened today?

CONDE: No, no, uh, before that...when, on the weekends.

GONCALVES: Okay.

CONDE: When this happened, you know?

GONCALVES: What'd they say, the parents?

CONDE: They say no, that he didn't have this problem, you know? He was, before he was a really calm kid, you know?

GONCALVES: Hmm, is he known to use drugs?

CONDE: Um, not I don't know, not in front of me.

GONCALVES: Okay.

CONDE: Yes.

LADD: Did, uh, Olesya ever tell you that he used narcotic or drug?

CONDE: No, she didn't tell me nothing that.

LADD: And she said that he ever, he and she ever physically fought?

CONDE: Uh, no, never.

LADD: <unintelligible, talk-over>

CONDE: <unintelligible, talk-over>

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LADD: Never <unintelligible, talk-over>?

CONDE: No, they never fought, yes. She didn't.

LADD: 'Bout you and him?

CONDE: Huh?

LADD: <unintelligible, talk-over>

CONDE: Me or me and him, no, just, uh, wrestling and stuff like that, just playing around, you know?

GONCALVES: <chuckles>

LADD: <unintelligible>, you didn't see any portion of the, of the shooting?

CONDE: No, I was not over there.

LADD: Did you speak with any officer on the scene?

CONDE: Uh, yes, it was female officer who was standing with Olesya.

LADD: Okay.

CONDE: But we talk to her and, um, another officer.

LADD: Okay.

CONDE: Today, who he passed to hospital and stuff.

LADD: Uh, she and he, are they full blood, blood brothers and sisters?

CONDE: Yes.

LADD: Uh, where is her parents?

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CONDE: Ukraine, Kiev.

LADD: Okay. She never, she still keeps in contact with them?

CONDE: Yes.

LADD: Anything else you can think of, anything else you think is important?

CONDE: Not really. Just, uh, I told you that he's <unintelligible>. He told like, let me see when he started when I took him, I took him on Saturday or Sunday, you know? Somewhere around there, or a Friday, I don't remember which one of it.

GONCALVES: How old is he?

CONDE: He is, uh, gonna be 26 this, uh, A, April.

LADD: Humph.

GONCALVES: What do you think? Cause you mentioned earlier that, um, you said he didn't seem right?

CONDE: Uh huh.

GONCALVES: Like, like his mindset?

CONDE: Yes, with his mindset and lately he was not sleeping, like I know...

GONCALVES: Yeah.

CONDE: ...that when you're not sleeping so many hours, you know?

GONCALVES: Yeah.

CONDE: You're gonna be crazy, you know? <chuckles>

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GONCALVES: And he was talking to himself?
CONDE: Yes, uh, like any, some stuff, uh, he was talking, don't make no sense sometime.

GONCALVES: Yeah.

CONDE: Just the crazy, you know?

GONCALVES: And I know you're not a doctor and I'm not a doctor.

CONDE: Yes, that's what I'm saying, like, likes in…

GONCALVES: What…

CONDE: I don't, I don't, I can't even recall right now what he was saying because…

GONCALVES: What's your thought on what his issue was?

CONDE: Issue was, I don't know.

GONCALVES: Well, do you think he's schizophrenic or bipolar?

CONDE: Well, maybe he's just schizophrenic but he never showed up before, it's why I was so surprised, you know?

GONCALVES: Uh huh.

CONDE: Because he never showed it before, the stuff like that. I never, I really, uh, after maybe so quickly it happened quick, so quick, maybe it happened, you know, with him? Because she was about to, I think she, she told me right now because I was about to talk to some guys…

GONCALVES: Uh huh.

CONDE: …to see if I <unintelligible> him to see if she's, she's alright, you know?

GONCALVES: Yeah.

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CONDE: Uh, because make sure that maybe that he needs some, uh, medication or something, you know?

GONCALVES: So just to clarify, his mindset did not seem right and you were <unintelligible>...

CONDE: I was worried about him.

GONCALVES: You were worried about him, you were about to reach out?

CONDE: Because, yes, because he never sleep, he don't...

GONCALVES: Okay.

CONDE: He get, don't get rest and he's always like that.

GONCALVES: So you were concerned about him <unintelligible, talk-over>?

CONDE: Yes, I was concerned.

GONCALVES: Okay.

CONDE: I was concerned, yes, I want him to get, try to help him, you know?

GONCALVES: Okay.

CONDE: And she, too, the same thing, you know? Because we was talking to parents...what, what's wrong, why it happened, you know?

GONCALVES: Yeah.

CONDE: And what happened, they said he didn't snap because he talked to his parents, you know? And nothing. He didn't, he didn't seems normal, you know?

GONCALVES: Yeah.

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LADD: You're, um, shirt has a different phone number. Is that just another phone number?

CONDE: This, uh, my business number, yes.

LADD: Is it still active?

CONDE: Yes.

LADD: So your business number is

CONDE: Yeah,

GONCALVES: For the business phone, is that a, is that a house line or is that like another cell phone?

CONDE: It's cellphone.

GONCALVES: It's another cellphone? Okay.

CONDE: Yeah, her name Olesya, also.

GONCALVES: Did, Li, Lisa...

CONDE: Huh?

GONCALVES: Did she text you at all when, when this was going down?

CONDE: Uh, no, I ask her because, um, when she call me...I know I texted her one time but she didn't respond. Oh, I misdialed. Well, because when she call me the first time, uh, she said, uh, she's like don't wanna go to sleep, all that stuff, um, getting louder. I say, uh, okay, alright, I say, try to calm him down.

GONCALVES: Uh huh.

CONDE: Uh, after my client I will try to go home, you know?

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CONDE: Why? He didn't have no girlfriend for right now. He didn't have people who like did something to him, you know?

LADD: Right. Humph. Who's his friend?

CONDE: Huh?

LADD: Who's Jerry's friend? Do you know of anybody he hung out together?

CONDE: The last guy, uh, the last guy, it's a guy work in garage. He sometimes just was helping him do cars and stuff.

LADD: Okay.

CONDE: Just go in there, hang out.

LADD: Do you have a contact number for him?

CONDE: Yes, I got contact.

LADD: What's, what's this guy <unintelligible>?

CONDE: It's called <unintelligible>, the last, in the morning.

LADD: Okay, what's this guy, what's his name?

CONDE: Uh, his name Sergei.

LADD: Sergei?

CONDE: Uh huh,

LADD: And that is Jay's friend or Jerry's friend?

CONDE: Uh, yes. No, no, um, I know <unintelligible>.

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LADD: Well, I'm just thinking if, if there's somebody else I can talk to, you tell me what was going on in his mind, he would know.

CONDE: Yeah, uh, the person, um, where he was, uh, living for some little bit time, you know?

LADD: Yeah.

CONDE: But he was not living, living <unintelligible>.

GONCALVES: So you're saying Jay lives, stayed with Ser, Sergei?

CONDE: No, no, he didn't stay with Sergei. It's another person.

GONCALVES: Okay.

CONDE: Where he stay in Gastonia, you know?

GONCALVES: Okay.

CONDE: Okay, her name Heather, I don't know her last name, Heather. It's what, how, where it happened when he throw the table to the window, you know?

GONCALVES: So Jay was staying with Heather when he threw a table through the window?

CONDE: Yeah. He was, uh, I think he, he was, uh, taking a room from them.

LADD: Humph. One of the room <unintelligible, talk-over>?

CONDE: Yes, uh, one of the room he was take. Or maybe renting or something.

GONCALVES: Yeah.

LADD: Did you just have the one rifle?

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CONDE: I have one rifle, I have one gun.

LADD: Okay. Describe the rifle to me, what, is it, is it like this?

CONDE: Yes, it's a...

LADD: Is it like a bolt action?

CONDE: Bolt action, uh, was a scope.

LADD: Uh, a hunting rifle?

CONDE: Yes.

LADD: Okay.

CONDE: It's a hunting rifle.

LADD: You know the make and the model, just offhand?

CONDE: Huh?

LADD: Do you know the model?

CONDE: The model...

LADD: Is it a Savage, Remington?

CONDE: I think it's Remington. Yeah, it's Remington. Uh, the bolt action you can pull the bolt.

LADD: And you said <unintelligible>, it's a birdeye, it's got the lock.

CONDE: It, uh, got the lock, yes, it's still got lock and keys, it's hidden.

LADD: Okay.

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CONDE: He not gonna be able to find the keys.

LADD: And those are the only two that you have?

CONDE: Yes, only two.

LADD: And as far as you know, Jay didn't have a gun of his own?

CONDE: No, he don't.

LADD: As far as you know, uh, Lisa didn't have a gun in her home?

CONDE: No, no.

LADD: Okay. Anything else you think is important, anybody else, has he ever been, has he ever been hospitalized?

CONDE: No.

LADD: He never gone to the hospital here, he never gone to mental health?

CONDE: No.

LADD: No psychologists, no psychiatrists?

CONDE: No.

LADD: You think he needed to?

CONDE: No, just to this time, I was, I wanted just to, him to see the psychiatrist.

LADD: Yeah?

CONDE: Because he don't sleep, maybe it's insomnia or something, you know?

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LADD: Yeah.

GONCALVES: Yeah.

LADD: Makes sense.

CONDE: Yeah. Maybe it's just so, that easy, you know, to fix it, you know?

LADD: Yeah.

CONDE: But, um, it's bigger so, it's just, I don't know how this escalate to this point, you know?

LADD: Yeah.

CONDE: I don't understand.

LADD: Me neither.

CONDE: Cause he didn't even spend the last night in our house, but, uh, you know, he was supposed to, you know?

LADD: Yeah.

CONDE: He left in the morning and that's it, you know? And then, um, he brought him to the, to, today morning and that happened, you know? It's crazy.

LADD: Okay.

CONDE: That didn't even seem or since yesterday morning, yes, since yesterday's morning I didn't see.

GONCALVES: Oh, so the last time you see Jay is…

CONDE: Yes.

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GONCALVES: ...yesterday morning?

CONDE: Yesterday morning, yes.

GONCALVES: Okay.

CONDE: Before it seems calm, normal.

LADD: Yeah.

CONDE: I tell him, you know, try to sleep, why don't sleep, you know?

LADD: Yeah.

CONDE: He was gonna lay down, but, uh, soon as I leave he get up, you know?

LADD: Okay. Okay.

CONDE: I tried to just make him sleep, you know, but he, he wouldn't go to sleep.

LADD: Okay. Anything else you wanna add to your statement? Anything else you wanna say?

CONDE: That's it. So...

LADD: <unintelligible>?

GONCALVES: I'm good. Alright, this will conclude this interview. Current time is 15-49 hours.

TMG/SRL/olw

Exhibit 6

Mecklenburg County M E Office

3440 Reno Avenue, Charlotte, NC 28216
Telephone 7043362005
Fax 7043368353

REPORT OF AUTOPSY EXAMINATION

DECEDENT

Document Identifier B201700724
Autopsy Type ME Autopsy
Name Iaroslav Mosiiuk
Age 25 yrs
Race White
Sex M

AUTHORIZATION

Authorized By James R. Lozano MD **Received From** Mecklenburg

ENVIRONMENT

Date of Exam 03/09/2017 **Time of Exam** 11:30
Autopsy Facility Mecklenburg County M E Office **Persons Present** Mr. Jacob May

CERTIFICATION

Cause of Death
Gunshot wound of the back

The facts stated herein are correct to the best of my knowledge and belief.
Digitally signed by
James R. Lozano MD 06 June 2017 14:14

DIAGNOSES

Penetrating gunshot wound of the right mid back
- Lacerations of the right lower lung lobe and heart
- Hemothorax
- Rib fractures

Abrasions of the forehead, face, and elbows.

IDENTIFICATION

Body Identified By
Papers/ID Tag

EXTERNAL DESCRIPTION

Length 71 inches
Weight 172 pounds
Body Condition Intact
Rigor 3+
Livor Posterior
Hair Brown
Eyes Hazel
Teeth Natural, in good repair

Received is the body of a well-developed, well-nourished white male appearing compatible with the reported age of 25 years. The body is received in the nude and no valuable personal effects accompany the body. Identifying marks and scars consist of a well-healed circular scar on the left upper chest and a well-healed linear scar on the left lateral chest. Evidence of medical intervention includes endotracheal intubation, an intravascular line in the left antecubital fossa, an

intraosseous cannula in the left lower leg, a pulse oximeter sensor on the left index finger, and a hospital identification bracelet with the name: MONTANA, TRAUMA D on the left wrist.

INJURIES

DESCRIPTION OF GUNSHOT WOUND:

There is a 7/16" in diameter entrance gunshot wound on the right mid back located 20½" below the top of the head and 3" right of the posterior midline. There is no soot or gunpowder stippling identified on the skin surrounding this wound. The wound track lacerates the skin and soft tissues of the right mid back, fractures the posterior right 10th and 11th ribs, lacerates the right lower lung lobe and heart, fractures the anterior left 4th and 5th ribs, and terminates in the soft tissue of the left upper chest, where a deformeds jacketed bullet is recovered. The wound track is associated with 2.5 liters of liquid and clotted blood in the chest cavity, as well as pulmonary contusions and hemorrhage in the left lower lung lobe.

The wound track proceeds from back-to-front, right-to-left, and upward when the body is viewed in the standard anatomical position.

OTHER INJURIES:

There are superficial abrasions on the forehead, bridge of the nose, left cheek, and left side of the mouth as well as abrasions on the right and left elbows.

DISPOSITION OF PERSONAL EFFECTS AND EVIDENCE

The following items are released with the body
None

The following items are preserved as evidence
Bullet and blood stain card

PROCEDURES

Radiographs
Radiographs reveal a radiopaque foreign object in the left upper chest.

INTERNAL EXAMINATION

Body Cavities
The pleural cavities exhibit the previously described injuries. The peritoneal cavity is free of significant fluid and adhesions. The organs are in their normal anatomical positions.

Cardiovascular System
Heart Weight 400 grams
The heart demonstrates the previously described gunshot injury. The coronary arteries arise normally, follow the usual distribution and are widely patent without evidence of significant atherosclerosis or thrombosis. The chambers and valves bear the usual size-position relationships. The myocardium shows no evidence of acute infarction or scarring. The aorta and its major branches are intact without significant atherosclerosis.

Respiratory System
Right Lung Weight 275 grams
Left Lung Weight 575 grams
Examination of the soft tissues of the neck including the strap muscles and large vessels reveals no abnormalities. 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 of the right lung is collapsed and demonstrates the previously described gunshot injury. The parenchyma of the left lung is edematous and demonstrates the previously described gunshot injury. The pulmonary arteries are free of thrombi or emboli.

Gastrointestinal System
The gastrointestinal tract is intact throughout its length and is grossly unremarkable. The stomach contents consist of 50 ml of liquid gastric contents.

Liver
Liver Weight 1450 grams

The capsule is intact and the parenchyma is unremarkable. The gallbladder is present and contains bile and is grossly unremarkable.

Spleen
Spleen Weight 150 grams
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 200 grams
The kidneys are of normal size and shape. The kidney capsules strip easily from the underlying smooth cortical surfaces. The renal architecture is intact. The bladder contains urine.

Reproductive
Grossly unremarkable.

Endocrine
The thyroid gland and adrenal glands are grossly unremarkable.

Neurologic
Brain Weight 1550 grams
Reflection of the scalp reveals no evidence of injury. There are no skull fractures identified. The leptomeninges are thin, delicate and translucent. The cerebral hemispheres are grossly normal. The vasculature at the base of the brain is intact without significant atherosclerosis. Coronal sections reveal normal architecture without focal lesions.

Skin
In addition to the previously described injuries, the skin of the right and left forearms shows clusters of linear excoriations.

Immunologic System
Grossly unremarkable.

Musculoskeletal System
Except as previously described, grossly unremarkable.

MICROSCOPIC EXAMINATION

Microscopic Comment
Histologic examination is not performed.

SUMMARY AND INTERPRETATION

The decedent was a 25-year-old white male with a reported one week history of erratic behavior and altered mental status who was shot during a confrontation with law enforcement.

Autopsy examination reveals a single gunshot wound to the right mid back resulting in injuries to the heart and lungs.

Postmortem toxicology revealed no substances of toxicological significance. Please see separate toxicology report (T2017-2851) for 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 back.

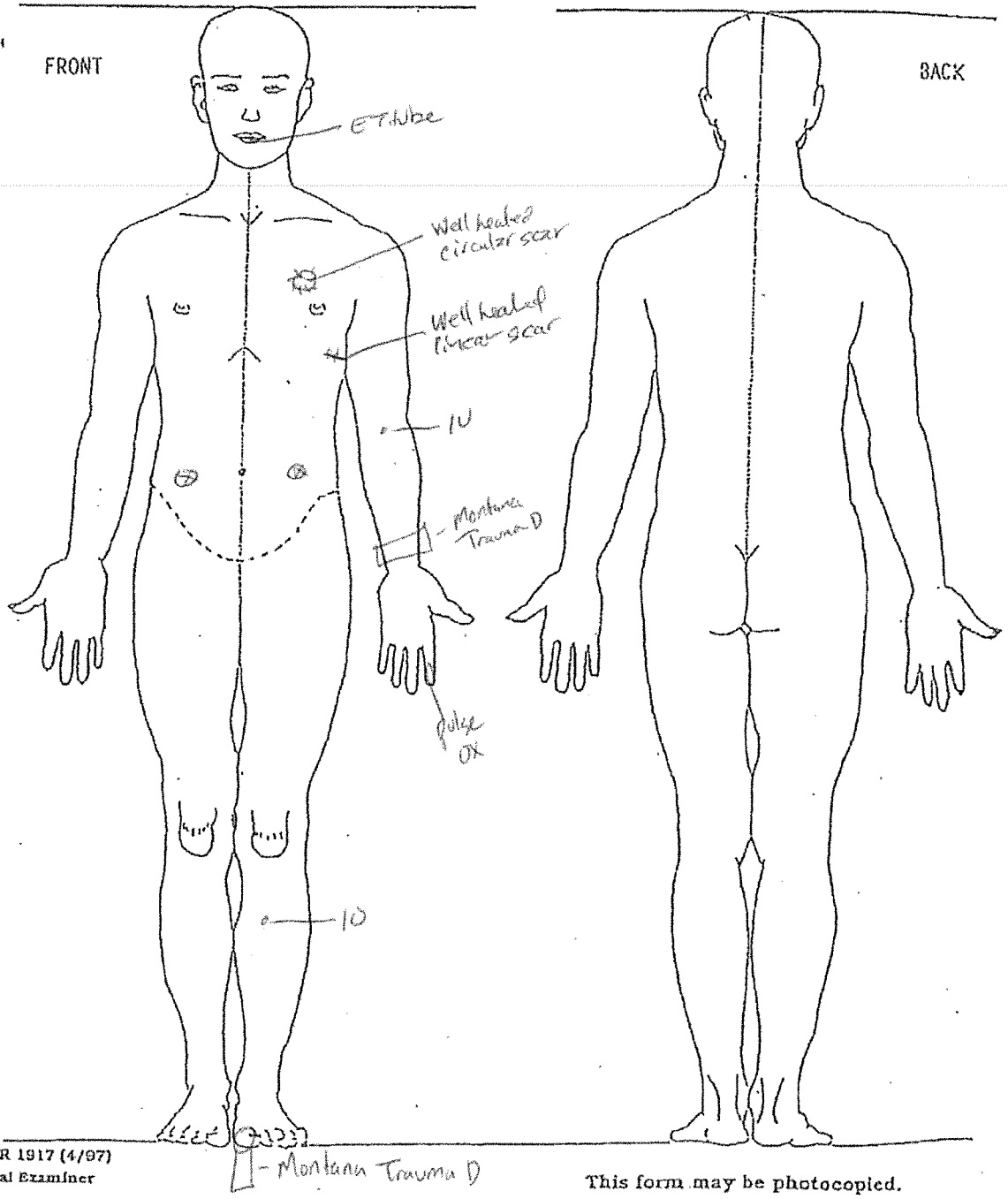
DIAGRAMS

1. BODY DIAGRAM: ADULT (FRONT/BACK)
2. BODY DIAGRAM: ADULT (FRONT/BACK)

State of North Carolina
Office of the Chief Medical Examiner
Chapel Hill, North Carolina 27599-7580

Name of Decedent: Iaroslw Mosiiuk
Autopsy # B17-724
Examined By: JRL Date: 3/9/17

BODY DIAGRAM: ADULT (Front/Back)



DEHNR 1917 (4/97)
Medical Examiner

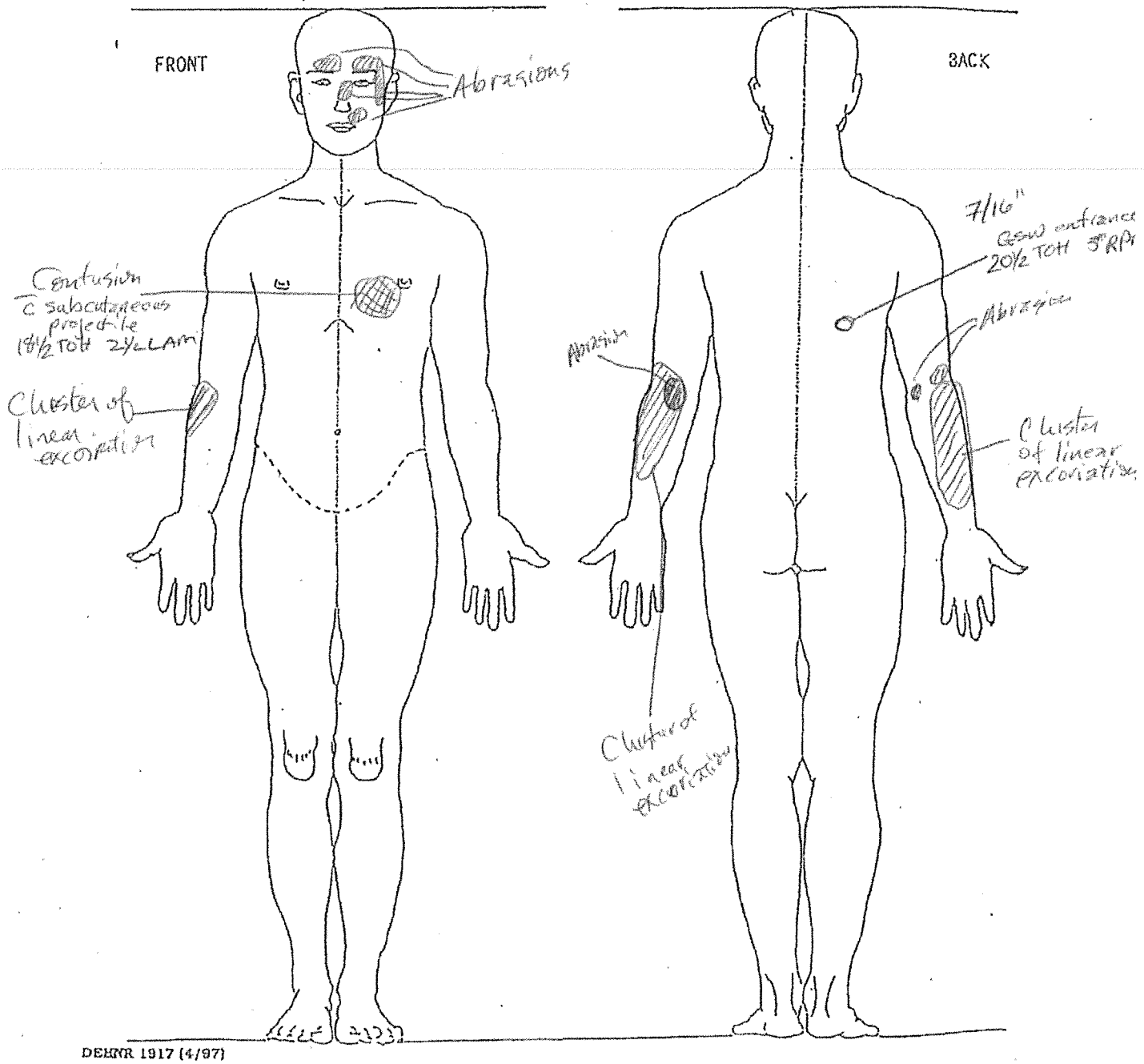
This form may be photocopied.

PAGE 1 OF 2

State of North Carolina
Office of the Chief Medical Examiner
Chapel Hill, North Carolina 27599-7580

Name of Decedent: Jaroslav Mosiuk
Autopsy # B2017-0724
Examined By: JRL/JAM Date: 3/9/2017

BODY DIAGRAM: ADULT (Front/Back)



DEHNR 1917 (4/97)
Medical Examiner

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PAGE 2 OF 2

Balcome, Kelly E.

From: noreply@dhhs.nc.gov
Sent: Tuesday, June 06, 2017 3:06 PM
To: Balcome, Kelly E.
Subject: No Reply: OCME Toxicology F201700965

T O X I C O L O G Y R E P O R T

Office of the Chief Medical Examiner
Raleigh,NC 27699-3025

Toxicology Folder: T201702851
Case Folder: F201700965
Date of Report: 30-apr-2017
Page: 1

Andrew Murray
District Attorney's Office
720 E. 4th Street Suite 403
Charlotte, NC 28202-3016

DECEDENT: Iaroslav Mosiiuk

Status of Report: Approved
Report Electronically Approved By: Ruth Winecker, Ph.D.

* * *

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SPECIMENS received from James R. Lozano on 14-mar-2017

S170007213: 18.0 ml Blood — CONDITION: Postmortem
SOURCE: Aorta — OBTAINED: 09-mar-2017

Benzodiazepines	None Detected	LCMS	04/30/2017
Caffeine	Present		04/30/2017
Cocaine metabolite	None Detected	LCMS	04/30/2017
Ethanol	None Detected		04/30/2017
Gabapentin/Pregabalin	None Detected	LCMS	04/30/2017
Opiates/Opioids	None Detected	LCMS	04/30/2017
Organic Acids/Neutrals	None Detected		04/30/2017
Other Organic Bases	None Detected		04/30/2017

S170007214: 15.0 ml Blood — CONDITION: Postmortem
SOURCE: Iliac vein — OBTAINED: 09-mar-2017

S170007215: 18.0 ml Urine — CONDITION: Postmortem

SOURCE: Urinary Bladder OBTAINED: 09-mar-2017

S170007216: Liver CONDITION: Postmortem
SOURCE: Liver OBTAINED: 09-mar-2017

T O X I C O L O G Y R E P O R T

Office of the Chief Medical Examiner
Raleigh, NC 27699-3025

Toxicology Folder: T201702851
Case Folder: F201700965
Date of Report: 30-apr-2017

Decedent: Iaroslav Mosiiuk

* * *

Accredited by the American Board of Forensic Toxicology, Inc.

060617 15:06 * * * E N D O F R E P O R T * * * B201700724