

STATE OF UTAH,
Plaintiff,
vs.
MEAGAN DAKOTA GRUNWALD,
Defendant.

VOLUME II

Case No. 141400517 FS

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1 Greg Sherwood.

2 THE COURT: I think Mr. Zabriskie is aware of that.

3 Okay. All right, so are we ready to proceed, Counsel?

4 MR. PEAD: We are.

5 THE COURT: I believe we're to the point of opening
6 arguments.

7 MR. PEAD: Correct.

8 THE COURT: Ms. Howard.

9 MS. HOWARD: Thank you, your Honor. Good morning,
10 ladies and gentlemen. January 30, 2014 was a day of chilling.
11 By nighttime a blanket of snow would cover scenes beginning in
12 Eagle Mountain to the north, going all the way to Nephi in the
13 south, as though Mother Nature wanted to cover the realities
14 of that day.

15 This blanket, however, held no comfort in it for
16 those whose lives were forever altered that day, because of
17 the defendant Meagan Grunwald and her boyfriend Jose Angel
18 Garcia. Sergeant Cory Wride would never see that blanket of
19 snow as it covered the earth that day, because he was shot in
20 the head and died at Eagle Mountain. Deputy Greg Sherwood
21 would never see that snow either, as he lay in a hospital bed
22 recovering from a gunshot wound to the head.

23 Ladies and gentlemen, actions speak louder than words;
24 and the defendant's actions show that when there was a choice
25 to be made, she chose to aid Jose Angel Garcia. Her desire

1 to remain with her boyfriend led to her helping him remove
2 obstacles and people in the way. The evidence will show she
3 did not assist him in committing these crimes because she was
4 threatened by him. That's a tale that was told after it was
5 all done. No, her actions to help him speak louder than her
6 words of excuse.

7 While the snow covered these scenes, this comfortless
8 blanket did not become a cloak of secrecy. Mile by mile and
9 step by step you will see the defendant's actions speak loudly;
10 because when there was a choice to be made, she chose to aid
11 Jose Angel Garcia.

12 At 1 p.m. on January 30th, Sergeant Cory Wride was on
13 duty in his marked patrol vehicle. He sees a vehicle alongside
14 Highway 73 in Eagle Mountain, and he turns around and pulls in
15 behind it to assist those motorists. Although the sound is off
16 on Sergeant Wride's external microphone, his dash cam recorder
17 videos the events that happened that day, and his computer can
18 be heard as he's logging in queries.

19 After a brief visit with the driver, Sergeant Cory
20 Wride goes back to his vehicle with the driver's license and
21 runs a driver's license number. It comes back to the defendant
22 Meagan Grunwald, co-owner of a Toyota Tundra, the same Toyota
23 Tundra that he had pulled over to assist while its emergency
24 lights were flashing.

25 He approaches the vehicle again and takes a notebook

1 out and writes in it. He writes down "Jose Ruben Martinez"
2 with a date of birth of January 30th, 1985. He then goes back
3 to his vehicle and searches for a match with that information,
4 but he has difficulties with it because there is no match to
5 that information.

6 He re-approaches the vehicle, but this time on the
7 passenger side, and he gets new information about Jose; new
8 name, new year of birth, but the date of birth, January 30th,
9 that very day stays the same. He returns to his patrol vehicle
10 for the final time, and runs various versions of Jose Martinez
11 Espinoza with various years of birth.

12 The evidence will show you that a warrant had been
13 issued for Jose Angel Garcia, and had the correct information
14 been given to Sergeant Cory Wride, it very well could have
15 resulted in his arrest that day, and that would have separated
16 the two of them.

17 Thirteen minutes into the dash cam recording, the
18 driver of the vehicle, identified as Meagan Grunwald, puts her
19 foot on the brake, illuminating the brake lights of her truck.
20 The white reverse lights flash on and off as she shifts from
21 park, through reverse, into drive. Her foot remains on the
22 brake with the truck in gear ready to drive away for the next
23 four minutes and thirty-five seconds, while passers by may be
24 seen on the roadway, and while Sergeant Wride searches for
25 Jose.

1 Sergeant Wride's windshield wipers can be seen wiping
2 away snow as it gently falls, which allows the video recording
3 to clearly show what is happening next. The passenger side
4 -- passenger side wing window opens. Then waiting. Sergeant
5 Wride continues to search for a match to Jose. At 1:15 p.m.
6 Sergeant Wride enters his last computer logging ever.

7 At 1:17 p.m. the rear window of defendant's truck
8 slides open, the passenger can be seen and five shots are
9 fired, bam, bam, bam, bam, bam, striking the windshield and
10 the hood. One of the first shots enters Sergeant Wride's
11 forehead. Another enters his neck.

12 The defendant then lifts her foot off the brake,
13 presses the gas peddle, and steers her truck entering the
14 lane of travel when there are no other motorists in view.
15 Jose shoots two more times at Sergeant Wride, bam, bam, as
16 the defendant is driving away.

17 Within seconds she's entered her lane of travel and
18 turned off her emergency lights. When the Tundra is found
19 later abandoned, the passenger seat is leaned all the way back,
20 allowing access for the passenger to that rear window. She
21 drives away with her passenger, Jose. She was seen driving
22 within minutes by Carrie Garrett. She drives away and Sergeant
23 Cory Wride cannot pursue her.

24 You will see over and over when it came time for a
25 choice to be made she chose to aid Jose Angel Garcia. While

1 she drives off and leaves Sergeant Wride there, he is not
2 forgotten. However, it isn't for another hour until a fellow
3 officer, Max Morgan, approaches his vehicle, looks in his
4 window and sees Sergeant Wride leaning over his laptop where
5 he had last been searching for Jose. He is deceased.

6 On January 30th, 2014, standing in front of Sergeant
7 Wride isn't the only time the defendant steps on her brakes
8 illuminating her brake lights before an officer is shot, and
9 the evidence will show it isn't the only time she drives away
10 leaving the wounded behind while her boyfriend has opportunity
11 after opportunity to fire at the unsuspecting.

12 Immediately after defendant drives away, her mom,
13 Tori Grunwald calls her cell phone at 1:22 p.m. Meagan's cell
14 phone is used to call her back. Then at 1:28 p.m. her phone
15 is used to call Jose Angel Garcia's uncle in Texas. Tori then
16 calls the defendant's phone three more times over the next half
17 hour, with no calls being made to 911, and still the snow falls
18 on Sergeant Wride's vehicle. His wipers still wiping. At 2:02
19 p.m. dispatch tries to get a return call from him. At 2:13
20 p.m. he is found.

21 At 2:38 p.m. the license plate number of defendant's
22 Tundra is sent out on an attempt to locate, but she is not next
23 located until 2:49 p.m. heading south on I-15 near Santaquin,
24 driving her Tundra with her boyfriend still inside. One hour
25 and 32 minutes after Sergeant Wride was shot. Two people, the

1 defendant Meagan Grunwald and Jose Angel Garcia, her boyfriend,
2 had interactions with officers and others that day and in
3 previous days, people who were potential obstacles to them
4 remaining together.

5 Jose's parole officer will tell you he was searching
6 for him. He was leaving him messages, and he had a warrant
7 issued for him. The defendant's father had tried to separate
8 them, and now these officers and others were obstacles in the
9 way.

10 This relationship between the defendant and Jose grew
11 over months. It began around St. Patrick's day of 2013, her
12 neighbor will tell you. She introduced defendant to Jose Angel
13 Garcia shortly after he was released on parole from prison.
14 He helped defendant do her homework, and by summertime they
15 were boyfriend and girlfriend. They even worked together for
16 a short time at a meat packing plant where defendant worked and
17 was able to get gainful employment for Jose Angel Garcia.

18 They were inseparable, with Jose helping defendant
19 with her schoolwork, taking her to activities, moving into her
20 two bedroom house, and moving into her bedroom in the fall of
21 2013. Jose Angel Garcia gave Meagan Grunwald a promise ring,
22 which she proudly showed friends and even took a picture of.
23 Defendant spoke of plans to marry Jose Angel Garcia, and to
24 move south or even to Mexico where his two children live.

25 They had a sexual relationship which resulted in

1 defendant confessing concerns through text and in -- and in
2 face-to-face contact with others that she was pregnant, and
3 what this would mean for them. Although she texted and told
4 her friends she was pregnant, she told the other adults --
5 she told adults in her life that they were not having sex.

6 You see, things were complicated for them. Jose Angel
7 Garcia was 27 years old and on parole, and Meagan was 17 at the
8 time, and this could have parole implications for him. Another
9 complication was Jerry Grunwald, Meagan's father. He did not
10 want -- excuse me, he wanted Jose to move out of his house and
11 end his relationship with his daughter. This conflict rising
12 to the point where Jose Angel Garcia pointed a gun at Jerry
13 Grunwald on January 11th, 2013, that very January, and law
14 enforcement officers were called.

15 You will hear from them that the defendant covered for
16 Jose Angel Garcia when they showed up. Evidence will show that
17 there were a number of other complicating circumstances in her
18 life that complicated this relationship, but Meagan Grunwald
19 chose to stay with Jose Angel Garcia, a relationship that was
20 mutually affectionate and committed.

21 Jose even changed an ornate tattoo on his neck that
22 had read G-a-b-b-y to B-a-b-b-y. Babby or baby, which was a
23 term of affection used frequently between the two of them.
24 You will hear about this loving relationship from those who
25 observed it. He was her everything.

1 Defendant then reappears on January 30th, 2014 around
2 2:49 p.m. She is driving southbound on I-15 in her Toyota
3 Tundra when an officer sees them. He's in a marked vehicle
4 and he pulls in behind her. She quickly turns into the median,
5 drives northbound and then takes that Santaquin exit down into
6 Santaquin town.

7 At 2:51 p.m. Deputy Greg Sherwood sees defendant's
8 Toyota Tundra. He pursues and catches up to her, and she is
9 facing westbound on US-6 in Santaquin, (inaudible) left to
10 turn back onto I-15 southbound. He approaches, and instantly
11 defendant veers out of the turning lane and drives west.

12 Deputy Sherwood calls out to dispatch that he's located
13 the Tundra, but then again, while an officer is behind her, and
14 within seconds of him beginning his pursuit with lights and
15 sirens on, defendant takes her foot off the gas pedal, presses
16 on the brake, and closes the gap between her vehicle and Deputy
17 Sherwood's.

18 Then at 2:53 p.m. shots fire out, bam, bam, bam in
19 the chilly air. Sherwood is shot through his windshield, and
20 a bullet enters into his brain. Immediately his patrol vehicle
21 stops. Defendant takes her foot off the brake, presses the
22 gas and drives forward; but she immediately turns a U-turn and
23 drives right back past Deputy Sherwood in his now immobile
24 vehicle. Then she leaves him behind again.

25 The evidence will show that when it came time for a

1 decision, her action was to help Jose at great cost to others.
2 But this time Deputy Sherwood is able to call for help, to let
3 people know he had been hit, and this time officers were able
4 to get there immediately and render aid; and this time you will
5 get to hear from Deputy Greg Sherwood. He will tell you about
6 what happened, and he will tell you about what happened, and he
7 will tell you about what he saw.

8 There are others in Santaquin who hear the shots, who
9 see the Tundra and who can shed light on what happened that
10 day. This time and in later incidents there are people all
11 around. In less than ten minutes of Deputy Sherwood being
12 shot, the defendant has turned around, passed him, entered
13 back onto I-15 southbound, and driven down into Juab County.
14 She's heading south with her partner once again.

15 Two patrol vehicles see her approaching. One is
16 Trooper Blankenagle with the Utah Highway Patrol in a marked
17 patrol vehicle. The second vehicle is a Juab County Sheriff's
18 Office vehicle with Deputy Kellen Worwood and Deputy Al Taylor
19 inside. They see the defendant's vehicle coming and they
20 immediately begin pursuit.

21 With lights and sirens going behind her, the defendant
22 speeds on, with reaching speeds of over 110 miles per hour, as
23 Trooper Blankenagle reports. Within one minute of his pursuit,
24 again shots are fired through that back window. Trooper Blank-
25 enagle calls it out, and he sees an arm going back into the

1 passenger's side of the Tundra while the defendant drives fast
2 and straight as an arrow flies; but this time this bullet did
3 not hit this target. Trooper Blankenagle reports, "Shots
4 fired. They are shooting out the back window."

5 Then two sets of tire spikes are set up on I-15. The
6 defendant steers skillfully around both of them and drives on.
7 Unfortunately for Trooper Blankenagle he gets caught up in one,
8 and he has to pull over to the side of the road with his tires
9 shred. This leaves Deputy Worwood and Deputy Taylor pursuing
10 directly behind her with lights and sirens still on, and Nephi
11 City patrol -- Nephi City Officer Sarah Robison joining the
12 pursuit.

13 Defendant continues to drive fast, and runs right
14 into the side of a vehicle being driven by passerby Jerry
15 Stansfield. She causes a lot of damage to his car on the
16 passenger side, and he pulls off to the right side of the
17 road, debris from the collision from her vehicle and his
18 vehicle littering the roadway.

19 She then drives alongside a semi-truck driven by Alonzo
20 VanTassel, and positions her Tundra to the side of it. As her
21 passenger sticks his hand out the window and fires at the semi-
22 truck, shooting out three tires of this semi. Mr. Van-Tassel
23 will tell you those details and how frightened he was; and
24 that he was able to successfully pull his vehicle over to the
25 side of the road so it did not lose control and did not block

1 pursuing officers.

2 Then the defendant drives away; but her vehicle is
3 becoming quickly disabled. She veers right at exit 222, which
4 is the south end of Nephi, and at the bottom of the ramp her
5 truck stops, disabled. On Worwood's dash cam, Jose Angel
6 Garcia can be seen jumping out of the passenger side, while
7 the defendant shortly thereafter jumps out of the driver's
8 side.

9 Joey Lunt and Troy Pace are driving home from work and
10 they take exit 222 themselves, and they see this vehicle coming
11 up behind them very quickly as they are at the bottom of the
12 off-ramp. They see a man get out of the truck and point a
13 gun directly at them. There is a bang sound as the gun is
14 discharged. This bullet again did not hit its target. They
15 drive away forward from the shooter and see that he has not
16 turned and is running southwest to a parked utility truck.

17 Both men see the female, who has also jumped out of
18 the truck, is following after the male. They see the man point
19 his gun at the utility truck and hear it firing twice while the
20 utility truck begins to drive away. The man in that utility
21 truck is Donovan (Inaudible). He sees the man point his gun
22 at him, he hears the distinct shots, and he also sees the woman
23 following directly after the man.

24 These witnesses will tell you she does not stay in the
25 truck when Jose Angel runs off and leaves her. These witnesses

1 will say she did not seek help from the people who were all
2 around her. These witnesses will say that she did not run
3 in an opposite direction of Jose Angel Garcia. Instead these
4 witnesses will say she ran after him in his direction and flees
5 with him.

6 Deputies Worwood and Taylor drive down the off-ramp
7 and stop behind defendant's disabled Tundra. As they do so,
8 they see Officer Robison driving down the on-ramp, driving
9 down the on-ramp on 222. Officer Robison is calling out to
10 defendant and Jose, "Stop, put your hands in the air. Stop
11 running." Then they watch as the man points his gun directly
12 at Officer Robison and fires and misses.

13 The deputies jump out of their vehicle and they begin
14 yelling commands at defendant and Jose to stop. The answer to
15 this is Jose Angel Garcia turns and fires at them twice, but
16 misses. Meanwhile the defendant keeps running after her boy-
17 friend, not obeying the commands of the officers.

18 Then Meagan Grunwald runs in front of Chetney Williams.
19 She's a mother driving a Highlander into Nephi town for parent
20 teacher conferences. In the back of her Highlander is her
21 four-year-old child buckled into her car seat. Chetney sees
22 the woman running to her, waving her down with her arms in
23 front of her, and Chetney has to veer right to miss her. She
24 was directly in front of her.

25 Chetney thinks the woman needs help, but what happens

1 next is utterly surprising to her. Instead of the woman coming
2 to her rolled down window and talking to her, asking for help,
3 she runs around the Highlander, silently, gets in and sits in
4 the passenger seat while the defendant's boyfriend or the man
5 points his gun right at Chetney and tells her, "Get out. Get
6 out."

7 She asks him, "Can I get my baby out of the back?"
8 and he says, "You better hurry." So she hurries, but the baby
9 is stuck, and she tugs and she tugs, but she can't get her out.
10 Something's wrong with her coat and it's hooked somehow into
11 the car seat. With no help from anyone inside, she tugs and
12 pulls until she's finally able to get that child out, and
13 immediately Jose Angel Garcia drives away in that Highlander,
14 leaving Chetney standing on the side of the road holding her
15 daughter.

16 From when the defendant jumps out of her Tundra until
17 she and Jose Angel Garcia drive away in the Highlander is a
18 mere 45 seconds. Again, when the decision was to be made, the
19 evidence will show she remains with Jose even at the risk of
20 others. The choice to be made was to aid Jose, not the people
21 in Nephi.

22 Kelly Blue, who was behind Chetney, sees this, as
23 do others, including Deputies Worwood and Taylor and Officer
24 Robison. Jose then drives up the 222 on-ramp with the deputies
25 following behind, directly past Nephi City Officer Robison.

1 She thinks quickly. She tucks down inside her vehicle.

2 Deputy Worwood announces over dispatch that the
3 suspects are in a new vehicle, that shots were being fired
4 at people, and that they were heading southbound. As Chetney
5 was getting out of her vehicle she had been talking on her cell
6 phone. She had been talking to her realtor. She threw it back
7 inside the Highlander on the passenger side floor where the
8 defendant had sat. Around mile marker 221 the phone had been
9 retrieved from the floor on the passenger front side and tossed
10 out the driver's side window.

11 Deputy Taylor called that out over dispatch; but the
12 speed of this Highlander is a lot slower than the 110 miles
13 per hour from when the defendant had been driving because this
14 vehicle has mechanical problems. At this point Deputies Worwood
15 and Taylor are behind the Highlander, followed by Deputy Craig
16 Ryan, followed by Deputy Rod Thompson, who was then followed
17 by Trooper John Sheets. Four vehicles, four lights and sirens
18 going, and still they continue on.

19 They are all concerned for what the next event will
20 be, and Deputy Taylor calls for an ambulance to be ready, two
21 ambulances to be ready to come to I-15. At milepost 220 the
22 Highlander's tires are spiked by a trooper. Over the next
23 four miles Jose Angel Garcia reduces speed. This vehicle,
24 with its mechanical problems and shredded tires are not going
25 to be taking those two people any further south. A new vehicle

1 would be needed.

2 At milepost 216 the driver's side tire comes off.
3 Jose drives the Highlander then off through the median and
4 southbound in the northbound lanes. The deputies watch as he
5 misses the first vehicle, and then as he veers into and hits
6 the second vehicle.

7 Jose steers to the shoulder of the road and jumps out
8 heading toward the vehicle he struck. The defendant immediately
9 jumps out, and once again is seen running toward Jose, who has
10 left her behind, with Jose in front, the defendant behind, and
11 the officers up on the top.

12 Deputies Taylor, Worwood, Ryan and Thompson all jump
13 out, lights and sirens still going. Deputy Taylor runs down
14 the embankment. He's yelling and waving the struck vehicle
15 to "Go, go," because he can see that Jose is running toward
16 it with his gun pointed; and the defendant still runs towards
17 Jose.

18 The officers yell, "Stop. Put your hands up. Get
19 down" to defendant and to Jose, but nobody is listening --
20 excuse me, nobody obeys. Edward Felsing is the driver of the
21 struck vehicle. He sees the man running towards him with a
22 gun. He hears the officers yelling, he sees them motioning
23 for him to "Go, go, go."

24 Jose opens his door, and Mr. Felsing presses on the gas
25 just in time. He immediately hears gunshot as Deputy Thompson

1 fires at Jose to prevent the car jacking. Jose turns and points
2 his gun at the officers and fires. After the shooting begins,
3 then the defendant stops running towards Jose. She drops parti-
4 ally down but continues to move around. Deputy Thompson is
5 concerned that she has a gun, and he directs the cross hairs at
6 her, and he'll describe what he saw as she's moving around in
7 a way that concerns him that she's going to run to Jose still.

8 He yells for her, "Get down, get down." Deputy Taylor
9 and the others run toward Jose Angel Garcia, who has inched his
10 way back over the road. He comes up one more time. Deputy
11 Taylor has run to the edge of the median. The defendant is
12 across the way. You have other officers behind, and Jose Angel
13 Garcia is out over the edge of the road.

14 Jose Angel Garcia points his gun and fires. Deputies
15 fire back, and he drops out of view. In the meantime Trooper
16 John Sheets has driven across the turnaround, and has come --
17 is coming directly toward the defendant, right behind a white
18 vehicle. That white vehicle is driven by James Clarken, and
19 he stops at the scene. Directly after the shots were fired,
20 defendant yells at the officers, "You shot him in the head.
21 You didn't have to shoot him in the head. You shot him in the
22 head."

23 The officers and Mr. Clarken and his wife note that
24 she was yelling at the officers. Her instant reaction speaks
25 volumes. The deputies cautiously approach Jose Angel Garcia,

1 who has been struck by a bullet in his head. At the same time
2 Trooper Sheets approaches defendant on the road. When the
3 deputies are near Jose they realize he still has a gun.

4 Deputy Taylor is kneeling down to the side of him.
5 Deputy Ryan steps on Jose's hand. Deputy Worwood has to pull
6 and tug to get the gun away from him because he's gripping it
7 tightly. Jose Angel continues to struggle, trying to reach
8 something in the front. Deputy Taylor tells him, "Stop strug-
9 gling. Stop." He finally reaches in there and pulls out an
10 empty magazine.

11 He continues to tell Jose to stop struggling, and
12 immediately his EMT training kicks in and he renders emergency
13 aid. He kneels there, remains by his side, and talks with him,
14 and he hears Jose say, "Why don't you let me kiss my girlfriend
15 with my last dying breath."

16 Meanwhile the defendant is placed in Trooper Sheets'
17 vehicle, the dash cam still recording. You will hear on video
18 when she's taken -- first taken to the patrol car, she cries
19 and claims that Jose Angel Garcia threatened her to make her
20 help him, but her actions at Eagle Mountain, at Santaquin,
21 along I-15 and in Nephi speak louder than her words; and when
22 she's put in the vehicle, the doors are shut, the officers walk
23 away out of earshot, the cries cease quickly.

24 Then it is that you will hear other words from the
25 defendant that speak volumes, mixed among the lengthy quiet

1 moments while she just sat there, she can be heard whispering
2 to "baby" and "honey," as he is loaded into an ambulance right
3 in front of the patrol car. Then you can hear her use foul
4 language as she curses the officers nearby, those who separated
5 her from her boyfriend.

6 Defendant is taken to Santaquin where samples for drug
7 tests are taken, and she's told to remove her promise ring,
8 and she resists. A search warrant is served on her home, and
9 inside her bedroom were many discoveries, some of which were
10 methamphetamine, drug paraphernalia, cash, 73 more bullets of
11 the same caliber as those shot by Jose Angel Garcia from Eagle
12 Mountain to Nephi.

13 You will hear they were together at Eagle Mountain,
14 Santaquin and Nephi, just like that togetherness, their clothes
15 expressions of love and legal documents were found together in
16 her bedroom.

17 You will hear from several experts over the course of
18 the trial. They will testify to you about their particular
19 expertise. Dr. Erik Christensen with the Medical Exam Off --
20 excuse me, the Medical Examiner's Office, will testify about
21 his findings of the manner of death and cause of death of
22 Sergeant Wride, gunshot wound to the head and neck. He will
23 tell you about the fragments that were removed from Sergeant
24 Wride's body, and other evidence.

25 You will hear from the treating physician about the

1 bullet fragment removed from Deputy Sherwood's head in surgery,
2 and the injuries he sustained. At the crime lab Bonnie Holden
3 processed fingerprints from the defendant and Jose Angel Garcia
4 and matches were found in the vehicle. Dozens of other items
5 of evidence were processed at the crime lab and she'll explain
6 those to you.

7 Justin Bechaver collected ballistics testing on frag-
8 ments, magazines, cartridge casings and the gun; and he will
9 testify to his findings of matchings being made between the
10 evidence and the gun. You will hear from those who processed
11 the vehicle, Sergeant Wride's and Deputy Sherwood's contained
12 numerous bullet fragments.

13 Others processed the multiple cell phones used by the
14 defendant and her boyfriend, and the data records of those
15 calls -- excuse me, of those cell phones, and you will learn
16 what evidence those phones contained. Samples that were taken
17 from the defendant were tested by an expert, who will explain
18 that she was found to have meth-amphetamine in her system, and
19 what those particular findings mean.

20 There are crimes, ladies and gentlemen, which the Utah
21 State Legislature has determined are egregious enough that even
22 if committed by someone who is not quite an adult should be
23 charged as an adult. The defendant is 18 years old now, but
24 she was 17 when she committed these crimes, committing crimes
25 that the law sets forth must be charged in District Court.

1 Ladies and gentleman, that is why you are in this forum today,
2 and you are under oath to apply the law as directed.

3 Also, Judge McDade read to you about accomplice liab-
4 ility and will read to you at the end an accomplice liability
5 instruction. He will instruct you that when someone helps
6 another commit a crime, knowing what the other person is doing,
7 they're responsible for the crime, too.

8 In other words, a person can commit a criminal offense
9 even though that person did not personally do any or all of the
10 acts that make up the offense. If you find beyond a reasonable
11 doubt that one, the defendant had the mental state required to
12 commit an offense; two, intentionally aided another to commit
13 the offense; three, the offense was committed, then that person
14 may be found guilty.

15 You will get a log of information over the course of
16 this trial. The defendant may not contest all of it; but it is
17 important for the State to show all the details because it is
18 our burden of proof to show all of the elements of each of the
19 crimes charged. So we need to give you facts regarding each of
20 those crimes.

21 Now, ladies and gentlemen, you are the judges of the
22 evidence. You are the judges of the defendant. You have a
23 chance and a responsibility to say at the end of the trial that
24 the defendant's wrongs will not go without judgment. Witness
25 by witness will tell you what they know and reveal the role of

1 the defendant on January 30th, 2014.

2 You will know enough to be able to say at the end of
3 the trial that the defendant is guilty because at every step
4 when there was a choice to be made, she chose to aid Jose Angel
5 Garcia for the assistance she gave in Cory Wride's death, for
6 the assistance she gave in Greg Sherwood being shot in the
7 head, for the role she played as shots being fired at Trooper
8 Blankenagle, for damage to Jerry Stansfield's car and leaving
9 it, not obeying officer's commands, damage to a semi, stopping
10 Chetney so her car could be taken, possessing methamphetamine
11 and the remaining charges.

12 So while the blanket of snow covered the ground on
13 January 30th, covered the scenes from Eagle Mountain to mile
14 marker 216 on this beautiful spring day in this courtroom the
15 blanket will start to be lifted. Each witness the State calls
16 will give you a view of what happened. The testimonies will
17 provide information that overlaps, so you are not left relying
18 upon what one person says happened that day; but you will have
19 one witness testifying with what he saw, connected with what
20 one witness said she saw, connected with what one witness said
21 he saw, until you have a woven tapestry of evidence that you
22 may see and may rely on.

23 You will see enough that at the end of the trial and
24 based on the evidence of the case, that Meagan Grunwald's
25 actions speak louder than her words. When there was a choice

1 to be made, she chose to aid Angel -- Jose Angel Garcia. She
2 helped commit crimes with him that harmed the innocent. He
3 was her everything, and she did anything to remain with him.
4 At the end we will ask for you -- we will ask you for justice
5 to be served, for those who suffered because they chose well,
6 because they chose to do their duties. Thank you.

7 THE COURT: Thank you, Ms. Howard.

8 MS. HOWARD: Thank you, your Honor.

9 THE COURT: Mr. Zabriskie, ladies and gentlemen of the
10 jury, Counsel, this is my opportunity to address you in what
11 has been aptly called an "opening statement." I would start
12 off my presentation by telling you that things are not always
13 as they seem, or as presented by Counsel. These opening state-
14 ments are what we think the evidence will show and what we
15 think the lasting impression will result in.

16 I would indicate here, too, that the crux of this case
17 is whether in fact Meagan -- Meagan Grunwald had a choice. A
18 few that things we should get out of the way, I think, before
19 we start. We are not here to denigrate or to criticize law
20 enforcement. What happened in this particular case involving
21 Officer Wride, Officer Sherwood, none of that is the result
22 of anything that they did wrong. Our questioning on cross
23 examination of law enforcement will be more as it goes to
24 their perception but not their conduct during this particular
25 and very sad experience.

1 I should indicate that in my career I started off as
2 a prosecutor. Members of my family are in law enforcement. I
3 have a nephew that heads up a SWAT team in LA. So I am pain-
4 fully aware of the dangers that these young men and those not
5 so young face on a daily basis; and this in fact is a real
6 tragedy.

7 No matter what you decide, no matter what happens in
8 this Court, there will not be a happy ending. We cannot bring
9 Officer Wride back. The memory of what happened to Officer
10 Sherwood will certainly be part of his life's experience from
11 now until the day he leaves this earth, and it will certainly
12 be a part of your life as well as that of Meagan.

13 Now, there's been some comment over the last several
14 months, occasionally you'll see moments of mirth, even a smile
15 at our table, maybe between both Counsel. I assure you that
16 that is not meant to be disrespectful to the memory of those
17 good police officers or disrespectful to you as a jury. You
18 must understand that at that table and maybe at the other table
19 there is an extraordinary amount of stress and anxiety as it
20 relates to the conduct of this trial and the eventual outcome.
21 If in fact you see a smile, we're not laughing, we're not
22 happy. It's just a moment of relief from the stress, and we
23 would have you know that.

24 I would like to talk just a little bit about burdens
25 of proof. Then I'll go to what I think the evidence show, and

1 certainly our impressions and interpretation of what happened
2 on that day will differ from that that has been presented to
3 you by Counsel.

4 In a civil case, this -- and some of you we noticed
5 on your questionnaire have been involved in trial, some in
6 criminal trials, some in civil trials. There is a difference
7 between what the conduct and the amount of proof that must be
8 demonstrated to you the jury, a difference between a civil case
9 and a criminal case.

10 In a civil case, for one side to prevail over the
11 other all that side has to do is prove that it's slightly in
12 their favor. It's more likely than not; maybe 51 percent,
13 maybe less, maybe a little more, for one side to prevail over
14 the other, and more often than not it does not have to be a
15 unanimous verdict.

16 In a criminal trial it's entirely different. The
17 highest standard of proof that is applied in these particular
18 proceedings is the highest that we have in our system, in our
19 country and in our culture. I wear this tie periodically in
20 trials. It's -- accepting for a few of you, it's older than
21 most. It's reached iconic levels in our family, but it has on
22 it the scales of justice.

23 If you will for a moment just picture in your mind
24 what the scales of justice represent. In a trial, one side has
25 to prevail over the other. The one that has the most and most

1 persuasive evidence must tilt closer to the table or closer to
2 the floor. In a civil case, as I've indicated, it only has to
3 tilt ever so marginally for one side to prevail. In a criminal
4 case it has to be proved beyond a reasonable doubt.

5 His Honor has read to you briefly in the preliminary
6 instructions what the burden of proof is. As it stands now,
7 Meagan Grunwald is presumed to be not guilty. That presumption
8 must continue during the entirety of this trial and until you
9 have made a decision either in agreement with that or to the
10 contrary.

11 Why do we have that? The fickle finger of accusation
12 could fall on any of us; and more often than not, the only way
13 we have of responding is "I didn't do that." "That was not my
14 intent." "I didn't know that would happen." We don't always
15 have forensic evidence that proves one thing over another.

16 Now, in this particular case -- excuse me, (inaudible)
17 -- in this particular case you'll see days maybe several days
18 of evidence coming in that we will not respond to, excepting
19 the State still has to prove that a crime has been committed.
20 While we've presented to you and will present to you what we
21 think the evidence will show here, the State still has to show
22 that a crime, a crime of homicide has been committed. So you'll
23 hear testimony to the effect most of which we are in agreement
24 with.

25 We're not here to deny or in any way to reduce the

1 impact of a homicide. We'll agree with it. We may ask a few
2 questions to make sure that the record is extent and complete,
3 but you will see days wherein we will not respond. We will
4 listen. It's important to us, too, that the evidence proving
5 that a crime has been committed against Officer Wride, against
6 Officer Sherwood. So for that reason and that reason alone,
7 don't think that we've acquiesced in this; but that's part of
8 the process, and we'll see days of that.

9 So now you know what the burdens of proof really are;
10 and let me read this to you. "To overcome reasonable doubt you
11 must be firmly convinced of a defendant's guilt. There are few
12 things in the world that we know with absolute certainty, and
13 in criminal cases the law does not require proof that overcomes
14 every possible doubt."

15 Then further down, "But if on the other hand you think
16 there is a real possibility that the defendant is not guilty,
17 you must give her the benefit of the doubt and find her not
18 guilty." So there you know the standard that must be applied in
19 this case. What is reasonable doubt; what is being convinced a
20 firm -- a firm commitment to a story or a presentation?

21 We'll leave that to you. We'll leave that to you; but
22 understand that as a standard of truth it has both been proven
23 by history and practice in these Courts for hundreds of years,
24 memorialized and documents, constitutions, amendments, all of
25 that is binding upon us here in this Court today, and it's

1 important that we comply and live by that standard.

2 Now, let's talk a little bit about the facts in this
3 case, and it's important that you understand what the facts
4 are. Her primary defense in this case, along with the lack of
5 intent, the lack of knowledge or anything else, is compulsion.
6 That she is not guilty if she acted because she was coerced to
7 do so by threats of violence, by threats of a gun.

8 If in fact a person under her circumstances and in
9 her situation would be compelled to comply with a threat of
10 violence against her person then that constitutes in and of
11 itself a defense in this case.

12 Let me read to you just briefly again an instruction
13 that will be repeated to you at the end of this trial. "A
14 person is not guilty of a crime if she acted because she was
15 coerced to do so." Then further down it indicates that "Some-
16 one's threat to use eminent unlawful force against her or some-
17 one else, the use of threat -- the use or threatened use of
18 force must be such that a person of reasonable fairness in the
19 defendant's situation would not have resisted."

20 Now, that requires us for the brief days that we're
21 here over the next two weeks to place ourselves, and especially
22 you, the jury, in the skin of Meagan Grunwald. Counsel has
23 briefly brushed by the fact that she was 17, but let's talk a
24 little bit about her, because you will determine whether in
25 fact the defense of coercion or compulsion was at play here.

1 Meagan Grunwald was 16 years old when she first met
2 this man. He was 9 years older than her, but let's talk a
3 little bit about her life's history before they made this
4 acquaintance. Meagan Grunwald is an only child. She was
5 born to two parents, both of whom are handicapped, both of
6 whom have suffered brain damage. You will have the opportunity
7 to hear both of the parents testify, and you will quickly
8 determine that in fact they're handicapped.

9 Now, I don't say that to criticize. It's a tragedy;
10 but it tells you a little bit about the life she was brought
11 up on -- in. She has lived with her parents her entire life,
12 and she ultimately became their -- if not their caretaker, the
13 source of a great deal of strength for them; and you want to
14 keep this in mind because this constitutes her situation.

15 While in school she had some difficulties. She has
16 some reading disability; but along with that and her hard work
17 she was able to get through school and in fact accomplish a
18 great deal. What I'm talking about now is when she was a
19 minor.

20 Ladies and gentlemen of the jury, in our system, by
21 statute, we have separated those that are less than 18 years
22 of age into certain categories. Some infants, some minors,
23 sometimes we call them children; and we give them special
24 attention, and special safeguards against being -- against
25 any type of intimidation or being influenced.

1 They can't buy cigarettes, they can't get a driver's
2 license, they can't contract, they can't do anything lest they
3 have the permission of their parent, or some other adult that
4 would get involved. We also protect them from predatory adults.

5 This creates the enigma that I think the State is
6 faced with. The fact that she is here in this Court faced with
7 adult consequences does not mitigate, nor does it do away with
8 the fact that she continues to be or was a minor at the time.
9 Nothing changes there.

10 So in their efforts to prove her commitment to a man
11 that some will call "Angel" -- I call im the "dark angel" --
12 they are also proving that she was a victim. If in fact there
13 was intimacy between -- between Angel or Jose or Garcia, how-
14 ever we call him, we are proving therein that she was the
15 victim. She cannot consent. She may think she can consent,
16 but as a juvenile you cannot consent.

17 It is not a defense to say, "Well, she didn't object.
18 She didn't agree." You cannot consent. We do that because
19 we recognize that life's experience has not prepared them for
20 those types of decisions. So they know that the predatory
21 nature of some adults must be guarded against they cannot
22 consent. So while she is here in this adult system, faced
23 with adult consequence, you must keep in mind that she was a
24 minor at the time.

25 This man that she met -- and we'll talk a little bit

1 about how they met and what the circumstances were -- was an
2 adult. If in fact he had sexual relations with her, and I
3 think the evidence will indicate that that was the case, then
4 he's guilty of a felony, and she's the victim.

5 To use that to prove that there's some type of commit-
6 ment on her part, commitment sufficient for her to go through
7 the maelstrom of action on that day, keep in mind that she
8 still a victim. If in fact she took methamphetamine, she will
9 testify that in fact that was provided to her by -- by, again,
10 a man nine years older than her, experienced. You'll find
11 out that he was suave, been through this before, a man of the
12 world.

13 He took advantage of her, and everything that happened
14 in reality makes her a victim, whether he placed her in danger
15 of her life on that freeway, she was and will continue to be a
16 victim. That creates a certain enigma, both for the State, for
17 defense and for you folks here today.

18 Again, going back to her family, both were physically
19 disabled. Tori, her mother, she will have the opportunity to
20 testify, had a terrible car accident when she was 14 years of
21 age, in a coma for close to 4 months. Her cognitive skills
22 have been reduced to her memory is sporadic. In most instances
23 she can't remember what was said just the sentence before.
24 Very dependant upon her daughter.

25 There's been some comment about the telephonic contact

1 that they had during this -- this experience. I assure you
2 that that was a common practice. The mother, Tori, would call
3 her daughter sometimes nine, ten times a day, just to make sure
4 that the garbage had been taken out. Again, there's a lot of
5 -- a lot of behavior here that's the end result of that brain
6 damage.

7 You'll hear testimony to the effect that her father
8 also was brain damaged, that he was born that way. He also
9 suffers from a physical disability. The family has lived on
10 Government assistance almost the entirety of her life.

11 Now, with all of that said, while she was in school
12 she was in special ed for reading. I don't say that to create
13 any type of impression or expect you to use that as an excuse;
14 but again, you must understand the person if you're going to
15 determine what her actions were on that day and whether in fact
16 they were reasonable under the circumstances.

17 While in school she accomplished a great deal. She
18 was still in high school when this (inaudible) was going on.
19 She was looking forward to her graduation. She did not remain
20 idle. She knew what her handicaps were, she knew what her
21 disabilities were. She took advantage of her opportunities.

22 You should know that one of her counselors will testify
23 that she got involved in the -- it's an acronym, FFA -- Future
24 Farmers of America. Got involved there. Her bishop owns a
25 meat packing house. He allowed her to have a project there

1 where she looked after certain animals, made it part of her
2 project. What were they? Pigs? Pigs. She became very good
3 at it.

4 She got involved in a science fair. They won -- she
5 won a prize there. We'll show you that. She was in 4-H of
6 America. She was -- her abilities and what she learned in
7 Future Farmers of America, ultimately she was allowed to go
8 back to Indiana with her -- her group. They won second nation-
9 ally. All these things she did in spite of the distractions
10 and obvious disabilities she was faced with.

11 In her senior year in high school she got involved in
12 the CNA program, which is a Certified Nursing Assistant. She
13 wanted to be a nurse or an EMT. We would hope that she will
14 continue with those -- with those goals. She finished the CNA
15 program. You'll see her certificate. She'll testify to that;
16 that she had to do so many hours working with the disabled,
17 things of that nature.

18 She -- again, we've demonstrated she liked animals,
19 she did this, and she had been accepted and actually offered a
20 scholarship into the EMT program, which would be the Emergency
21 Medical Team. So she had her life set out before her.

22 Under the circumstances that I've just described, and
23 there will be more described when she takes the stand, that's a
24 remarkable accomplishment. This is not a ne'er do well juvenile
25 delinquent just waiting for the opportunity to break the law.

1 That is not the case.

2 Is she perfect? She is not. There are a few that
3 would even claim that title of perfection; and the State by --
4 does she use -- does she curse? Does she use words that we
5 may not used in mixed company? She does. In fact, I had the
6 occasion one time in visiting with her that don't be a potty
7 mouth, and she's -- she's doing better; but it's an explicative
8 for her, it's not used in her common language.

9 Now, you will have the opportunity of hearing probably
10 sometime next week for the first time her side of the story.
11 You know what kind of person she is. You know what she was
12 accomplishing. You know what was going on at that time. You
13 will hear her side of the story.

14 She will testify that she was enamored with this man.
15 We'll talk about the circumstances of their meeting, why she
16 became impressed with him. Again, there was a commitment. At
17 first -- when she first meets him, and we'll discuss that here
18 shortly -- she thought he was 21, 22 years old, and in fact
19 everyone did. Turned out that he was closer to 30. Very, very
20 experienced. Very, very worldly.

21 You will hear testimony from the bishop that he was
22 working with at the time that he was a very charming man, very
23 hard working man. You will hear testimony from his parole
24 officer, didn't show any signs of violence. They didn't see
25 him as a threat. They knew where he was at, excepting for that

1 last month, and we'll discuss that.

2 So we're not here to say, nor would we anticipate that
3 you folks would believe this, to say that she was not enamored
4 with this man. She was. Most of us here in this room have
5 been in love before. Some of us -- a little harder for me,
6 it's been so long ago -- remember even when we were back 16,
7 17 years of age, to be attracted to someone.

8 We all had our celluloid heroines. When I was a young
9 boy I was absolutely infatuated with Rita Hayworth. She'd be
10 90 years old now. Our emotions, our attractions, what makes us
11 get up in the morning, what our goals are, it's different for
12 all of us. Keep in mind, though, that she met this man, and
13 this whole experience takes place when she's 16, 17 years of
14 age, and she'll testify to that.

15 How does she -- how does she meet this man? She'll
16 testify, and there will be testimony given by Kristin Allred,
17 who is a good friend of hers, that on a particular night some-
18 time in the summer of 2013, she needed help with her homework.
19 Again she had some difficulties in reading, reading the written
20 word and the printed word; and she goes to the local church,
21 the ward house, looking for Kristin Allred to see if she can
22 find someone that can help her with her homework that night.

23 Kristin's husband is there, Rudy Burrell. There's
24 some attempt made to help her. Coincidentally there's a man
25 there named Jose Angel Garcia. Until that day and in that

1 circumstance, she had never seen nor heard of this man before.
2 Mr. Garcia, Jose is living with the Allred family. They, too,
3 will testify that there was nothing about his behavior that
4 would in any way indicate that he posed a threat or a danger
5 or was a violent man. In fact, they considered him a second
6 father to their children.

7 The reason I tell you that is not to in any way enhance
8 the reputation of this evil -- this evil man that perpetrated
9 these acts of violence against these young police officers --
10 they're young to me -- and against others. There was nothing
11 about him that would give any warning that in fact there lurked
12 therein in the heart of this man a darkness. A darkness.

13 He was experienced. He was an experienced lothario.
14 He was experienced at endearing himself to others, and they
15 thought highly of him and continue to this day to think highly
16 of him. Their children miss him. That's in their written
17 report, and I'm talking about the Allreds.

18 They introduce him. He says he can help her, help
19 Meagan with her homework. A very bright guy. Those that knew
20 him said that -- will say under oath that he's very bright,
21 knew history. Where he got that reputation is the subject of
22 some -- some speculation.

23 He had just recently gotten out of prison. The real
24 story of why he was in prison was always somewhat clouded by
25 the gossamer words that he would offer in the way of expla-

1 nation. He was framed. It was for assault. It was a lot of
2 things. Not belied by the fact that there was a certain gentle-
3 ness even feigned by him. There were terms of endearment he
4 could -- he could capture people. There are a great many people
5 that will testify, again, that will extol his kindness and his
6 ability to help people.

7 Was it a facade? Was it an enticement? Evidently
8 it was, because again, there was a side there to him that
9 ultimately explodes on the 30th of January 2014. He starts
10 helping her with her homework. A lot of this is done at
11 Kristin Allred's home.

12 They notice that there's a certain closeness that's
13 developing between Meagan and this man, and it bothers them,
14 and they tell him, and in fact they exact from him a promise,
15 and Kristin will testify to this, a promise that he will not
16 develop a romantic relationship with this young girl. She is
17 too young. At this time she's 16 years old. She is too young.

18 We've testified she's had one life before that. She's
19 -- her life has not been one of proms and dances. She's too
20 young; and they'll testify that Garcia committed to that, that
21 he would not develop a romantic relationship. But eyes are
22 eyes. They could see what was happening, and finally they ask
23 him to leave. They ask him to leave their home because they
24 are concerned and they feel somewhat violated by the fact that
25 he continues to pursue this young girl.

1 They tell him to leave and where does he go? He goes
2 to the Grunwald house, which is Meagan's house. While there he
3 develops some relationship with the parents. He's helpful from
4 everything from taking out the trash to helping her. He brings
5 home food, and it's decided that he will stay there and he's
6 going to pay them \$300 a month in rent.

7 They don't see him as a danger, and in fact he does
8 look younger, and you'll have the opportunity to see him. They
9 don't see him as the older man; but even a man of 22 or 23 is
10 not allowed, not allowed to have a relationship with a minor.

11 So he moves in. He's supposed to sleep on the couch.
12 Whether in fact that was the case, ultimately he's paying this
13 much money. It's decided that she'll move in with her parents.
14 They have a big room. She moves in there, and he moves into
15 her room. Does an intimacy result? They say familiarity does
16 breed some intimacy. It does.

17 They begin to have an affair. The father, Jerry
18 Grunwald, is somewhat suspicious. She denies that there's
19 any type of sexual relationship between the two of them. I
20 don't know that that's-- that's of such a personal nature that
21 people reveal that. At any rate, she was not telling anyone
22 about this; but she is enamored with this man.

23 He's a -- he's a protection. You'll hear testimony to
24 the effect that the relationship with her father has not been
25 good. While it started off she was brought up a tomboy, she

1 can rebuild a transmission. She can -- she can do all these
2 things that she -- that generally we attribute to a male, all
3 of this was from working with her parents. Very handy with her
4 hands, a certain amount of genius in fixing things.

5 At any rate, they're getting closer, and he gives her
6 a friendship ring. Now there's going to be things made of
7 this friendship ring. You'll hear Gustavo, who is the brother
8 of Jose Garcia, say that he gave friendship rings to anybody.
9 You'll hear an ex-girlfriend testify he gave her two. You'll
10 hear Gustavo say he went through girls like that fast.

11 Gustavo actually met Meagan and thought little of it.
12 He said he'll be done with her before you know it. This guy is
13 a lethario. He's an experienced exploiter. Okay, she doesn't
14 know that. Maybe those of us that have had more disappointment
15 in our life and that we're older we would have seen him coming.
16 Maybe a home that had parents that were not handicapped, did
17 not have brain damage, would have seen that coming.

18 We cannot expect this young woman with her life's
19 experience to in any way see or penetrate this facade, this
20 drape that's dropped over her. She just thinks he's the
21 greatest thing since sliced bread.

22 Now, ultimately he kind of takes over her life. He's
23 doing everything for her. He's moved into her room. He's
24 taken -- she had a little safe. He's taken that over. He has
25 the key to it; but no one's offended by this, because again,

1 he's not only paying money, he's bringing home things, food for
2 the family to eat. Ultimately, in fact before this, through
3 the efforts of Meagan, he gets a job at the same meat packing
4 plant that she works out.

5 One other thing that I'd like to point out here. She
6 was working three jobs while going to school to support herself
7 and to help support her family, at the same time accomplishing
8 the things that I've already presented to you that she will
9 testify to.

10 I'm doing this to somewhat edify and at the same time
11 show that she had certain disadvantages, social disadvantages.
12 They were almost living on Government handouts; but she did her
13 best under these circumstances. She had her life planned out
14 in front of her.

15 Slowly but surely this Svengali, this man, this older
16 man is taking over her life. She quits her jobs. He continues
17 to work. He continues to bring things home; and all of a sudden
18 she also starts noticing things that are a little bit different
19 about him. He's becoming more and more controlling. He's
20 isolated her from her friends. He wants to know where she
21 goes. He takes her cell phone.

22 At first I think it gives her a feeling of security,
23 and she'll testify to that. Finally she's protected by someone
24 that's an adult, someone that can come to her aid; but at the
25 same time she's noticing changes in him.

1 He does introduce her to the use of methamphetamine.
2 She's not going to deny that, and she's tried it with mixed
3 results. The last time she took it, which you will hear her
4 testify to, was at his behest, but she's saying he didn't force
5 it on her, but she did take it. It caused her to be ill, but
6 she did take it.

7 What she has done, what she cannot deny, she admits
8 to. She admits to. She'll tell you what her weaknesses are.
9 You will note when she takes the stand that she is very candid.
10 She goes out of her way to tell her side of the story, and she
11 does not make things up.

12 Something happens here that she'll testify to, and
13 others. There's a change that comes over Jose kind of midway
14 through this thing sometime in December of 2013. He claims,
15 and there's some proof to the effect that he suffers a head
16 injury.

17 We don't know, and I -- through our investigation we
18 were not able to determine, nor would we offer evidence to what
19 that was. He does go to a doctor, and in fact Tori, Meagan's
20 mother, drives him to the doctor. He claims that it feels like
21 his head is filling up with some type of liquid. I don't know
22 what they found. We didn't access those medical records, but
23 they do notice a change.

24 Also, her father is becoming a little bit discouraged
25 with having him in their home. Along with the fact that the

1 father now suspects that there's intimacy beyond hand holding
2 as it relates to Garcia and his daughter Meagan; and in fact
3 he threatens to call the police, and he says that constitutes
4 rape, and it is a form of rape if in fact it had been reported.
5 Of course, she continues to deny it. Again, it had been better
6 for her had she admitted to it and just dealt with it at that
7 time.

8 There's a confrontation in December of 2013 before
9 Jerry Grunwald, the father, and Angel. Meagan gets involved
10 in that. In fact, she hits the wall out of frustration. You
11 would not that there was nothing in that confrontation that
12 would give any indication of violence on the part of Jose
13 Garcia. He leaves. He leaves.

14 When the police come -- and the police, unfortunately,
15 have been to that house many times because of the domestic
16 spats between the mother and the father, not involving Meagan.
17 This was not a happy home. It was a dysfunctional home. In
18 fact, Tori, Meagan's mother, will testify that the aggression
19 of Jerry towards her and even towards Meagan was reduced by
20 having Jose in the home. I don't know what impact it had, but
21 there was less violence, not more, and they felt safer there
22 with him there.

23 Now, he injures his head. They notice some change
24 in his demeanor. Things that were going on at the time. Then
25 on January 11th there was a confrontation between Jerry, the

1 father, and Angel. This one here is more, much more physical.
2 There's a confrontation. He's asked Jose to leave. There's a
3 push/pull. Meagan's involved. Finally Jose leaves. The two
4 cited acts of confrontation that were offered by the State in
5 both instances Jose leaves.

6 Jerry Grunwald indicates that he -- when the police
7 get there, that Jose threatened him with a gun. That is
8 contested both by Tori and Meagan, who were both there. In
9 fact, law enforcement ultimately arrests Jerry and cites him
10 for violating the law; and ultimately a protective order was
11 issued against the father to protect Meagan from any violence
12 on his part.

13 There's some inconsistency as to whether in fact he
14 did see a gun. He first describes a long gun, a bb gun. Then
15 he goes to a silver gun with a brown handle; and each time he
16 is interviewed by law enforcement he'll -- the testimony will
17 be he changes his story, and finally we would hope without
18 prompting comes up with a description that may have fit the
19 gun that he was ultimately found with.

20 That family now has, as of that date, is dissolved.
21 Probably a dissolution that should have happened years before.
22 They're divorced now. They separated at the time. Jerry
23 Grunwald moved out of the house, and Tori and her daughter
24 are liquidating everything that they own and they're going to
25 move to St. George, where they have some family down there.

1 They have no one up here. You'll hear some testimony about
2 their family, and it's a limited family.

3 She does have -- Meagan does have the support of some
4 wonderful aunts that live in St. George. So they're -- they're
5 getting ready to move. Quite frankly, Jose Garcia has been
6 gold to stay away from the house, and there's things happening
7 here that Meagan will testify to that's changing -- changing
8 the scenario.

9 She's also finding out that his explanation of what
10 happened in prison has been grossly understated by him. It was
11 a much more violent act. She is seeing him now with signs of
12 temper, emotional outbursts.

13 She also finds out that he has many girlfriends. That
14 she's part of a long list of women that are probably being
15 exploited. She finds out that in fact he has a girlfriend
16 that's pregnant; and now Meagan is slowly withdrawing from him.

17 She'll testify that she still cared a great deal for
18 him, maybe even loved him. I don't know, because again, she
19 was quite young and the circumstances being what they are, if
20 it was love, it was confused love; but this relationship is
21 dissolving. It's dissolving, and he -- she tells him this,
22 and she'll testify to that, "I just can't take this anymore."
23 "The stress it's causing, my grades have fallen off." "My
24 plans for the future --" that she was supposed to sign in for
25 the EMT -- "everything is changing. I just can't do this any-

1 more."

2 Therein maybe is her step into the adult world where
3 we make decisions based on consequences, "I can't do this."
4 She doesn't say she hates him. She doesn't say she got mad at
5 him. "I can't do this anymore." People are converging on the
6 house getting ready to move.

7 On the 30th of January, which is a Thursday, of 2014,
8 things are being packed up. The law enforcement will testify
9 to that. When they got to the house there are boxes, some
10 disarray. Angel's got to get his stuff out of there. He
11 does come to the house. He's not supposed to. He's told his
12 probation officer he won't go back to the house. He does go
13 back.

14 On that morning, she notices a difference of him on
15 the morning of the 30th. One thing that I would like to point
16 out. There has been some comment by the State that in terms of
17 endearment he changed a tattoo on his neck that had "Gabby" on
18 it. The source of that and what inspired that bit of artwork
19 will probably be brought out during testimony, but that he
20 changed it to "Babby" in some type of homage to Meagan. In
21 fact, we will call a witness, a Ms. Ponce, who will testify
22 that when she was dating him he changed that to "Babby," and
23 he called everybody "Baby" and "Babby."

24 So when there's testimony to the effect that these
25 people were close, or that there was some type of relationship,

1 there was. There was; but the difference between that type of
2 affection and a leap into homicidal chaos is a quantum jump.
3 There will be no evidence offered. There will be no witnesses
4 called that will testify that there was any planning -- that
5 they ever heard or planned any type of a violence against law
6 enforcement. There will be nothing that will be offered in
7 that vein. Nothing.

8 What happened on that day was spontaneous, unantici-
9 pated and the act of a very dark and desperate man. The ingre-
10 dience of what prompted him to do this will be the subject of
11 speculation, because no one really knew the man. Now he's in a
12 deep dark hole somewhere in Mexico, but no one will know what
13 made him change.

14 Now, he comes over on that day. He's going to help
15 them. Her uncle is there. You'll have a chance to hear him
16 testify. They're going to load up, they're going to move.
17 She's going, and he can't. He's on parole. He is not going
18 to St. George. They're splitting. They're going. She's going
19 down there to be with her family.

20 She'll testify that one thing on earth that she would
21 never separate herself from is her mother. Her devotion to her
22 mother, with her handicaps -- and again, you'll hear her mother
23 testify -- her devotion to her mother goes beyond the normal
24 relationship between a daughter and a mother, and you'll see
25 that. To think that she -- and the reason that's important

1 is because that's the one thing on earth that she would not
2 disappoint. She would be there for her mother.

3 On that morning there's a -- she notices, and she'll
4 testify to this, that there was a change in mood on the part of
5 Angel. She's telling him this "I still care for you, but this
6 is over." He cajoles her, he encourages her to come with him,
7 he wants to go for a drive. She has to gas up the cars. Her
8 mother has given her I think close to \$200. She has to gas
9 up three separate cars for their trip; the truck, the cars.
10 They're going to St. George and she's -- one of her assignments
11 that day is to put gas in the cars.

12 They go for a drive, and that leads us up to this
13 fateful event. I'm sorry that I belabored this thing; but
14 again, you must know the person that you are vicariously going
15 to determine what her state of mind was. You now know Meagan
16 Grunwald. In these few brief minutes I have not been able to
17 explain all of the intricacies that make up the human -- the
18 human psyche, but you see what kind of person we're dealing
19 with.

20 They go for a drive that day. They end up on Highway
21 73. It's a dark, cold, windy, snowy day, and they have been
22 arguing. She'll testify that the arguing was getting worse.
23 She had never seen him like this, and in fact she'll testify
24 that he changed almost into a devil, screaming at her, yelling
25 at her. I don't know what was influencing him. Maybe it was

1 drugs. Maybe this is the man. I don't know.

2 They pull off to the side of the road because she's
3 been crying. Her eyes are swollen. Those of you that have
4 been along that road -- and we don't invite you to go there
5 now. In fact, you're not supposed to -- it's a public highway.
6 It's a road between Saratoga and Cedar Hills. Cars going by
7 all the time.

8 They pull off to the side of the road and you'll have
9 the opportunity to see that CD over -- excuse me, that video
10 over and over and what happens. Isn't it amazing how our paths
11 cross, sometimes to our benefit and sometimes to our detriment.
12 Sergeant Wride is on his way home from lunch or on his way
13 back. He sees the car off to the side of the road. Their
14 flashers are on.

15 The State would have you believe that perhaps that
16 was an enticement, something to bait somebody in to inquire.
17 It's a foggy day and she'll testify that she didn't want any-
18 body to hit her. She can't drive, she has been crying so much
19 over this mess.

20 She'll testify that Jose Garcia is threatening her,
21 threatening her family, and he's actually blaming her Uncle
22 Buck who was there that morning who had told her, "You have got
23 to get away from this guy. Be glad you're going to St. George."
24 She'll say that -- tell you that he would -- was angry with her
25 Uncle back because of that, and in fact was making threats to

1 her.

2 Now, prior to Sergeant Wride stopping, she had never
3 seen that gun before. She had seen ammunition, and she'll
4 testify to that. In fact, they found ammunition in the safe
5 that was in that room that he had been staying in, and had been
6 her room. When she inquired of it, "Are you allowed to have
7 this?" he said he was holding it for a friend and that he would
8 get rid of it; but she had never seen that gun.

9 She will testify that in her whole life there were no
10 guns allowed in their home. She had never been around guns.
11 She had never -- she had never fired a gun. You might hear
12 testimony to the contrary, but her family will testify guns
13 were foreboden in that home; but on that day when they're out
14 there in that somewhat not populated, he has this gun, she sees
15 it, and it kind of scares her, and he fires it out the window.
16 Not to -- not at any particular thing, just fires it; but it's
17 the first time she's heard the report of a gun that close. As
18 to what she said, she will testify as to what her response was.
19 That's prior to her pulling off to the side of the road.

20 Now, you have to keep in mind that the testimony will
21 be there were only two people inside that truck; Angel Garcia,
22 the dark Angel, and Meagan, the minor. They can speculate,
23 they can surmise, they can say anything they want. Only two
24 people were inside that car. They can say actions speak louder
25 than words. We're going to invite you to scrutinize those

1 videos carefully, because her actions belie the accusation. You
2 ll be able to take that into the jury room when you deliberate.

3 Officer Wride pulls in behind them, and it's a humani-
4 tarian stop. It's an assist to see if she needs help. He walks
5 up to her side, and you'll see that in its entirety during this
6 trial. It's a benevolent act. I asked her, and she'll testify
7 as to what the relationship was or what happened in an exchange
8 between her and Officer Wride, and she'll tell you he was kind,
9 almost sweet to her. I asked her -- or and she'll testify that
10 "He asked me if I had been crying, and I told him no." But her
11 eyes were swollen, and she said, "He was very concerned for
12 me," and that's what she'll testify to.

13 Checks her driver's license, insurance, registration.
14 Everything's in order. Now, this is a stop to assist. She's
15 done nothing wrong. She's not illegally parked. She's not
16 obstructing traffic. Everything in that car fit.

17 Having satisfied those particular interests, more
18 often than not they'll just leave. There's something about
19 her and the man seated next to her, not in a -- he's a handsome
20 man, but there's something about him or there's something about
21 her, and he continues his inquiry.

22 She'll testify that he kept asking her, "Are you sure
23 you're all right? Are you sure you're all right?" She says,
24 "Yes." He asks Angel for his identification and then begins
25 the facade, an evil facade of trying to avoid giving up what he

1 is.

2 Now, on that date a board warrant had been issued for
3 his arrest. None of this was known by Meagan, none of this was
4 known by the family. In fact, there will be evidence offered
5 to the effect that he found out with a text from his mother,
6 "Are you aware that there's a warrant out for you?"

7 The board warrant was issued not for anything that
8 happened at the Grunwald house. There will be probation
9 officers that will testify to the effect that it was issued
10 because he had not reported in. A board warrant means they
11 pick you up and they set it for an order to show cause as to
12 why you didn't report. Ultimately it can be resolved in a
13 return to prison.

14 Now, he's going back and forth, Officer Wride, you've
15 seen that, and now his whole inquiry is focused on Jose. Jose
16 is giving him the wrong name. When Officer Grunwald -- excuse
17 me, when Officer Wride walks back to his car, and Meagan will
18 testify, "Why don't you just give him your name?" and then the
19 threats begin, "Shut your f-ing mouth." She said in all the
20 time that they had been together, which in real time is only
21 measured by a couple of months, she had never seen that side
22 of him, "Shut your f-ing mouth." She says, "Just tell him your
23 name." "Shut your f-ing mouth."

24 Then she sees the gun. No one else sees it. No one
25 else is in that cab. She sees the gun. "Do what I tell you to

1 do or God as my witness I will blow your head off." This is
2 -- this is not the man that she knew. This is a man in hyper
3 space and violent. She's scared to death and he tells her,
4 "Put your foot on the brake." Then he starts manipulating the
5 shift, "Put your foot on the brake."

6 She'll testify that at the time it was surrealistic.
7 She really didn't feel like -- it was like she wasn't there.
8 He takes that gun and he says something, and to this day she
9 doesn't understand what he said, but he said, "I'm going to
10 buck him." I said, "There are other words that rhyme with
11 that are you sure --" I'll ask her, "Are you sure that that's
12 what he said?" She said, "I'm going to buck him." Again,
13 we've made some inquiry on -- I don't know what it means,
14 but obviously to Jose it meant he was going to shoot him.

15 He did that. Ultimately you've seen it. He fires
16 the first two shots at Sergeant Wride. It's -- I don't want
17 to dramatize. I'm not going to get as poetic as Counsel.
18 There -- there's no such thing as blankets of snow for me.
19 It's just cold. She fires that -- or he fires that gun.

20 Now, this is important. You must remember this. I'm
21 not allowed to in any way demonstrate how loud that gun is; but
22 for those of you that have been around guns, you'll know that
23 a .40 caliber gun is very, very loud, very loud, upwards of 40
24 decibels. He fires that gun just inches from her ear. Doesn't
25 fire it once; fires it seven times right there, right here.

1 The metal is ejecting out that side and it's going right to
2 her. The cab is now filled with smoke, the smell of sulfur.

3 Her ear is damaged, and she continues to suffer from
4 hearing loss in that ear. It continues to drain. Occasionally
5 you'll see her wipe her ear. That gun is fired, and now imagine
6 her state of mind, if not confused at that time, if not intimi-
7 dated, you have to imagine what's going on. The chaos in that
8 car and the chaos she's now faced with, her life is threatened
9 and she's seen the instrument of death go off, and it's been
10 fired in her ear.

11 Well, you'll have a chance to hear the rest. I don't
12 want to take any more of your time here in the opening state-
13 ment, but keep in mind you have to put yourself in her place.
14 You will have the opportunity to see the video and you will
15 hear her testify. They take off and he guides her down the
16 Redwood Road, she'll testify to. She's never been down that
17 road before, but you go down the Redwood Road, and it's on the
18 west side of Utah Lake, and that's a long drive. Certainly a
19 half hour, maybe 45 minutes, and she's alone with him.

20 She'll testify that she's crying. One time she thought
21 of jumping out of the car; and she laments the fact that she
22 didn't. She -- again, she's confused. She doesn't know what's
23 going on. She doesn't even know why he's doing this. He's
24 mixing threats with "You know I wouldn't hurt you. You know I
25 love you." Then shortly thereafter, "Keep driving, so help me

1 I'll kill you. I'll shoot you where you stand." Then after
2 that, "But you know I wouldn't. I love you." So her emotions
3 now are in total chaos.

4 The State will never offer, nor can they, what a
5 reasonable alternative would have been. We'll argue this
6 more appropriately in closing. What was she supposed to do?
7 He's got a gun. He just shot at somebody. She'll testify that
8 she didn't know that the police officer was dead. She thought
9 they had bulletproof glass on their window. She thought the
10 car had been disabled. She knows now that this man seated next
11 to her, the man that she cared a great deal for, is potentially
12 a killer, and her killer. Her killer.

13 They drive down that road. They actually come into
14 Santaquin from the west, not off I-15. They get on I-15 and
15 therein begins a series of events that happen thereafter.
16 Unexpected, unplanned, unforeseeable, she is now subjected
17 to two hours of horror. They say perception is in the eyes of
18 the beholder. You watch those videos. You watch those videos,
19 and keep in mind now she's fatigued, she's tired, she's scared.
20 Her hearing has been impeded. She's got ringing in both ears.
21 She can hear some things. She can't hear others. You'll hear
22 her testify that it was like listening to somebody under water.

23 She is also caught up in a maelstrom of shooting now.
24 The police are chasing them. Gunshots are going off. Police
25 officers will testify that he's firing in all directions. You

1 will hear this. When you watch that video, and you'll have a
2 chance to take it back to your-- with you again in the deliber-
3 ation room -- you'll see her almost doing the moonwalk behind
4 him. She's not trying to stay up with him.

5 When they get out of that car, they're shooting. He's
6 shooting everywhere. You watch it closely, she almost comes
7 to a stop, and then he turns around, and she sees that gun and
8 she'll testify she honest to God thought he was going to shoot
9 her. Then she goes over, she gets in front of this car. They
10 can call it a hijacking if they want.

11 This young woman, whose life's experience has not
12 prepared her for this tsunami of violence that has come her
13 way, experienced -- right now, in these brief moments she's
14 being exposed to a firefight that we would see in Afghanistan
15 or Iraq; and the State would have her act in an adult way, do
16 things as though she had time to make her mind up.

17 The evidence will show that there are fingerprints --
18 there was nothing tying that gun to her. She never had that
19 gun in her hand, she never bought that gun, she'd never seen it
20 before -- everything that is brought into evidence you will see
21 no fingerprints of hers. Wrong place, wrong time, wrong person;
22 and that's what she tells the nurse when they're examining her
23 down in Nephi. The nurse will inquire, "What happened?" She
24 says, "Just the wrong person, wrong time, wrong place I got
25 caught up in."

1 When she gets -- when they arrest her on the freeway,
2 they're acting like she should have acted in a certain way,
3 maybe like a lifeguard. She's laying with her head, she's flat
4 down in a puddle of water in the middle of a snowstorm after
5 two hours of absolute chaos, and they want her to act a certain
6 way. She's laying face down, guns going off, and quite frankly
7 when you hear this -- if you listen to the recording, it sounds
8 like, "He's shot in the head. He's shot in the head."

9 She -- later that night when she's talking to a law
10 enforcement officer she doesn't know that any officers have
11 died. She doesn't know anyone's been shot. She doesn't know
12 how badly injured he is. She shows no -- no loss, no grief, no
13 nothing. She's just glad it's over. In fact, she refers to
14 him as the guy that shot himself.

15 She will testify that she was upset with law enforce-
16 ment because she thought he was already dead and they kept
17 shooting at him. "You don't have to do this." Does that show
18 some type of unmitigated commitment to wrongdoing, the fact
19 that she's lamenting the fact that this man that just hours
20 before she'd cared for is now shot, and she thinks they're
21 still shooting at him.

22 You'll hear her say, "He told me if I didn't go with
23 him he would shoot me. He would shoot my family." This is a
24 spontaneous remark. She's not had a chance to talk to anyone.
25 She's an unsophisticated girl. The first thing out of her

1 mouth, "He told me if I didn't go with him he'd shoot me." She
2 gets in the car. They say she stopped crying. You listen.
3 She's not stopped crying. She's taking deep breaths, and there
4 is some sobbing there. You'll hear her say, "I told you so. I
5 told you so." The fact that she may have called him "Honey,"
6 again, this whole transition in this young woman's mind had
7 taken place in a matter of minutes.

8 The first time she's interviewed she'll tell -- you'll
9 hear testimony to the effect, "I had no idea as to what he was
10 going to do. I still don't know why he did it. I still don't
11 know why he did it." At that time she thinks she's talking to
12 a friend. The law enforcement officer that testi -- excuse me,
13 that was interviewing her is a lady. You'll hear her testify,
14 she told her, "I'm your friend. I'll look after you," and she
15 tells her this, "I don't know why he did it. I still don't
16 know why he did it. I told him, 'Let's just go back. You can
17 explain everything.'"

18 If that is a person that is guilty of aggravated
19 murder, aggravated attempted murder, aggravated everything,
20 when in reality she's caught up in a vortex of activities
21 that she had nothing to do with, no one planned it, it just
22 happened, you have to have some -- some foreseeability before
23 you can commit to an act.

24 Did she know he was going to shoot? She did not. Did
25 she know that they were going to be racing on the freeway? She

1 did not. She's receiving her instructions from him. Ladies
2 and gentlemen of the jury, this has taken a little longer than
3 I wanted. You'll have a chance to review this at some length.
4 I think after you review all of the evidence, I think that we
5 will ask that she be acquitted.

6 There's certainly reasonable doubt here. If she says
7 that "I was compelled," that's all she has to say. It is the
8 State's responsibility thereafter to prove that in fact she
9 was not compelled. That there was something in her, in her
10 situation that would have allowed her to resist what was going
11 on in that car. No fingerprints, no planning, no nothing.
12 Nothing in his life that would indicate this was going to
13 happen. She was caught up in the circumstances of the day.

14 I appreciate your kind attention today. This is a
15 unique experience, one that few of us ever grow used to. You
16 are participating in a Constitutional procedure that I wish
17 more people could experience. You, today, are judges. You
18 will judge Meagan Grunwald. While you do not determine her
19 -- her punishment or sentence, you must understand there's a
20 consequence. A consequence.

21 You were picked mutually by both defense and prose-
22 cution that said this was a good jury panel. We had to -- we
23 were in agreement that these are the people, you people that we
24 wanted to decide this case. Thank you.

25 THE COURT: Thank you, Mr. Zabriskie. At this point

1 we'll take a short recess before State puts its case on. I
2 would admonish the members of the jury to comply with the
3 instructions that I have previously provided to you, specific-
4 ally with regard to discussing the case. As I mentioned before,
5 the importance of that is critical. Will you be ready to go
6 ten minutes, Counsel?

7 MR. PEAD: Yes, your Honor.

8 THE COURT: All right.

9 COURT BAILIFF: All rise for the jury.

10 (Jury exits the courtroom)

11 THE COURT: Thank you. We'll be in recess.

12 (Recess taken)

13 THE COURT: Thank you. Please be seated. Members of
14 the jury, when you come in you don't have to stay standing. We
15 are standing for you, so it's okay to go ahead and be seated.
16 All right, we're back on the record. Counsel are all present,
17 as well as the defendant, Ms. Grunwald.

18 Ready for the State's case, Mr. Pead?

19 MR. PEAD: Your Honor, the State calls Carrie Garrett.

20 THE COURT: Okay. Ms. Garrett, come forward, let's get
21 you sworn in.

22 COURT CLERK: Please raise your right hand. You do
23 solemnly swear that the testimony you shall give in the case
24 now pending before the Court will be the truth, the whole truth
25 and nothing but the truth, so help you God?

1 THE WITNESS: I do.

2 THE COURT: Thank you, ma'am. Please have a seat here
3 in the witness box. Just make sure to pull the microphone
4 close enough to you that it will pick you up, okay?

5 THE WITNESS: Okay.

6 CARRIE GARRETT,

7 having been first duly sworn,

8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. PEAD:

11 Q. Will you please state your name and spell it for the
12 record.

13 A. My name is Carrie Garrett, C-a-r-r-I-e G-a-r-r-e-t-t.

14 Q. Okay, Ms. Garrett, how are you employed?

15 A. I drive truck for Ace Garbage.

16 Q. Okay, and what areas does Ace Garbage service?

17 A. I do Alpine and Eagle Mountain.

18 Q. Okay, were you working for Ace Garbage on January 30th
19 of 2014?

20 A. Yes, I was.

21 Q. Do you remember that day?

22 A. Yes, I do.

23 Q. Okay, where were you working on that day?

24 A. I was working in Eagle Mountain. I had just finished
25 my load and was headed out to IRL which is just past Fairfield,

1 just south of Fairfield.

2 Q. Okay, what part of Eagle Mountain were you working in?

3 A. I was working just the area east of the Maverik station
4 right there; I'm not sure.

5 Q. So is this a residential area?

6 A. Yes.

7 Q. Okay, and to go to where you were describing that you
8 went, what road would you take?

9 A. I got onto 73 right there at the Maverik at the light,
10 and then I headed west on 73.

11 Q. Okay, did you observe anything as you headed west on
12 State Road 73?

13 A. As I was driving I noticed a police officer had pulled
14 over a white -- it was like a white Ford F-150 truck. I think
15 there was a camper shell, but I'm not sure -- or if the police
16 officer was a pick-up truck with a camper shell, but it was a
17 white -- similar like an F-150 truck.

18 Q. Okay, what direction was the truck facing?

19 A. They were headed east.

20 Q. Okay, but pulled off to the side of the road?

21 A. Yes.

22 Q. So was the police car behind that?

23 A. Yes.

24 Q. Okay, and did you see anyone in the vehicles there?

25 A. There was a lady sitting in the driver's seat, and she

1 kept looking out the window like at her driver's side mirror,
2 like she was waiting for the officer to bring her her ticket.

3 Q. Okay, so you saw her looking over to the side-view
4 mirror?

5 A. Yes.

6 Q. Okay, do you know about what time this was?

7 A. I don't remember exactly.

8 Q. Do you remember what time you arrived at the location
9 to dump your load?

10 A. I'm thinking it was -- oh, I'm not exactly sure. I
11 wrote it down in my statement, though.

12 Q. If I were to show you that would that refresh your
13 recollection?

14 A. Yes.

15 MR. PEAD: Your Honor, may I approach the witness.

16 THE COURT: Yes.

17 Q. BY MR. PEAD: Now, Ms. Garrett, I don't want you to
18 read that, but if you'll look at that and then look up at me
19 when you finish doing that.

20 A. Okay.

21 Q. Does that help refresh your recollection of the times
22 here?

23 A. Yes.

24 Q. What were those times?

25 A. About 12:45 a.m. -- or p.m., excuse me.

1 Q. Is when you left Eagle Mountain?

2 A. Yes, I was -- I had finished my last can and then
3 drove over to SR-73 and headed west.

4 Q. Okay, and do you know what time you would have gotten
5 to the dumping location?

6 A. It would have took me probably a half hour, so 12:45,
7 that would have been about a quarter to 1 to dump.

8 Q. Do you mean a quarter to 2?

9 A. Well, after you dump it -- after you dump it --

10 Q. Oh, I see.

11 A. -- then you turn around and come back. I was coming
12 back.

13 Q. Oh, I see, you were coming back.

14 A. Well, when I was -- I was loaded and I was heading out
15 is when I first saw the police officer --

16 Q. Okay.

17 A. -- and I passed the trucks.

18 Q. So you're saying you drove by the scene again later?

19 A. Yes, I came back --

20 Q. Okay.

21 A. -- and that's when they had it taped off.

22 Q. So from what you're saying, it sounds like sometime
23 after 1 o'clock is when you passed this white truck with the
24 police car behind it --

25 A. Uh-huh.

1 Q. -- and then you dumped your load and you came back
2 that way?

3 A. Yes.

4 Q. What did you observe when you came back?

5 A. That they were taping off the road and I had to turn
6 around and go back across Eagle Mountain Boulevard to get back
7 to where I had to dump again.

8 Q. Who's "they" that were taping?

9 A. The police officers.

10 Q. Like a crime scene?

11 A. Yes.

12 MR. PEAD: Okay, thank you, Ms. Garrett.

13 THE WITNESS: Thanks.

14 THE COURT: Thank you. Mr. Zabriskie?

15 MR. ZABRISKIE: We don't have any questions for this
16 witness, Judge.

17 THE COURT: Thank you. Anything else, Mr. Pead?

18 MR. PEAD: No, your Honor.

19 THE COURT: May this witness be excused?

20 MR. PEAD: I would ask that she's excused from her
21 subpoena.

22 MR. ZABRISKIE: We have no objection to that.

23 THE COURT: Thank you for being here.

24 MR. PEAD: State calls Randy Lamb.

25 THE COURT: Mr. Lamb, come forward, let's get you sworn

1 in. Right up here, sir. Come right up here.

2 MR. PEAD: This is the wrong witness, your Honor.

3 THE COURT: Oh, you're going to need to go back outside,
4 sir. You're Randy Lamb?

5 THE WITNESS: Yes.

6 THE COURT: All right, come forward, let's get you
7 sworn in.

8 COURT CLERK: Raise your right hand. You do solemnly
9 swear that the testimony you shall give in the case now pending
10 before the Court will be the truth, the whole truth and nothing
11 but the truth, so help you God?

12 THE WITNESS: Yes.

13 THE COURT: Thank you, sir. Please have a seat here in
14 the witness box. Just sure to pull the microphone close enough
15 to you that it will pick you up all right.

16 THE WITNESS: All right.

17 RANDY LAMB,

18 having been first duly sworn,

19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. PEAD:

22 Q. Will you state your name and spell it for the record.

23 A. Randy Lamb, R-a-n-d-y L-a-m-b.

24 Q. Mr. Lamb, where do you live?

25 A. In Eagle Mountain.

1 Q. Where did you live on January 30th of 2014?
2 A. In Eagle Mountain.
3 Q. Okay, do you remember that day?
4 A. Yes.
5 Q. Where were you working at that time?
6 A. I work for Swire Coca Cola in Draper.
7 Q. Were you working on that day?
8 A. Yes.
9 Q. What time did you get off?
10 A. Probably about 12:30.
11 Q. Okay, and you headed home?
12 A. Yep.
13 Q. What direction -- or excuse me, what road do you take
14 to go home?
15 A. SR-73.
16 Q. Okay, did you see anything as you drove home on State
17 Road 73?
18 A. Yes, there was an officer pulled over behind a white
19 truck.
20 Q. Okay, what direction was the truck facing?
21 A. It was facing east.
22 Q. Okay, and was the officer facing the same way?
23 A. The officer, yes.
24 Q. Do you know about where this location was?
25 A. It is about three miles west of Eagle Mountain -- not

1 Eagle Mountain -- Ranches Boulevard, and about three quarters
2 of a mile to a mile from Eagle Mountain Boulevard.

3 Q. Okay, so in between Eagle Mountain Boulevard and
4 Ranches Parkway?

5 A. Right.

6 Q. But closer to Eagle Mountain Boulevard?

7 A. Right.

8 Q. Did you see anybody as you drove by?

9 A. Yes, the officer was out of his vehicle and was
10 approaching the white truck.

11 Q. Okay, did you see him with anything?

12 A. He had a white piece of paper, probably a regular
13 sized piece of paper.

14 Q. How did he appear?

15 A. I guess a bit anxious or nervous. He had his head
16 kind of tipped down.

17 Q. Okay, were you able to see anyone in the white truck?

18 A. I just seen that there was people in the vehicle.

19 Q. More than one?

20 A. Yes.

21 Q. Did you see if they were doing anything?

22 A. I don't remember. I know I had told the detective
23 that I had seen them moving around the vehicle, but at this
24 time I don't remember.

25 Q. Okay, so previously you had told the detective that

1 there was movement in the vehicle?

2 A. Yes.

3 Q. But at this time you don't have a specific recollection
4 of that?

5 A. No.

6 Q. Do you know what the speed limit is out there?

7 A. It's 65.

8 MR. PEAD: Okay, thank you.

9 THE COURT: Thank you. Mr. Zabriskie?

10 CROSS EXAMINATION

11 BY MR. ZABRISKIE:

12 Q. Good morning, Randy.

13 A. Good morning.

14 Q. I've just got a couple of questions for clarification
15 purposes. You indicated that you drove by this scene and you
16 witnessed a -- you described it as a white Toyota Tundra,
17 correct?

18 A. Yes.

19 Q. What vehicle -- or what type of vehicle were you
20 driving at that time?

21 A. A gold Hyundai Sonata.

22 Q. Okay, and in your observation you also indicated that
23 you saw an officer approaching this white Toyota Tundra; is
24 that correct?

25 A. Yes.

1 Q. Can you tell us which side of the vehicle -- which
2 side of the Toyota Tundra that the officer approached, in your
3 observation?

4 A. He was between the -- he was on the driver's side.

5 Q. On the driver's side, okay.

6 MR. ZABRISKIE: I don't have any further questions.

7 Thank you.

8 THE WITNESS: Thank you.

9 THE COURT: Thank you. Any followup, Mr. Pead?

10 MR. PEAD: No, your Honor.

11 THE COURT: That's all, sir. Can he be excused?

12 MR. PEAD: The State would ask to have him released
13 from his subpoena.

14 MR. ZABRISKIE: No objection.

15 MR. ZABRISKIE: We'll -- yeah, we'll join in that.

16 THE COURT: Okay, thank you, sir. That's all.

17 THE WITNESS: Thank you.

18 MR. PEAD: State calls Brian Stone.

19 THE COURT: Okay, come forward, sir. Let's get you
20 sworn in.

21 COURT CLERK: Raise your right hand. You do solemnly
22 swear that the testimony you shall give in the case now pending
23 before the Court will be the truth, the whole truth and nothing
24 but the truth, so help you God?

25 THE WITNESS: Yes.

1 THE COURT: All right, sir, thank you. Please have a
2 seat here in the witness box. Just make sure the microphone is
3 close enough to you that it will pick you up okay. Thank you.

4 BRIAN RAY STONE,
5 having been first duly sworn,
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. PEAD:

9 Q. Will you please state your name and spell it for the
10 record.

11 A. Brian Ray Stone, B-r-I-a-n R-a-y S-t-o-n-e.

12 Q. Sorry about the mixup earlier, Mr. Stone.

13 A. No problem.

14 Q. I want to ask you about something that happened on
15 January 30th of 2014. Do you remember that day?

16 A. I do.

17 Q. Were you working that day?

18 A. I was.

19 Q. In what capacity were you working on that day?

20 A. I'm a driver for Pizza Hut at the time, and I'd made a
21 delivery to City Center Eagle Mountain.

22 Q. Okay, which pizza --

23 THE COURT: Mr. Pead, can I interrupt. I need to get
24 you a little bit closer so we can make sure we get a record.
25 Pull that microphone down, if you would. Okay, thank you.

1 MR. PEAD: Thank you.

2 Q. BY MR. PEAD: What Pizza Hut were you working for?

3 A. Saratoga Springs.

4 Q. That covered Eagle Mountain?

5 A. Yes.

6 Q. What shift were you working?

7 A. From 10 a.m. to 6 p.m.

8 Q. Okay, what kind of vehicle were you driving?

9 A. A Toyota Tacoma, 2003.

10 Q. What color was it?

11 A. Red.

12 Q. You said you were making a delivery to City Center?

13 A. Yes.

14 Q. How long is the drive from your Pizza Hut location to

15 the City Center area?

16 A. I don't remember the exact address I was delivering

17 that day, but most of them are in the 15, 16 mile range.

18 Q. Okay, I'm going to ask you about a specific delivery

19 trip.

20 A. Okay.

21 Q. Do you know which trip I'm talking about?

22 A. Yeah, as I can recall, yes.

23 Q. Okay, what time was that trip at?

24 A. I believe I started-- it was probably in the 12 o'clock

25 range.

1 Q. Okay.

2 A. Without seeing it, I don't -- I don't recall, you
3 know, a lot of deliveries in a day.

4 Q. Is there anything that would refresh your recollection
5 of when this trip was?

6 A. To be exact I'd have to just look at my record for the
7 day.

8 MR. PEAD: Okay, may I approach the witness, your
9 Honor.

10 THE COURT: Yes.

11 Q. BY MR. PEAD: Mr. Stone, will you look at this. Do you
12 recognize that?

13 A. Yes.

14 Q. What is that?

15 A. That's my deliveries for the day, and the one that's
16 outlined there is the one that was from -- let's see, C11. It
17 started at 12:28 is when I checked out for the delivery. I got
18 back at 13:23.

19 Q. Okay, so that total delivery trip was from 12:28 to
20 1:23 p.m.?

21 A. Yes.

22 Q. Could I retrieve that from you?

23 A. Yes.

24 Q. You said this was to area C11?

25 A. C11.

1 Q. What area is C11?

2 A. C11 is the furthest south of City Center in our -- in
3 our grid.

4 Q. So does that mean it's a longer trip to that area?

5 A. Yes.

6 Q. Okay.

7 A. Typical deliveries to that area from -- from Saratoga
8 Springs there and back with time at the door and all, typically
9 take about 45 minutes.

10 Q. Okay, did you notice anything on your way back from
11 City Center on that trip?

12 A. Yes, when I do C11 I go down Mountain View, which is
13 further west of the Ranches. The Ranches tend to be 35 miles
14 an hour, and Mountain View doesn't have houses. The speed
15 limit is 65 miles an hour. You can make better time.

16 Q. Okay, so what if anything did you observe on your way
17 back from this trip?

18 A. On my way back, about -- it's 5 miles from the turn
19 off on 73 to City Center; and approximately 2-and-a-half miles
20 up you can see quite a ways, and I could see the lights of the
21 officer's car behind the white truck.

22 Q. Okay, so you saw a patrol officer's vehicle?

23 A. Yes.

24 Q. The lights, even though it's in the middle of the day,
25 you can see them quite a ways off.

1 Q. Okay, and you saw a vehicle in front of the patrol
2 officer?

3 A. I did.

4 Q. What kind of a vehicle was that?

5 A. I think it was a Ford F-250.

6 Q. Was it a -- so is that a type of car or truck?

7 A. Truck.

8 Q. Okay, so you saw a truck?

9 A. I saw a truck.

10 Q. Okay, did you see anybody around either of the
11 vehicles?

12 A. Well, you're going by 55 miles an hour. You couldn't
13 see anybody in the truck at that speed, but as I rounded the
14 corner coming onto 73, I saw the officer just getting to the
15 car, opening the door type thing. So I was watching my speed,
16 because I figured he'd be following me in the next few minutes
17 going down 73.

18 Q. Pizza delivery man ever in a hurry?

19 A. Always.

20 Q. You say he was grabbing the door handle and getting
21 into a vehicle. Which vehicle was that?

22 A. What he was getting into was into the sheriff's car.

23 Q. Okay, what was he wearing; could you tell?

24 A. No, you know, officer's uniform at a third of a mile
25 back --

1 Q. So he was -- he was dressed in some kind of police
2 uniform?

3 A. Yes.

4 Q. Okay, were you slowing down at all because there was
5 an officer there, like fear of speed limits or anything?

6 A. Well, right -- right through there the speed limit's
7 65; but right after, just as you come up to the Ranches it
8 changes about midway to 55 miles an hour. So I started to
9 accelerate, but you're just knowing that, you know, a third
10 of a mile up it changes to 55. So I just watched my speed as
11 I went along.

12 Q. Okay, did anything happen as you continued back toward
13 work?

14 A. Yeah, just as I came to the Ranches, about midway of
15 the light right there, that's when the white truck went -- I
16 mean, I noticed it coming behind me at a great deal of speed;
17 and anybody that's speeding faster than a pizza driver you
18 notice. I did my best to just try and determine where this
19 truck was coming, to get out of the way. So it passed me about
20 mid Ranches.

21 Q. Okay, now I just want to clarify, what direction are
22 you traveling?

23 A. I'm traveling eastbound.

24 Q. What direction is the truck traveling?

25 A. Eastbound.

1 Q. How many lanes are there right there near the Ranches
2 parkway lights?

3 A. There's two going eastbound and two going westbound.

4 Q. Which one are you in?

5 A. I'm in -- I believe I was probably on the inside lane,
6 and as the truck was coming I switched to the outside lane, you
7 know the one to the shoulder.

8 Q. So you went from the north lane to the south lane?

9 A. Yes.

10 Q. Going east?

11 A. Yes.

12 Q. Okay, and you saw this truck coming because it was
13 going very fast?

14 A. Yes.

15 Q. Okay, did you see anything as the truck passed you?

16 A. Not really. You're just concentrating more of, you
17 know, where you've got to go to get out of the way, rather than
18 just staring at what's going on that way.

19 Q. Did you see anyone in the truck?

20 A. No.

21 Q. You didn't see the driver?

22 A. No. From the backside as -- as you're going down the
23 hill at that point, I could see two people in it, but not --
24 you're at quite a distance and it's moving away from you.

25 Q. So you could see two people in the vehicle?

1 A. Yes.

2 Q. Okay, how far did you watch that vehicle going east?

3 A. Probably for a couple of miles. I -- I turned off at
4 just past north, and go behind the Walmart to come into Pizza
5 Hut.

6 Q. What road are you turning north on?

7 A. I believe it's -- I don't remember.

8 Q. Is it Commerce?

9 A. Commerce, yes.

10 Q. Okay, then did you think anything of this situation at
11 the time?

12 A. More like at the rate the truck was going, I figured
13 they just got a ticket, is what I was thinking. That they're
14 bucking for a reckless driving ticket. I mean, they are reck-
15 less driving.

16 Q. Were there other cars on the road between them and
17 their eastbound direction?

18 A. It was the middle of the day, it was lighter traffic,
19 but I -- I couldn't tell you if there was -- there had to be
20 three or four vehicles ahead of me going down the hill.

21 Q. Did this white truck encounter those vehicles?

22 A. Yeah, I noticed it was picking its way through and
23 people were, you know, doing their best to avoid it as it was
24 coming down heading east on 73.

25 Q. Okay, and when did you lose sight of that vehicle?

1 A. When I took a left, it was -- I lost it in traffic
2 ahead of me, and I took a left.

3 Q. Okay, and did you later call the police to tell them
4 what you had seen?

5 A. Yes.

6 MR. PEAD: Okay, thank you, Mr. Stone.

7 THE COURT: Okay, thank you. Mr. Zabriskie?

8 MR. ZABRISKIE: Thanks, Judge.

9 CROSS EXAMINATION

10 BY MR. ZABRISKIE:

11 Q. Brian, how you doing?

12 A. All right.

13 Q. Good. Just a couple of questions just for clarification
14 purposes. You indicated that as you made your observation
15 of this Toyota gaining on you, the truck, you made that observation
16 in your --

17 A. I believe it was a Ford truck.

18 Q. Okay, which -- well, I'll just call it a truck, so
19 we're on the same page.

20 A. Okay.

21 Q. So you observed a truck gaining on you from behind?

22 A. Yes.

23 Q. How did -- where did you -- or how did you view that;
24 were you looking in your mirrors or over your shoulder?

25 A. Well, as you're coming and you notice something

1 closing on you, you glance at your mirror. You're trying to be
2 aware of what's going on around you, and it was gaining on me.

3 Q. But at this point when you're looking through your
4 mirror you can't -- you said you couldn't see who's in the
5 vehicle, right?

6 A. No.

7 Q. Then ultimately this truck overtakes your vehicle and
8 passes you?

9 A. Yes.

10 Q. Passes you on the right-hand side of you?

11 A. On the left-hand side.

12 Q. On the left-hand side of you, okay. Then as the
13 vehicle passed you, you made an observation that there were
14 occupants of the vehicle?

15 A. Yes.

16 Q. You described two occupants of the vehicle?

17 A. Yes.

18 Q. Okay, and how did you -- did you see them through the
19 rear window or through the mirrors?

20 A. No. Yeah, you're seeing them through the back of the
21 truck. The light's coming -- you know, the sunlight's coming
22 at you, and you can just see silhouettes.

23 Q. Okay, so at this time you would describe it as the
24 clouds parted; is it sunny at this time?

25 A. I believe it was a mild day.

1 Q. Okay.

2 A. I don't -- it wasn't stormy, that I recall.

3 Q. Just once again, to clarify, the observation that you
4 made of two occupants in the vehicle, that was made through the
5 rear window of the truck?

6 A. Yes.

7 MR. ZABRISKIE: Okay, no further questions. Thank you.

8 THE COURT: Thank you. Anything else?

9 MR. PEAD: No, your Honor.

10 THE COURT: That's all, Mr. Stone. Thank you.

11 MR. STONE: Thank you.

12 MR. PEAD: We would also ask that Mr. Stone can be
13 released from his subpoena.

14 THE COURT: Any objection to that?

15 MR. ZABRISKIE: No, your Honor.

16 THE COURT: Thank you. That's all.

17 MR. PEAD: State calls Jason Bullock.

18 THE COURT: Come forward, sir, let's get you sworn in.

19 COURT CLERK: Raise your right hand. You do solemnly
20 swear that the testimony you shall give in the case now pending
21 before the Court will be the truth, the whole truth and nothing
22 but the truth, so help you God?

23 THE WITNESS: I do.

24 THE COURT: Thank you. Please have a seat here in the
25 witness box. Just need to make sure the microphone's close

1 enough to you to pick you up all right.

2 JASON BULLOCK,

3 having been first duly sworn,

4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. PEAD:

7 Q. Will you please state your name and spell it for the
8 record.

9 A. My name is Jason Bullock, J-a-s-o-n B-u-l-l-o-c-k.

10 Q. How are you employed?

11 A. I'm a deputy with the Utah County Sheriff's Office.

12 Q. Okay, what is your current assignment?

13 A. Eagle Mountain.

14 Q. In what capacity?

15 A. I work as a patrol deputy in Eagle Mountain.

16 Q. Okay, and how long have you been a peace officer?

17 A. Eleven years.

18 Q. Okay, and are you certified?

19 A. I am.

20 Q. You know what case we're here on, Mr. Bullock?

21 A. Absolutely.

22 Q. Or Deputy Bullock, I should say. What role did you
23 play in this case?

24 A. I was actually on the crew that day and was just
25 responding. When the radio call came out I stepped it up and

1 came out to the scene. After scene security was done and
2 everything was over with, I was tasked with collecting the
3 video evidence from the dash cam in Sergeant Wride's vehicle.

4 Q. Okay, did you work with Sergeant Wride?

5 A. I did.

6 Q. What was his position in relation to yours?

7 A. He was my supervisor or my sergeant.

8 Q. Okay, and why was it you that was asked to extract
9 his dash camera video?

10 A. We have a system out at the Eagle Mountain office
11 for convenience. It's the same system; it's a Digital Ally.
12 That's the maker of our particular brand of cameras. When
13 people are photo'd in and out of the area, I've been the one
14 that's just been tasked with collecting the videos off of
15 those. It's kind of a different system, and I'm about the
16 only one that knows how it works.

17 Q. Are you an administrator on that system?

18 A. I am.

19 Q. Okay, and did you in fact do that?

20 A. I did.

21 Q. Extract that video?

22 A. I did.

23 MR. PEAD: Your Honor, may I approach the witness.

24 THE COURT: Yes.

25 Q. BY MR. PEAD: Deputy Bullock, I'm going to show you

1 what's been marked as Plaintiff's Exhibit 1. Do you recognize
2 that?

3 A. I do.

4 Q. What is it?

5 A. It should be the dash cam video from Sergeant Wride's
6 video.

7 Q. Okay, and have you -- have you viewed that video?

8 A. Not in its entirety, but I -- as it's extracting it
9 from a card, it plays a video while you're extracting it.

10 Q. During any portion of that video is there a person
11 shown?

12 A. Yes.

13 Q. Who is that person?

14 A. It would be Sergeant Wride.

15 Q. You recognize him as the person in that video?

16 A. Absolutely.

17 MR. PEAD: Okay, thank you. Let me retrieve that.

18 THE COURT: Mr. Zabriskie?

19 MR. ZABRISKIE: We don't have any further questions --
20 or any questions of this witness.

21 THE COURT: Anything else for Mr. Bullock?

22 MR. PEAD: You're Honor, we'd ask that Deputy Bullock
23 be released from his subpoena.

24 THE COURT: Any objection to that?

25 MR. ZABRISKIE: No objection, your Honor.

1 THE COURT: Thank you, Deputy. That's all.

2 MR. PEAD: Your Honor, at this time we would like to
3 publish Plaintiff's Exhibit 1.

4 THE COURT: Any objection?

5 MR. ZABRISKIE: No objection.

6 THE COURT: Okay.

7 MR. PEAD: Your Honor, out of an abundance of caution
8 I want to ask the Court to renew -- or remind the video of
9 the order that no exhibits in this matter are to be filmed,
10 recorded editorially or in video.

11 THE COURT: There is an order with regard to media
12 and what they can record. Hopefully you've seen that and can
13 comply with that. Thank you.

14 MR. PEAD: Thank you, Judge.

15 (Dash cam video played in the courtroom. Dispatcher
16 communication with officer is too inaudible to be
17 transcribed accurately. Please refer to the Court
18 file to review this video.)

19 MR. PEAD: At this time, your Honor, the State calls
20 Noreen Stone.

21 THE COURT: Okay.

22 MR. PEAD: Your Honor, may I approach and put Exhibit 1
23 on your bench.

24 THE COURT: Sure.

25 THE COURT: Ms. Stone, let's have you raise your right

1 hand and get you sworn in.

2 THE WITNESS: Okay.

3 COURT CLERK: You do solemnly swear that the testimony
4 you shall give in the case now pending before the Court will be
5 the truth, the whole truth and nothing but the truth, so help
6 you God?

7 THE WITNESS: I do.

8 THE COURT: Thank you, ma'am. Please have a seat here
9 in the witness box. You need to make sure the microphone is
10 close enough to you that it will pick you up okay.

11 THE WITNESS: Okay.

12 THE COURT: Thank you.

13 NOREEN STONE,

14 having been first duly sworn,

15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. PEAD:

18 Q. Will you please state your name and spell it for the
19 record.

20 A. Sure. It's Noreen Stone, N-o-r-e-e-n S-t-o-n-e.

21 Q. Okay, and how are you employed?

22 A. I am the PSAP coordinator for the Utah Valley Dispatch
23 Special Service District.

24 Q. What are your duties in that position?

25 A. It's varied. I manage floor operations. I supervise

1 the floor supervisors. I also have the duty to investigate any
2 kind of complaints against dispatchers. I pull some records.
3 I am also certified to run our CAD system and be an adminis-
4 trator.

5 Q. So are you a custodian of the CAD system?

6 A. Yes, for our -- for our records that we create I am.

7 Q. For the benefit of the jury, what does "CAD" stand
8 for?

9 A. It's Computer Aided Dispatch.

10 Q. What does that mean?

11 A. That means that all of the units-- all of the officers
12 represent a call sign, and it's represented on two different
13 computer screens so that we can see the officers out in the
14 field. As new calls come in a dispatcher will create an elect-
15 ronic record that gives the officer the information on the call
16 so the radio dispatchers can dispatch it. Also, when officers
17 in on the radio, the radio dispatcher will create an electronic
18 record of whatever was called into them on that incident.

19 Q. It's automated through this system?

20 A. It is automated.

21 Q. How does the CAD system -- well, let me ask this.
22 What is the Spillman system?

23 A. Spillman is the software vender that provides the CAD
24 software, and so Spillman programs a CAD software. There are
25 multiple CADs around, but that is the one that we use through-

1 out the valley.

2 Q. So Spillman is the provider of the automated system
3 you guys use?

4 A. They are.

5 Q. For dispatch?

6 A. Yes.

7 Q. Okay, are you a certified application specialist for
8 Spillman?

9 A. I am. I was certified in 2012.

10 MS. PEAD: Okay, may I approach the witness, your
11 Honor.

12 THE COURT: Yes.

13 Q. BY MR. PEAD: Ms. Stone, I'm going to show you what's
14 been marked as Plaintiff's Exhibits 3 and 5. Will you look at
15 those for me.

16 A. Okay.

17 Q. Do you recognize those?

18 A. I do.

19 Q. What is Plaintiff's Exhibit 3?

20 A. Plaintiff's Exhibit 3 is a computer printout of all
21 of the information contained in the CAD record that was created
22 by the radio dispatcher when information was called into her
23 regarding a motorist assist that occurred on State Road 73 --

24 Q. Is it --

25 A. -- on January 30th.

1 Q. -- I apologize. That's for January 30th of 2014?

2 A. That is correct.

3 Q. Is this coded in any way?

4 A. Yes, it is. It is coded for, you know, brevity, to
5 maintain the record. That's part of the training, is to inter-
6 pret those records. So I do, you know, I do show that it logs
7 all activities done on that electronic record by whoever is
8 inputting data. It can happen from field units, it can happen
9 from multiple dispatchers simultaneously.

10 Q. Okay, and do you understand that code?

11 A. Yes, I do.

12 Q. Okay, and what is Plaintiff's Exhibit 3?

13 A. That is the --

14 Q. Excuse me, 5?

15 A. -- that is a typewritten or an electronic version of a
16 time line that I created in March of 2014.

17 Q. Okay, and does that translate those entries from the
18 CAD code to what the rest of us can understand?

19 A. Yes, it does, but it also translates times that were
20 obtained off of radio recordings and -- that we keep track of
21 in our office.

22 Q. Are you also a custodian of those calls?

23 A. Yes, I am. Yes, I am.

24 MR. PEAD: Okay, at this time, your Honor, I would move
25 to offer Plaintiff's Exhibits 3 and 5.

1 THE COURT: Any objection?

2 MR. ZABRISKIE: No objection.

3 THE COURT: Accept and receive State's Exhibits 3 and 5.

4 (Exhibit Nos. 3 and 5 received into evidence)

5 Q. BY MR. PEAD: Now, for the ease of the Court and the

6 jury, Ms. Stone, I've taken some of the CAD language --

7 A. Okay.

8 Q. -- and Ms. Stone, will you look at this.

9 A. Okay.

10 Q. Can you recognize what's in this?

11 A. It's a graphic presentation of what is contained in

12 part of the CAD record, itself. Things that were created by

13 the dispatchers and by Sergeant Wride from his mobile data

14 computer.

15 Q. Okay, and does this information come from Exhibit 3?

16 A. It does.

17 Q. Okay, Ms. Stone, if you'd step down here.

18 A. Okay.

19 Q. Okay, this works.

20 MR. PEAD: Can the Court see this?

21 THE COURT: No, that's --

22 MR. PEAD: Let's --

23 THE COURT: It would be all right just like that.

24 MR. PEAD: I can show the Court Exhibit 3 if the Court

25 wants to follow along.

1 THE COURT: Okay.

2 Q. BY MR. PEAD: Ms. Stone, will you explain what these
3 radio logs are telling us?

4 A. Sure, it's a capture of the activity. On this first
5 entry there's actually I think part of a missing letter. It
6 should be just "EP," which is the name of the radio dispatcher
7 that was in charge of the nor channel that day. Gives the time
8 of 13:33 seconds, the date as 1/30 of 2014, and it states --
9 it shows -- this also is a typographical error. It should be
10 "1J150," which is a radio call sign assigned to Officer -- to
11 Sergeant Wride. Shows that he's arrived.

12 He was working the Eagle Mountain Sheriff's Office zone
13 that day. He works for the Utah County Sheriff's Office. The
14 computer creates what's called a "temporary call number," and
15 this is an onsite call, which means it was officer generated
16 over the radio, and it was call No. 491L as in Lima, because
17 it was a law call.

18 Q. So this was an automated entry based upon Sergeant
19 Wride entering a call sign?

20 A. No, it was entered automatically by the dispatcher
21 creating what's called an "onsite" or an "officer generated
22 call." When the officer calls out on the radio, he gives the
23 dispatcher certain information. She logs it automatically on
24 the command line. The computer then creates that electronic
25 record from that data.

1 Q. I see, so this took place after Sergeant Wride his
2 entry?

3 A. No, this was -- this was created when he called into
4 the dispatcher on the radio. As it goes down there are entries
5 that Sergeant Wride did on his mobile data computer, but that
6 came after he made the initial contact with the vehicle.

7 Q. Oh, that was my question.

8 A. Yes.

9 Q. Okay, will you explain what the second entry means?

10 A. Okay, it also shows that the dispatcher at the time
11 documented a plate number; and in phonetic speak it would be
12 Delta 870 Echo Charley. It was a Utah plate.

13 Q. Is that the license plate of the vehicle he'd done a
14 stop on?

15 A. Yeah. Well, it was a motorist assist --

16 Q. Okay.

17 A. -- but that was the vehicle he was out with.

18 Q. What does a motorist assist mean?

19 A. It means that a possibly disabled vehicle.

20 Q. Okay.

21 A. Something that's off to the side of the road; it's not
22 an active traffic stop.

23 Q. So the license plate for that vehicle is Delta 870
24 Echo Charley?

25 A. Yes, it is.

1 Q. Based on this entry?

2 A. Yes, it is.

3 Q. Okay, will you tell us what the next line means?

4 A. That is an entry that was automatically logged. The
5 computer keeps track of who runs information on their mobile
6 data computers, and if it's associated with the call it also
7 attaches that data to the call automatically. It shows that
8 Wride C at 13:01 and 44 seconds on that day, and his call
9 sign was 1J150, ran the plate of Delta 870 Echo Charley, and
10 it showed to a passenger car; but that's a default and most
11 officers do not change that. So it could have been a motor-
12 cycle, truck, whatever.

13 Q. Okay, and the next line?

14 A. The next line was also showing that it -- basically it
15 ran the VIN number, it ran the registration and it also ran the
16 name for the registered owner and the registration information
17 for that plate of the Delta 870 Echo Charley.

18 Q. Okay.

19 A. So the VIN number, registration, registered owners
20 information.

21 Q. Okay.

22 MR. TAYLOR: Hey, Sam, can the last juror see okay?

23 THE WITNESS: Oh, sorry.

24 THE COURT: Can you see okay?

25 MR. TAYLOR: Can you pull that a little bit this way.

1 MR. PEAD: Yeah, sorry.

2 Q. BY MR. PEAD: Okay, what line were we on?

3 A. Let's see, registration, license number.

4 Q. Okay, tell us about that.

5 A. Okay, it shows that Sergeant Wride at 13:03:01 on
6 January 30th, 2014 ran a lic -- a driver's license; and it was
7 license number 194160374, and it was a Utah State license.

8 Q. Okay, and that's the license number -- that's like a
9 driver's license?

10 A. That is a driver's license number. So it means he
11 had a license in hand to look at the number.

12 Q. Okay, does the next line show something similar?

13 A. No, it shows that he's running an individual by name,
14 which means that a lot of times people will give their name
15 and their date of birth in order to give that to the officer
16 to run. So it shows Sergeant Wride at 13:07 ran name inform-
17 ation on last name Martinez, Jose Ruben, with a date of birth
18 of 1/30 -- let's see, it looks like it -- there's a lot of
19 numbers. It looks like it's 11/30 of 1985.

20 Q. Okay, now I'm getting -- I think I might be getting
21 confused a little bit, because I had -- I saw two entries with
22 the license number.

23 A. Yes.

24 Q. What is the difference between the two?

25 A. Okay, this is running a local names file, and this is

1 running -- actually this is running the statewide information
2 from the State database maintained by the Driver's License
3 Division. This runs a local check to see if they've ever
4 had contact with that individual before. Spillman can run
5 that information and get that back to the officer and give him
6 involvements.

7 Q. These are run almost simultaneously?

8 A. They are run at the same command, yes.

9 Q. Does this same pattern in running this type of query
10 and this type of query follow throughout Sergeant Wride's stop?

11 A. It does. You can see that he's running name informa-
12 tion. He's also trying to run a driver's license information
13 on that name and date of birth. He's running it again, using
14 Jose Martinez with a different date of birth.

15 Q. Okay, so I'm going to go back. So these two were run
16 on Jose Martinez with the date of birth of 11/30/1985?

17 A. That is correct.

18 Q. Okay, and what was the next query that he ran?

19 A. He ran it on a Jose -- Jose Ruben Martinez with the
20 date of birth of 1992, 11/30 of 1992. Frequently the officers
21 will do that. If they're unable to locate data they'll run a
22 -- because the computers will search a range of years for them.

23 Q. Again, he's running on both of those -- are they
24 databases?

25 A. Yes.

1 Q. Okay.

2 A. Yes, one's the local database contained within Spill-
3 man. The other's the State Driver's License database that's
4 maintained in Salt Lake.

5 Q. So that's why we see two entries again for Jose Ruben
6 Martinez with the date of birth of 1/30/1985?

7 A. That's correct.

8 Q. Then the next query is what?

9 A. The Jose Ruben Martinez with the date of birth of 1/30
10 of 1992.

11 Q. Okay, and again that's in both databases?

12 A. Yes.

13 Q. What is the next query that Sergeant Wride ran?

14 A. He was running Jose Espenoza with the date of birth of
15 11/30 of 1992, and makes a check for both of those databases.

16 Q. Okay, and the next one?

17 A. It's Espenoza spelled with an e. We then show that
18 Sergeant Wride was running a Jose Espinoza with that date of
19 birth, but with the last name spelling containing an I.

20 Q. This was about 30 seconds later?

21 A. Yes. Well, about a minute. One is at 13:11. The
22 next is at 13:12, and the last -- the Jose Martinez with the
23 date of birth -- let's see, it looks like that might have been
24 truncated on that one, but he ran it at 13:11, 13:12 and 13:13.
25 Then he's running a name of Jose with a complex name of

1 Martinez-Espinoza at 13:14 and 46 seconds.

2 Q. Okay.

3 A. Then at 13:15 he's running Jose R. Martinez; but he's
4 using an asterisk, which is a wild card, which gives --

5 Q. What does that do?

6 A. -- it gives him a broader search.

7 Q. Okay, and is that the last entry he ran?

8 A. Yes, it is.

9 MR. PEAD: Okay, thank you, Ms. Stone.

10 Your Honor, I'm not going to offer Exhibit 4. I think
11 it's already outlined in Exhibit 3.

12 THE COURT: Okay.

13 Q. BY MR. PEAD: When is the next CAD report in Exhibit 3
14 relative to Sergeant Wride?

15 A. It is at 14:06 and 16 seconds. It was entered by the
16 radio dispatcher, and it was basically the assignment of 1J155,
17 which I believe is Deputy Max Morgan, and puts him en route to
18 the call.

19 Q. So what kind of a call is that?

20 A. Well, it's the same call, but it's assigning him to
21 the call. He was assigned to go check on Sergeant Wride, who
22 was not answering radio checks.

23 Q. Okay, and you said that was Deputy Max Morgan?

24 A. I believe so.

25 Q. That was at 2:06 p.m.?

1 A. Yes.

2 MR. PEAD: Okay, may I approach the witness, your Honor.

3 THE COURT: Yes.

4 Q. BY MR. PEAD: Ms. Stone, I'm going to show you what's
5 been marked as State's Exhibits 2 and 6. Will you look at
6 those. Do you recognize those?

7 A. They are CD's.

8 Q. Do you know what they have on them?

9 A. I believe they have radio traffic on it.

10 Q. You said in addition to managing Spillman and the CAD
11 system you also have access to recordings of radio traffic and
12 such?

13 A. I do. It's the Equator Digital Recording System
14 that's tied into the radio system itself.

15 Q. Okay, did Sergeant Wride call in a motorist assist?

16 A. He did.

17 Q. Was that recorded?

18 A. Yes, it was.

19 Q. Is that Plaintiff's Exhibit 2?

20 A. Yes, it is.

21 Q. Later was there an attempt to locate called out on a
22 vehicle in relation to this case?

23 A. Yes, there was.

24 Q. What time was that at?

25 A. Well, there were multiple calls, but there was at

1 14:41 on that date, on our south central regional channel it
2 was toned out and given as an attempt to locate broadcast --

3 Q. Okay.

4 A. -- to all units on that channel.

5 Q. That's Plaintiff's Exhibit 6?

6 A. Yes.

7 MR. PEAD: I'd move to offer Exhibits 2 and 6, your
8 Honor.

9 THE COURT: Is there any objection?

10 MR. ZABRISKIE: No, your Honor.

11 THE COURT: Accept and receive State's Exhibits 2 and 6.

12 (Exhibit Nos. 2 and 6 received into evidence)

13 MR. PEAD: Okay, at this time I don't have any further
14 questions for Ms. Stone. Though after she's done I'd like to
15 publish these two exhibits.

16 THE COURT: Thank you. Mr. Zabriskie, cross?

17 MR. ZABRISKIE: We have no cross at this time, your
18 Honor.

19 THE COURT: All right. Anything else, then, Mr. Pead?

20 MR. PEAD: No, I'd ask that Ms. Stone be released from
21 her subpoena.

22 THE COURT: Any objection?

23 MR. ZABRISKIE: No objection.

24 THE COURT: That's all, ma'am. Thank you.

25 THE WITNESS: Thank you.

1 MR. PEAD: Your Honor, at this time we'd like to
2 publish Plaintiff's Exhibit 2.

3 THE COURT: Any objection to that, Mr. Zabriskie?

4 MR. ZABRISKIE: No, your Honor.

5 THE COURT: Go ahead and grant your motion.

6 (CD played in the courtroom as follows)

7 OFFICER: We have a 1046 on SR-73 at mile marker 31,
8 Delta 870 Echo Charley.

9 DISPATCHER: Copy (inaudible).

10 MR. PEAD: Your Honor, at this time we'd like to
11 publish Plaintiff's Exhibit 6.

12 MR. ZABRISKIE: No objection, your Honor.

13 THE COURT: Thank you.

14 (CD played in the courtroom as follows)

15 DISPATCHER: Attention all units on (inaudible)
16 attempting to locate a white Toyota Tundra (inaudible) by Utah
17 County Sheriff's Office. It will be plate No. Delta 870 Echo
18 Charley, in reference to an officer 1033 call. Again attempting
19 to locate a white Toyota Tundra 2003, plate of Delta 870 Echo
20 Charley (inaudible). Time is 14:48.

21 MR. PEAD: Your Honor, may I approach to leave these on
22 the bench.

23 THE COURT: Yes.

24 MR. PEAD: Otherwise I'll probably lose them. Your
25 Honor, did we admit Exhibit 1?

1 THE COURT: Not yet.

2 MR. PEAD: Move to offer Exhibit 1.

3 THE COURT: Any objection?

4 MR. ZABRISKIE: No objection.

5 THE COURT: Accept and receive State's Exhibit No. 1.

6 (Exhibit No. 1 received into evidence)

7 MR. PEAD: And the Court has Exhibit 3?

8 THE COURT: I do.

9 MR. PEAD: Your Honor, I think this would be a good
10 time to take a lunch break.

11 MR. ZABRISKIE: No objection.

12 THE COURT: Okay. All right, at this point in time
13 we'll recess for lunch. I'll have the jury back at 1 o'clock.
14 We'll resume somewhere around 15 after. Pona will make sure to
15 let you know where you need to be. Again, I admonish you with
16 regard to the instructions, and to comply with those strictly.
17 Anything before we break for lunch?

18 MR. PEAD: Not from the State.

19 MR. ZABRISKIE: Nothing, your Honor.

20 THE COURT: Thank you.

21 COURT BAILIFF: All rise for the jury.

22 (Jury exits the courtroom)

23 THE COURT: Thank you. We'll be in recess. Counsel,
24 we'll lock up to make sure --

25 MR. ZABRISKIE: Did the Court say 1:15 or 1 o'clock?

1 THE COURT: Well, I'll have the jury back at 1 o'clock
2 and we'll try to start around 1:15.

3 MR. ZABRISKIE: Okay, so if we're here by 1:15 then
4 (inaudible)?

5 THE COURT: Has to be 1:15, yes.

6 (Recess taken)

7 COURT BAILIFF: All rise. All rise for the jury.

8 (Jury enters the courtroom)

9 THE COURT: Thank you. Please be seated. Okay, we're
10 back on the record. All parties including the defendant,
11 Ms. Grunwald. All members of the jury as well are present.
12 It's still the State's case.

13 MR. PEAD: Your Honor, the State calls Max Morgan.

14 THE COURT: Okay. Come forward, sir, let's get you
15 sworn in.

16 COURT CLERK: Raise your right hand. You do solemnly
17 swear that the testimony you shall give in the case now pending
18 before the Court will be the truth, the whole truth and nothing
19 but the truth, so help you God?

20 THE WITNESS: I do.

21 THE COURT: Thank you. Please have a seat here in the
22 witness box. Just make sure the microphones close enough to
23 you that it will pick you up okay.

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MAX MORGAN,

having been first duly sworn,

testified as follows:

DIRECT EXAMINATION

BY MR. PEAD:

Q. Will you state your name and spell it for the record.

A. Max Morgan, M-a-x M-o-r-g-a-n.

Q. How are you employed?

A. With the Utah County Sheriff's Office.

Q. In what capacity?

A. I'm in the patrol division assigned to Eagle Mountain.

Q. Are you a certified peace officer in the state of
Utah?

A. Yes.

Q. How long have you been working as such?

A. I've been with the sheriff's office for about eight-
and-a-half years.

Q. Okay, were you working as a patrol officer in Eagle
Mountain on January 30th of 2014?

A. Yes, I was.

Q. To what division were you assigned?

A. The patrol division in Eagle Mountain.

Q. Okay, and who was your sergeant?

A. Sergeant Cory Wride.

MR. PEAD: May I approach the witness, your Honor.

1 THE COURT: Yes.

2 Q. BY MR. PEAD: I'm going to show you what's been marked
3 as Plaintiff's Exhibit 7. Do you recognize this?

4 A. I do.

5 Q. Who is that?

6 A. Sergeant Cory Wride.

7 MR. PEAD: Your Honor, at this time I'd move to publish
8 Exhibit 7.

9 THE COURT: Any objection?

10 MR. ZABRISKIE: No objection.

11 THE COURT: I'm sorry, Mr. Zabriskie, no objection?

12 MR. ZABRISKIE: No objection.

13 THE COURT: Okay, thank you.

14 (Exhibit No. 7 received into evidence)

15 Q. BY MR. PEAD: This is Sergeant Cory Wride?

16 A. Yes.

17 Q. What was the weather like on January 30th of 2014?

18 A. Cold, foggy, kind of a wet snow. Visibility wasn't
19 very good.

20 Q. Did you have any interaction with Sergeant Wride on
21 that date?

22 A. I talked with Cory on the phone earlier in the day,
23 yes.

24 Q. What was that conversation about?

25 A. We had a conversation about -- well, we called and

1 asked him if he was going to come to lunch with us. He informed
2 us he wasn't. He would usually call when he first came out to
3 the city to see how the morning had gone, to see if we needed
4 anything. So just kind of a general common conversation.

5 Q. Okay, was he on duty that day?

6 A. Yes.

7 Q. He was working as a patrol sergeant?

8 A. Yes.

9 Q. Okay, and as a law enforcement officer?

10 A. Right.

11 Q. Okay, did you have any other interaction with him
12 after that?

13 A. After the phone call about asking him if he was going
14 to lunch, no, I didn't.

15 Q. Did you see him at any time after that?

16 A. I did see him as -- when I passed him on the road.

17 Q. When was the first time you saw him after you talked
18 to him about lunch?

19 A. It was about -- I think it was around 1:40 in the
20 afternoon when I saw him parked on the side of the road.

21 Q. What were you doing?

22 A. I was driving eastbound on SR-73.

23 Q. Okay, and which direction was he facing?

24 A. He was facing eastbound.

25 Q. So you just drove past him?

1 A. Right.

2 Q. Did you look at him in his patrol vehicle?

3 A. I did look over at him, yes.

4 Q. What did you see?

5 A. I could see the Utah County patch on his left shoulder.

6 It was about all I could see. Like I say, the visibility wasn't

7 very good.

8 Q. What did you think when you saw him there?

9 A. I noticed he -- I remember him calling out on his --

10 on his motorist assist stop. Then as I went by I noticed there

11 wasn't a vehicle there, but on the computer he was still logged

12 out on the stop, which isn't uncommon. After you get done with

13 a stop if you're typing notes into your computer, maybe on the

14 phone, things like that. So I didn't think it was anything out

15 of the ordinary --

16 Q. Okay.

17 A. -- when I -- when I saw him there.

18 Q. Did you see him again later that day?

19 A. I did, when dispatch asked me to go back and check on

20 him.

21 Q. What time was that?

22 A. Just shortly after -- after 2. I think it was about

23 -- I think I got the phone call, I don't know, a few minutes

24 after 2 o'clock.

25 Q. Is that associated with any specific code or --

1 A. They tried to code 4 check him --

2 Q. What does that mean?

3 A. -- which means-- code 4 is just the term of okay, "Are
4 you okay? Are things okay?" Dispatch had tried to contact him
5 on the radio to do a code 4 check, and they couldn't -- weren't
6 able to get a hold of him.

7 Q. So you were assigned to go do that?

8 A. Yes.

9 Q. Did you do that?

10 A. I did.

11 Q. When did you arrive on scene?

12 A. I believe I arrived on scene about 2:13.

13 Q. Okay, and what did you see when you arrived?

14 A. When I walked up to the vehicle -- I came westbound,
15 saw his vehicle again, turned around, made a U-turn, parked
16 behind him, and as I walked up to the driver's side of the
17 vehicle I could see Cory slumped over towards his computer.
18 I noticed a lot of blood on the -- on the computer, lots of
19 blood all over the vehicle. I walked around to the passenger's
20 side and was able to see the gunshot wound to the head.

21 Q. Okay, did you end up calling other people relative to
22 this?

23 A. I did. I called Detective BJ Eckles, who was our
24 detective there at Eagle Mountain, notified him of what I'd
25 found, and he was on his way out to the scene.

1 Q. What did you do after you notified these other
2 officers?

3 A. After I notified the other officers, I started to
4 get just some crime -- I asked BJ, Detective Eckles what he
5 needed me to do. He said, "Just start taking care of the
6 scene." I took some quick initial pictures of Cory in the
7 vehicle just as I had found him. Then started to kind of --
8 to tape off the scene.

9 MR. PEAD: Okay, may I approach the witness, your
10 Honor.

11 THE COURT: Yes.

12 Q. BY MR. PEAD: I'm going to show you what's been marked
13 as Plaintiff's Exhibit 8. Will you look at that. Do you
14 recognize that?

15 A. I do.

16 Q. What is that?

17 A. That's Cory in his patrol vehicle slumped over towards
18 his computer.

19 Q. Is that picture a fair and accurate depiction of what
20 you observed when you saw Cory that day?

21 A. Absolutely.

22 Q. Did you observe --

23 MR. PEAD: Oh, at this time I'd move to offer Exhibit
24 8, your Honor.

25 MR. ZABRISKIE: No objection, your Honor.

1 THE COURT: Accept and receive State's Exhibit 8.

2 (Exhibit No. 8 received into evidence)

3 MR. PEAD: If we could publish that.

4 THE COURT: Any objection to that?

5 MR. ZABRISKIE: No, your Honor.

6 THE COURT: Okay.

7 Q. BY MR. PEAD: So this is on the north side of Cory?

8 A. Yes.

9 Q. Okay, and he's slumped over his computer?

10 A. Right.

11 Q. Okay, thank you. Did you do any examination of his
12 vehicle?

13 A. I did.

14 Q. What did you see?

15 A. After I was on the passenger side of the vehicle and
16 made the phone call I walked back to the front of the vehicle
17 and I noticed there was four rounds through the hood of the
18 vehicle and three rounds through the windshield.

19 Q. Did you notice anything else about Sergeant Wride on
20 scene?

21 A. I noticed the vehicle itself, I noticed all the blood
22 in the vehicle. I noticed he, you know, was not breathing.
23 Like I said, the gunshot wound to the head and --

24 Q. Did he appear like he'd been doing anything?

25 A. It looked like he was kind of over-- you know, looking

1 onto his computer. I mean -

2 Q. What was your role in this matter after you found
3 Sergeant Wride?

4 A. After -- after people showed up on scene, we got the
5 whole -- the whole place was taped off, and then I stayed there
6 on scene the entire time up until -- just answering questions
7 for people who were coming in. We helped get out an ATL and
8 that on the vehicle that he had pulled over on.

9 Q. An ATL is what?

10 A. An attempt to locate.

11 Q. Okay.

12 A. Then we stayed there. I stayed there on scene as the
13 Medical Examiner showed up, and then as we removed Cory from
14 the vehicle, and then helped the mortuary services that take
15 Cory to the Medical Examiner's Office, and then we-- I followed
16 him to the Medical Examiner's Office.

17 Q. Okay, you saw them take Cory to the Medical Examiner?

18 A. Yes.

19 MR. PEAD: Okay, thank you.

20 THE WITNESS: You bet.

21 THE COURT: Thank you. Mr. Zabriskie?

22 MR. ZABRISKIE: Thank you, Judge.

23 CROSS EXAMINATION

24 BY MR. ZABRISKIE:

25 Q. How are you doing, Deputy?

1 A. Good.

2 Q. Good. Just a -- I have a few questions for you also
3 that have to deal with your observations that you made on
4 January 30 of 2014.

5 A. Uh-huh.

6 Q. I understand from your testimony that you spend a lot
7 of time patrolling out in that area; is that right?

8 A. Uh-huh, I do.

9 Q. Okay, and does your patrol area extend out into Eagle
10 Mountain, Saratoga? What are the boundaries of that?

11 A. Not into Saratoga, but Eagle Mountain, Cedar Fork,
12 Fairfield areas.

13 Q. Okay, in this area on the roadway where you observed
14 Sergeant Wride's vehicle, that's on Highway 73, right?

15 A. Yes.

16 Q. When you first made your observation of his vehicle,
17 which direction were you headed in?

18 A. When I very first observed him I was headed east?

19 Q. Heading east; and then looking at your report you
20 indicated that you -- your destination point you were headed
21 to the Maverik; is that right?

22 A. After I passed him I went into town, and a few minutes
23 later I went into the Maverik to get a drink.

24 Q. Okay, and I'm not real familiar with the geography in
25 that area, but you indicated in your report it's roughly one or

1 two miles from where you saw Wride's vehicle?

2 A. About a mile and a half.

3 Q. Okay, so you made your way in there to the Maverik.

4 Did you stop at the Maverik?

5 A. I did.

6 Q. Okay, so is the Maverik is that an isolated commercial

7 location or are there other stores there or other restaurants?

8 A. No, it's by -- it's by itself right there.

9 Q. Okay.

10 A. It's on the corner of Ranches Parkway and SR-73.

11 Q. Okay, so just to help us paint a picture of the geo-

12 graphy out there, I'm again not real familiar with that area,

13 if you headed -- continuing headed -- continue heading east

14 from that Maverik, is there -- there's a town real nearby. Is

15 it Saratoga?

16 A. Uh-huh, Saratoga Springs is a couple more miles down

17 the road.

18 Q. Couple more miles down the road, and then Saratoga

19 there are a lot of restaurants, commercial --

20 A. Uh-huh.

21 Q. -- establishments; and this is during the daytime,

22 right?

23 A. Yes.

24 Q. So many of those restaurants would be open, correct?

25 A. Yes.

1 Q. This is -- you've described it as being -- it was a
2 cold, wintery day?

3 A. Yes.

4 Q. Okay, the weather was bad. Was it snowing?

5 A. It was a wet snow, yeah.

6 Q. Okay, and along that roadway, this is on Highway 73,
7 how many lanes of travel do you have heading in each direction
8 being east and west?

9 A. It's a two-lane road, one lane in each direction.

10 Q. Okay, and when -- on the sides of those lanes of
11 travel is there a wide shoulder to the roadway there; is there
12 like a utility lane there; what do you --

13 A. Not a wide shoulder, no. I mean, there's -- once
14 you've got the fog lane on the right-hand side you've probably
15 got two feet of asphalt and then it goes into the gravel.

16 Q. Okay, so there's not a lot of space there for vehicles
17 to pull off the road?

18 A. Not to stay on the roadway, no.

19 Q. All right, and then you -- after you drove by you said
20 -- you indicated you're heading eastbound toward the Maverik?

21 A. Yes.

22 Q. This is when you first observed Sergeant Wride's
23 vehicle. Didn't make any observations about damage to his
24 vehicle at that time?

25 A. Not at that time, no.

1 Q. Okay, then you were -- you saw the vehicle a second
2 time when you were requested to go back and inspect the vehicle
3 or make sure he's okay; is that right?

4 A. Yes.

5 Q. As you parked your vehicle, did you park in front or
6 behind Sergeant Wride?

7 A. Behind. Behind --

8 Q. Behind him?

9 A. -- Sergeant Wride's vehicle.

10 Q. Okay, then you made your way towards the driver's
11 side?

12 A. Uh-huh.

13 Q. Is that when you first observed Sergeant Wride from
14 that vantage point there at the driver's side?

15 A. Yes.

16 Q. Okay, and then you indicated you proceeded to the
17 passenger side of his vehicle; is that right?

18 A. Yes.

19 Q. Did you walk around the front of his vehicle to --

20 A. I did.

21 Q. -- to make your way there?

22 A. Yeah.

23 Q. Okay, as you were walking around to the front of the
24 vehicle did you observe any damage to Sergeant Wride's vehicle?

25 A. Not at that very first time I didn't.

1 MR. ZABRISKIE: I don't have any further questions for
2 you. Thank you, Max.

3 THE WITNESS: Thank you.

4 THE COURT: Thank you. Any redirect?

5 MR. PEAD: Just briefly.

6 CROSS EXAMINATION

7 BY MR. PEAD:

8 Q. You said it's one lane each way going east and west
9 where Sergeant Wride was, correct?

10 A. Yes.

11 Q. If you continue east from there does it open up into
12 more lanes?

13 A. Not until you get down, you know, farther into Sara-
14 toga. Not for a while. It stays a two-lane road.

15 Q. Okay.

16 A. There's a turn lane a little farther east, you know,
17 but not -- not a constant two-lane.

18 Q. Until you get closer to Saratoga Springs?

19 A. Right.

20 MR. PEAD: Okay, thank you. That's all I have.

21 THE COURT: Thank you. Anything else?

22 MR. ZABRISKIE: No, your Honor.

23 THE COURT: That's all, Deputy. Thank you.

24 THE WITNESS: Thank you.

25 THE COURT: May he be excused?

1 MR. ZABRISKIE: We have no objection.

2 THE COURT: Thank you. Next witness?

3 MR. PEAD: State calls Lance McDaniel.

4 THE COURT: Come forward, sir, let's get you sworn in.

5 COURT CLERK: Raise your right hand. You do solemnly
6 swear that the testimony you shall give in the case now pending
7 before the Court will be the truth, the whole truth and nothing
8 but the truth, so help you God?

9 THE WITNESS: Yes.

10 THE COURT: Thank you, sir. Please have a seat here
11 in the witness box. Just need to make sure the microphone is
12 close enough to you that it will pick you up okay.

13 LANCE MCDANIEL,

14 having been first duly sworn,

15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. PEAD:

18 Q. Will you please state your name and spell it for the
19 record.

20 A. Lance McDaniel, L-a-n-c-e M-c-D-a-n-I-e-l.

21 Q. How are you employed?

22 A. I'm a deputy with the Utah County Sheriff's Office.

23 Q. Okay, are you a certified peace officer in the State
24 of Utah?

25 A. Yes.

1 Q. How long have you been such?

2 A. For 27 years.

3 Q. What is your current assignment?

4 A. Current assignment I'm a deputy working in the Orem
5 Court right now.

6 Q. Okay, what was your assignment on January 30th of 2014?

7 A. Patrolling Eagle Mountain.

8 Q. Who was your Sergeant?

9 A. Cory Wride.

10 Q. I'm going to show you what's already been entered as
11 Exhibit 7. Do you recognize this person?

12 A. Yeah, that's Sergeant Wride.

13 Q. Okay, did you have any interaction with Sergeant Wride
14 on January 30th of 2014?

15 A. Yes.

16 Q. What was that?

17 A. I was working a patrol shift in Eagle Mountain. Cory
18 was the Sergeant assigned working that day.

19 Q. So Cory was on duty as a law enforcement officer and a
20 Sergeant over your patrol division?

21 A. Correct.

22 Q. Okay, what did you -- what interaction did you have
23 with him?

24 A. We had met for a few minutes prior to us going to
25 dinner. He had brought something from home, so he was going

1 to go do some other things while we had dinner. Then we were
2 going to meet up again later.

3 Q. Okay, did you later have other interaction with him?

4 A. When dispatch had called to have a code 4 check on
5 him, I had al -- I had just recently driven past his vehicle
6 parked on 73. It was snowing pretty hard. I was headed back
7 into the office after we ate to work on reports.

8 So I drove past his vehicle at that point. Then
9 dispatch shortly after that called for a code 4 check because
10 they hadn't had contact with him. So then me and two other
11 deputies that were in the office went out because Deputy --
12 or Detective Eckles at the time got a phone call from Deputy
13 Morgan who had responded to do the code 4 check.

14 Q. Okay, let me go back a little bit. Did Sergeant Wride
15 go to lunch with you?

16 A. No, he did not.

17 Q. Did he tell you why?

18 A. He just brought something from home.

19 Q. Okay, and when you drove by Sergeant Wride, which
20 direction were you going?

21 A. I would have been westbound.

22 Q. Okay, did you pass Deputy Morgan at any point?

23 A. Yeah, Deputy Morgan passed me going eastbound pretty
24 close to the same vicinity where Sergeant Wride's vehicle was.

25 Q. Okay, and if I understand you correctly, you heard

1 about -- you heard a code 4 call for Deputy Morgan to respond
2 to?

3 A. Yeah, it would have been probably approximately 15
4 minutes or so after I'd driven past the vehicle.

5 Q. Okay, and then he called other deputies that you were
6 with --

7 A. Correct.

8 Q. -- and said respond?

9 A. Yes.

10 Q. Did you respond?

11 A. Yes, I did.

12 Q. Tell us what happened when you responded.

13 A. I pulled up on the scene. I could see Cory's vehicle
14 off on the shoulder of the road. Also observed there was a
15 set of tire tracks in the snow. So I pulled up ahead of those
16 because the call that Detective Eckles had received was that
17 Cory had a gunshot wound.

18 So I got out of my vehicle, I walked back, asked
19 Deputy Morgan if he had checked vitals on Sergeant Wride. He
20 said no, but he'd been shot. I opened the door and tried to
21 speak with Sergeant Wride, and as I leaned in a little bit
22 further, I could see a large amount of blood and also a bullet
23 -- a bullet wound in his forehead.

24 Q. Okay, when you pulled to the scene, where did you
25 park?

1 A. Probably about 30 to 40 yards ahead of his vehicle.

2 Q. Why did you park there?

3 A. Where there had -- where there had been a report of
4 him being shot, then I didn't want to damage any evidence that
5 could possibly be there.

6 Q. Such as?

7 A. Shell casings, footprints, you know, anything that
8 could possibly have been left.

9 Q. Would that include tire tracks?

10 A. Yes.

11 Q. Did you observe any tire tracks?

12 A. I did.

13 Q. Did you observe any footprints?

14 A. Yeah, when I -- when I went back to the vehicle it
15 appeared that Sergeant Wride had made a couple passenger side
16 approaches on whatever vehicle had been stopped there.

17 Q. Okay, did you see any shell casings?

18 A. No, and that was what was unusual. After I had checked
19 Sergeant Wride, he -- I could see three -- three bullet holes
20 in the windshield and four in the hood; but there were no shell
21 casings in the road. There were no holes in the snow where hot
22 shell casings would have melted down through the snow. Nothing
23 like that was observed.

24 Q. Okay, so after you've observed Sergeant Wride and he's
25 -- he's deceased --

1 A. Yes.

2 Q. -- what did you do?

3 A. Closed the door on his vehicle again. I went to
4 my truck and looked at the call he was on, on the CAD on my
5 computer screen. Was able to locate the vehicle license plate
6 number that he had called out on, on his motorist assist.

7 Q. Okay, was -- and this was his last stop?

8 A. Yeah, it was -- it was the stop he was still showed
9 on, on the CAD that he was at the same location.

10 Q. So by logging into Spillman, you could see that he was
11 still technically on that -- that stop?

12 A. Yeah, the way our screens work is it has a line. You
13 can see other deputies that you're working with, see what calls
14 they've been assigned. If you click on that it will pull up
15 information on the details that they're working.

16 Q. So once you were able to see that what did you do?

17 A. I ran the plate of the vehicle that he was stopped on,
18 and then I called -- the radio traffic was starting to pick up.
19 We had two or three other deputies and a detective on scene
20 that were setting up a crime scene. So I jumped on my cell
21 phone. I called dispatch, requested they do an ATL, attempt
22 to locate on that vehicle. Gave them the plate number and the
23 description. Also asked them to initiate a 10/200 in Utah
24 County.

25 Q. What is a 10/200?

1 A. A 10/200 is a procedure that we have in place for
2 looking for suspects that are wanted, possibly wanted in a
3 violent crime, where agencies will assist us in monitoring the
4 roadways in and out of Utah County looking for the vehicle.

5 Q. When you call out a 10/200 and an ATL, is that then
6 broadcast over the dispatch system to other officers?

7 A. Yes, it's -- and other agencies as well. If an agency
8 is using a separate dispatch than we do, then they will call
9 that dispatch and ask them to broadcast it to their people as
10 well.

11 Q. Okay, you said you ran the vehicle information?

12 A. Yes.

13 Q. Did you notice anything about that information?

14 A. It was a -- I believe a Toyota pick-up registered out
15 of Draper, Utah.

16 Q. What did you do after calling out an ATL and a 10/200?

17 A. Dispatch hung up on me. So I actually ended up getting
18 -- breaking into the air traffic and verifying they had got my
19 information, were getting that out to the other agencies. At
20 that point I helped with the crime scene for a while, and then
21 we were doing the -- once it was all secured, doing the log in
22 and out of the crime scene.

23 Q. Okay, what happened with Sergeant Wride's body at that
24 point?

25 A. He was left in the vehicle until all the processing of

1 the scene was done, and then the Medical Examiner's Office came
2 and we'd removed him from the vehicle at that time.

3 Q. Then what happened?

4 A. The way our camera systems in our vehicle work is if
5 you don't save the footage with a name and download it into the
6 system, in three months it will delete it. So I leaned into
7 his vehicle, I saved his -- his dash cam video under motorist
8 assist so that it wouldn't inadvertently be deleted.

9 Q. Did you see where Sergeant Wride went after that
10 point?

11 A. Yeah, myself, Deputy Morgan and Dutson escorted him
12 to the Medical Examiner's Office and I stayed -- stayed there
13 until relieved by an FOP officer.

14 Q. "FOP" stands for?

15 A. Fraternal Order of Police.

16 Q. Okay, I'm going to show you State's Exhibit 8, which
17 has already been admitted. Do you recognize this?

18 A. Yes.

19 Q. What is that?

20 A. That's Sergeant Wride deceased in his patrol vehicle.

21 Q. That's how you found him when you were there?

22 A. Yes.

23 MR. PEAD: Thank you.

24 THE COURT: Thank you. Cross?

25 ///

1 CROSS EXAMINATION

2 BY MR. ZABRISKIE:

3 Q. Good afternoon.

4 A. Hi.

5 Q. Just a few questions for you. So you're driving there
6 on January 30 of 2014 on Highway 73 and you observed Sergeant
7 Wride's vehicle, and it was pointed, you indicated, eastbound?

8 A. Eastbound.

9 Q. And you were headed westbound?

10 A. Correct.

11 Q. That first time you drove by, that you've mentioned
12 here, you made no observations about damage to Wride's vehicle?

13 A. It was snowing pretty hard. In fact, it was snowing
14 sideways when I went by. So I could-- I could see the vehicle,
15 could see that there was somebody in the driver's seat that I
16 assumed was Sergeant Wride at that time.

17 Q. Then a short while later you've described yourself as
18 returning to the scene there?

19 A. Yes.

20 Q. You parked your vehicle, you indicated, 30, 40 yards
21 ahead?

22 A. Something like that, yeah.

23 Q. Something like that. Then you walked on foot west-
24 bound to Wride's vehicle?

25 A. Correct.

1 Q. Okay, and you indicated in your report that you went
2 to the driver's side door?

3 A. Yes.

4 Q. You made some observations of how Wride was positioned
5 in the vehicle at that time?

6 A. Yes.

7 Q. Then after having looked inside the vehicle you shut
8 his door?

9 A. Yes.

10 Q. Then the chronology that you give in your report --
11 and tell us if this is accurate -- is you next indicate that "I
12 opened the driver --" excuse me. "It was at this time I noticed
13 the three bullet holes in the front windshield." This is after
14 you've shut the door?

15 A. Correct.

16 Q. Okay, then you also at that time notice that there
17 were four bullet holes in the hood --

18 A. Yes.

19 Q. -- of the patrol unit? Okay, now you've been a police
20 officer for how many years now?

21 A. For 27.

22 Q. Okay, and you've had opportunities to perform motor
23 assist stops, right?

24 A. Yes.

25 Q. Okay, is there a written protocol for that that your

1 department observes?

2 A. Just it varies from situation to situation.

3 Q. Okay.

4 A. It's not ever -- nothing is ever exactly the same.

5 Q. All right, and so there's no written protocol. That
6 means that there are some cases of motor assists where you as
7 an officer may approach a vehicle and talk to the driver and
8 determine from talking with them that they're okay to -- that
9 everything's okay?

10 A. Yeah.

11 Q. And terminate the contact at that point?

12 A. Yes.

13 MR. ZABRISKIE: Okay, no further questions. Thank you.

14 THE COURT: Thank you. Redirect?

15 MR. PEAD: No, your Honor.

16 THE COURT: That's all, Deputy. Can he be excused?

17 MR. PEAD: Yeah, I'd ask that he be excused.

18 MR. ZABRISKIE: No objection.

19 THE COURT: All right, thank you.

20 MR. PEAD: State calls Erik Christensen.

21 THE COURT: Come forward, sir, let's get you sworn in.

22 THE WITNESS: Okay.

23 COURT CLERK: Raise your right hand. You do solemnly
24 swear that the testimony you shall give in the case now pending
25 before the Court will be the truth, the whole truth and nothing

1 but the truth, so help you God?

2 THE WITNESS: Yes.

3 THE COURT: Thank you, sir. Please have a seat here in
4 the witness box. Just get close enough to the mic that we can
5 pick you up all right.

6 ERIK CHRISTENSEN,

7 having been first duly sworn,

8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. PEAD:

11 Q. Will you please state your name and spell it for the
12 record.

13 A. Sure, Erik Christensen. It's E-r-I-k last name,
14 C-h-r-I-s-t-e-n-s-e-n.

15 Q. How are you employed?

16 A. I'm currently employed as an Assistant Medical Examiner
17 in the Office of the Medical Examiner here in Utah, with our
18 office in Salt Lake City.

19 Q. What are your primary duties in that employment?

20 A. My primary duties are to serve as the case coordinator
21 and investigator for cases that fall under our jurisdiction,
22 which involves by law cases that result -- deaths that result
23 from non-natural means, as well as sudden and unexpected
24 circumstances, and then perform an autopsy in those cases,
25 or an examination as needed to determine the cause and the

1 manner of death.

2 Q. This is a statutory command for your office?

3 A. Yes, it is.

4 Q. Okay, what kind of training, experience and education
5 do you have to enable you to be an assistant medical examiner?

6 A. So I'm -- as a Medical Examiner in Utah, to be a
7 medical examiner you're required to be a forensic pathologist.
8 Forensic pathology is a sub-specialty in medicine, just like
9 heart surgery or brain surgery or internal medicine.

10 I received training in anatomic and clinical pathology
11 after medical school, and then subsequent to that received
12 specialty training in forensic pathology, which is the applica-
13 tion of investigative tools of pathology specifically applied
14 to deaths that occur by non-natural means.

15 Q. How long have you been a doctor?

16 A. I graduated from medical school in 1990. I completed
17 my pathology residency in 1998, and my forensic pathology
18 fellowship in 2001 and have been working full-time in forensic
19 pathology since that time.

20 Q. So for the last 13-plus years?

21 A. Yes.

22 Q. Okay, do you have ongoing training and education as
23 well in order to stay up-to-date on medical development and
24 such?

25 A. Yes, I'm board certified by the American Board of

1 Pathology in Anatomic, Clinical and Forensic Pathology. I'm
2 licensed in Utah, Virginia and South Carolina, and I attend
3 annual meetings of the American Academy of Forensic Sciences,
4 the National Association of Medical Examiners and other meet-
5 ings to -- as well as do some online training to keep current
6 in what's going on.

7 I also teach -- or fairly regularly I'm involved in
8 teaching forensic pathology as adjunct faculty to the pathology
9 residents and medical students at the University of Utah. Also
10 I do teaching at national meetings and meetings that our office
11 also holds.

12 Q. Okay, are you familiar with Cory Wride?

13 A. Yes.

14 Q. How are you familiar with Cory?

15 A. Mr. Wride's case fell to me just through the normal
16 rotation of case distribution in our office in January of last
17 year.

18 Q. So you were tasked to do his autopsy?

19 A. That's correct.

20 Q. Okay, will you briefly tell the jury kind of in a
21 nutshell the process of doing an autopsy what steps are taken?

22 A. Sure. So in the performance of a forensic autopsy --
23 it's a little bit different from what is done in the setting
24 of a hospital autopsy. You may or may not have had a family
25 member who's been -- had that procedure done, but we -- when

1 the body arrives first at our -- at our office, the body is
2 photographed as it is when it first arrives from the scene.

3

4 We then -- if the exam is to happen that day, we then
5 proceed directly with the exam. Sometimes the exam, if the
6 death occurs overnight or the body does not arrive until after
7 hours, the body is then paced in our secure cooler until the
8 examination begins the next day.

9 At the beginning of the examination we begin with
10 a thorough examination of the external surfaces of the body,
11 primarily initially with clothing to examine the clothing for
12 evidence of any injuries that may be related to what we find
13 underneath the clothing.

14 We also examine the clothing for trace evidence.
15 Findings of, you know, particles, fibers, anything else that
16 may be, you know, of evidentiary value in the case. All of
17 those things are photographed. The once the clothing is photo-
18 graphed as it is and we've collected what evidence we need on
19 the external portions of the clothing, the clothing is then
20 removed, is photographed again front and back the defects or
21 whatever that may be in it, abnormalities to the clothing are
22 documented, then the body is again photographed unclothed.

23 Any injuries are noted and photographed before they
24 are cleaned up. Then subsequently they are cleaned up and re-
25 photographed, and we then go over the body head to toe to look

1 at any injuries that may be present or any other physical
2 findings that may be present on the outside of the body that
3 would be indicative of disease or some other process going on
4 in the person.

5 Once we've completed the external examination then
6 we proceed with a complete internal examination of the body,
7 where we remove all the organs of the body and examine them,
8 thoroughly looking for the presence of injury, looking for
9 disease, other pathologic processes, anything else that might
10 be present that would in some way be related to what caused the
11 person's death.

12 We also while we're doing the internal examinations
13 collect samples for toxicology testing to see if there are,
14 you know, intoxicants that may play a role. In Utah we see --
15 I see that very commonly. Then we also retrieve projectiles,
16 bullets, pieces of knives, you know, anything else that may be
17 within the body that may also have evidentiary value in the
18 case.

19 Q. Okay, did you go through each of those steps in
20 relation to the autopsy of Sergeant Wride?

21 A. Yes, yes.

22 Q. Did you find anything related to any natural causes of
23 death?

24 A. We did not.

25 Q. Again, you examined each organ in looking for natural

1 disease?

2 A. Yes, there is no evidence of any significant natural
3 disease.

4 Q. Did you -- did you notice any disease that was even of
5 a mild nature?

6 A. To my recollection, no. It's not uncommon in many
7 people to find evidence of sub-clinical or what would be asymp-
8 tomatic heart disease in the sense of narrowing of arteries
9 and things like that, but -- and I believe we may have found a
10 small degree of narrowing in Mr. Wride's coronary arteries, but
11 not that would be of any significance in relation to his death.

12 Q. That could not have even contributed to his death?

13 A. Would not be expected to, no.

14 Q. Okay, when you were doing the exterior physical
15 examination what did you observe?

16 A. So initially, as I said, we examined the clothing and
17 everything else. We noticed that there were -- there was a
18 fair amount of blood on some of the clothing, but primarily the
19 injuries that we noted were gunshot wounds, a gunshot wound of
20 the left side of the head and on the right side of the neck.

21 Q. Okay, did you notice any minor injuries?

22 A. There were also, yes, small abrasions of scrapes were
23 present on the left side of the face, and also some on the back
24 of both hands.

25 Q. Okay.

1 A. And then some other minor injuries, some pressure
2 marks on the right arm, a small bruise on the neck, a bruise
3 on the arm also.

4 Q. Okay, do you have an opinion about any of those minor
5 injuries?

6 A. They were in no way contributory to his death. The
7 abrasions on his face and on the back of his hands are telling
8 in the sense that they are indicative of the circumstances in
9 which Mr. Wride received his gunshot wounds. They tell me
10 basically that he was shot through some other object. He was
11 -- the gun was not fired and hit him directly, but the bullet
12 had to go through something else before it struck him.

13 Q. That was based on how the injury looked?

14 A. That's based on a few things. It's based on the
15 nature of the entrance wound itself. The wounds are very
16 irregular, which is typical of a bullet that has struck some-
17 thing else, then begins to tumble as it goes through space,
18 and does not strike the body in a -- the usual straight on
19 orientation that would -- you would be expected.

20 Also, abrasions on the face and hands are what we call
21 "pseudo stippling," and those are indicative of fragmentation
22 either of the object that's penetrated or fragmentation of the
23 bullet itself as it goes through, and those fragments then
24 striking the body.

25 Q. Are you aware of where Sergeant Wride was when he was

1 shot?

2 A. Yes.

3 Q. So that could be from glass or from bullet fragments,
4 is what you're saying?

5 A. Yes.

6 Q. Okay, I want to talk first about the gunshot wound to
7 the head.

8 MR. PEAD: Your Honor, may I approach the witness.

9 THE COURT: Yes.

10 Q. BY MR. PEAD: Dr. Christensen, I'm going to show you
11 what's been marked as Plaintiff's Exhibit 9. Do you recognize
12 that?

13 A. Yes.

14 Q. What is that?

15 A. This is a photograph that was taken during the autopsy
16 that depicts the left side of Mr. Wride's face, including on
17 the left side of his forehead the entrance wound.

18 MR. PEAD: Your Honor, I'd offer State's Exhibit 9 at
19 this point.

20 MR. ZABRISKIE: No objection, your Honor.

21 THE COURT: Accept and receive State's Exhibit No. 9.

22 (Exhibit No. 9 received into evidence)

23 MR. PEAD: I would move to publish it.

24 THE COURT: Objection to that?

25 MR. ZABRISKIE: No, your Honor.

1 THE COURT: Okay.

2 Q. BY MR. PEAD: So I know you've just described that, but
3 will you do it again with this laser pointer, Dr. Christensen.

4 A. Yes. You'll have to show me which button is the laser.

5 Q. You press the middle.

6 MS. HOWARD: (Inaudible).

7 THE COURT: It's green.

8 THE WITNESS: Okay, so this, as you see, is the left
9 side of his face. Here on the left side of his forehead is
10 the gunshot wound of entrance in his head. Somewhat rounded,
11 has these little lacerations extending out. Then you can see
12 that these small, little abrasions in different locations on
13 the left side of his face also which are indicative of those
14 small fragments of either window or bullets striking his face.

15 Q. BY MR. PEAD: I'm not going to use pictures from this,
16 but will you describe you tracing this bullet wound through
17 Sergeant Wride's head.

18 A. Yes, so as part of the internal examination of the
19 body, yeah, we document the injuries externally what they look
20 like, and then we proceed to examine the internal aspect of
21 that also. This bullet went through the skull in this location,
22 created a defect in the bone, the left frontal bone, that is
23 typical of an entrance room.

24 The bullet then traversed both sides of the brain
25 across the middle through the basal ganglia, which is a central

1 collection of nerves, and ends up on the right side of his head
2 kind of behind his right ear. It does not exit the head. It
3 does fracture the skull in this location. It creates a -- some
4 sort of a punched out piece of bone, where the bullet came,
5 struck it, fractured it, but didn't have enough energy left to
6 either push the bone out of the way or for the bullet itself to
7 exit the head.

8 So the bullet is right there underneath that flap of
9 bone. The bone itself has lead on it, which is consistent with
10 that bullet core striking in that location; and we recovered
11 the bullet from that area.

12 Q. Okay, I'll show you what's been marked as Plaintiff's
13 Exhibit 12A. Do you recognize that?

14 A. Yes.

15 Q. What is that?

16 A. This is the bullet we recovered from the back right
17 side of Mr. Wride's head.

18 Q. This is a picture of that, right?

19 A. Yes, this is a photo of that.

20 Q. Okay, and I'm going to show you Plaintiff's Exhibit
21 12. Do you recognize that?

22 A. Yes.

23 Q. This is-- this is the bullet as we collect and package
24 it. At the time we collect it as evidence, and then it's been
25 put in this secondary bag.

1 Q. Okay, and it's got your signature and such on the out-
2 side of that packaging?

3 A. Well, not this packaging. I don't know where this
4 packaging --

5 Q. No, on the inside --

6 A. Oh, on the vial itself, yes.

7 Q. Okay, what kind of effect would this kind of a shot
8 have on Sergeant Wride's brain and head?

9 A. I mean, it would be disruptive of, you know, any sort
10 of normal function who would be expected to be essentially
11 immediately incapacitated from it. Although it would not in
12 and of itself necessarily be immediately lethal.

13 Q. Did it have effects on the skull structure itself?

14 A. Yes, it, you know, caused fractures, which is very
15 typical. As a bullet goes through any object it dissipates
16 a lot of energy, and that dissipation occurs in a somewhat
17 balloon-like fashion.

18 As the bullet goes through and then passes, there is a
19 -- what's called a "temporary cavity" which is formed, and that
20 space expands greatly, and then goes back to where it was once
21 the energy is gone or is dissipated, and it can cause -- it
22 causes a lot of destruction to the tissue locally; but the
23 destruction of the tissue is much greater than just the path
24 of the bullet itself, because of that energy dissipation. In
25 this case it caused fractures of his skull, caused hemorrhage

1 over the surface of the brain in both the sub-arachnoid space
2 and the sub-dural space.

3 MR. PEAD: Your Honor, I'd move to offer Exhibits 12
4 and 12A.

5 MR. ZABRISKIE: No objection.

6 THE COURT: Accept and receive State's Exhibits 12 and
7 12A.

8 (Exhibit Nos. 12 and 12A received into evidence)

9 Q. BY MR. PEAD: Dr. Christensen, I'm going to show you
10 Plaintiff's Exhibit 10. Do you recognize that?

11 A. Yes.

12 Q. What is that?

13 A. This is a photograph of the right side of Mr. Wride's
14 head and neck, which shows the entrance wound in his neck as
15 well as an area of injury on his right eyelid.

16 MR. PEAD: Okay, we'd move to offer State's Exhibit 10
17 into evidence.

18 MR. ZABRISKIE: No objection.

19 THE COURT: Accept and receive State's Exhibit 10.

20 (Exhibit No. 10 received into evidence)

21 MR. PEAD: Can we publish that, please.

22 MR. ZABRISKIE: No objection.

23 THE COURT: Okay.

24 Q. BY MR. PEAD: Will you again describe what you've just
25 said.

1 A. Yes. So this is the right side of Mr. Wride's head.
2 There is a small blunt injury here on his eyebrow, and then
3 the gunshot wound of entrance on the right side of his neck is
4 here. Again, instead of being a nice round hole like a bullet
5 that just comes straight out the end of a gun, this is very
6 irregular. There is all of this abrasion.

7 It's a little hard to appreciate in black and white,
8 but there's the hole. The gunshot entrance wound itself is
9 somewhat oval right here, and then there is a bunch of abrasion
10 or scraping of the skin on the interior edge of that, again
11 would be consistent with a bullet who -- that is tumbling and
12 has been deformed by striking an intermediate target. That is
13 the entrance wound right there.

14 Q. Okay, let me see if I understand you correctly. So
15 you're saying the (inaudible) shape is based on that tumbling
16 principal with an intermediate target?

17 A. All of this together, the abrasion around the edges as
18 well as the, you know, somewhat irregular shape is consistent
19 with it having gone through an intermediate target.

20 Q. Okay, and then previously you've described minor
21 injuries. Is that right below his right --

22 A. Yes.

23 Q. -- eyebrow, one of those?

24 A. This is one of those.

25 Q. Okay, and for clarification purposes, and I meant to

1 do this earlier, when you say "right" and "left," you mean from
2 the way the person faces? So this is my right and left?

3 A. I mean, his right and left.

4 Q. Correct.

5 A. Yes.

6 Q. Will you describe your tracing of the gunshot wound to
7 the neck.

8 A. Yes, so this wound entered just next to -- you have
9 this big muscle right here on both sides of your neck called
10 the "sternocleidomastoid muscle." It entered just immediately
11 next to that right in front of that on the right, and then
12 proceeded through just muscles in the neck, and came to rest
13 in his upper back.

14 There's an area -- there was an area of bruising
15 in the skin there; and underneath that bruising is where the
16 bullet came to rest. The skin in that area is very thick
17 and it's not uncommon for it to -- for bullets to not have
18 sufficient energy to get through that skin.

19 The bullet did go next to the spine but did not
20 impact the spine itself, although the blast effect, as we
21 talked about, that temporary cavity did cause some hemorrhage
22 within the spinal canal, but no obvious damage to the spinal
23 cord. There was direct injury to the jugular vein on that
24 side, which was partially -- partially injured, partially
25 opened up.

1 Q. What would be the medical effect of this gunshot wound
2 to the neck?

3 A. Hemorrhage at a minimum. It's also possible given
4 the epidural hemorrhage, the hemorrhage around the cord, at
5 the level where it is there could have been some degree of
6 temporary paralysis, but there's no way to know for sure.

7 Q. Where did this bullet fragment stop?

8 A. This one, as I said, came to rest in the back right
9 side of the neck.

10 Q. I'm going to show you what's been marked as Exhibits
11 11 and 11A. Will you look at those, please.

12 A. Yes. So 11, again, is the bullet core that we
13 recovered from the back of his neck in the bottle that we
14 packaged it into; and then this is a photograph of that same
15 bullet core prior to it going into the evidence bottle.

16 MR. PEAD: Okay, I move to offer Exhibits 11 and 11A,
17 your Honor.

18 MR. ZABRISKIE: No objection, your Honor.

19 THE COURT: Accept and receive State's Exhibits 11 and
20 11A.

21 (Exhibit Nos. 11 and 11A received into evidence)

22 Q. BY MR. PEAD: Did you find any other bullet fragments,
23 Dr. Christensen?

24 A. In this case, because we did a more detailed exami-
25 nation of the neck than we sometimes do, we did what we call a

1 layered dissection of the muscles of the anterior neck. In
2 going through that we did find a small additional fragment of
3 lead within the -- or as part of the wound path through the
4 neck as we reflected these muscles. That was also packaged
5 separately as a separate piece of evidence.

6 Q. BY MR. PEAD: I'm going to show you Exhibits 13 and
7 13A. Will you look at those. Do you recognize those?

8 A. Yes, this is the bottle containing the fragment we
9 recovered from the neck; and this is a photograph of that
10 fragment prior to going in the bottle.

11 MR. PEAD: Your Honor, I'd move to offer 13 and 13A.

12 MR. ZABRISKIE: No objection, your Honor.

13 THE COURT: Accept and receive State's Exhibits 13 and
14 13A.

15 (Exhibit Nos. 13 and 13A received into evidence)

16 Q. BY MR. PEAD: Okay, and as a result of your autopsy,
17 Dr. Christensen, did you form an opinion about the cause and
18 manner of Cory Wride's death?

19 A. Yes.

20 Q. What is that?

21 A. The cause of his death was his gunshot wounds, gunshot
22 wounds of his head and neck; and the manner of death we deter-
23 mined to be homicide.

24 Q. Did you create a report in relation to that finding?

25 A. Yes.

1 Q. Is this a report that you are statutorily commanded to
2 make?

3 A. Yes.

4 Q. Was that made near the time of your autopsy?

5 A. Yes.

6 Q. Is this the kind of report that's kept in the regular
7 course of business at the Medical Examiner's Office?

8 A. It is.

9 Q. I show you State's Exhibit 14. Do you recognize this?

10 A. Yes.

11 Q. What is it?

12 A. This is a copy of my autopsy report as well as the
13 accompanying forensic toxicology report, the results from
14 the lab where we send the blood to be tested for intoxicants,
15 drugs, medications.

16 Q. Did Sergeant Wride test positive for any of those
17 things?

18 A. No.

19 Q. Okay, and was there any toxicology that was causally
20 related to his death?

21 A. No.

22 MR. PEAD: Okay, I'd move to offer Exhibit 14.

23 THE COURT: Any objection?

24 MR. ZABRISKIE: No objection, your Honor.

25 THE COURT: Thank you. I'll accept and receive State's

1 Exhibit 14.

2 (Exhibit No. 14 received into evidence)

3 MR. PEAD: Thank you, Dr. Christensen.

4 THE COURT: Thank you. Cross, Mr. Zabriskie?

5 MR. ZABRISKIE: Thanks, your Honor.

6 CROSS EXAMINATION

7 BY MR. ZABRISKIE:

8 Q. Doctor, how are you?

9 A. Good, thank you.

10 Q. It's been a little while. Good seeing you. You're --
11 you indicated that you're a forensic pathologist?

12 A. Correct.

13 Q. You've worked for the State for how long, again?

14 A. I've worked for the State of Utah since 2008.

15 Q. You've been qualified as an expert in other Courts?

16 A. Yes.

17 Q. In fact, giving testimony is not a -- not a new thing
18 for you?

19 A. No.

20 Q. Okay, in fact, I can't recall if you've been in any of
21 our trials, but you certainly look familiar.

22 A. I've been in Utah County before.

23 Q. I see. Now, the information that we have that's come
24 into evidence as being identified by you, in reality is --
25 leads up to the conclusion that Sergeant Wride died from

1 gunshot wounds?

2 A. I'm trying to follow what you're asking me.

3 Q. You've indicated that the cause of death was being
4 the victim of assault by gunshot wounds. You've explained the
5 pathology, the dynamics of the bullet and things like that --

6 A. Yes.

7 Q. -- and certainly those internal elements in our body
8 that were damaged by the bullets?

9 A. Yes, uh-huh.

10 Q. We started taking a long way back to the opening gate.
11 He died from getting shot; is that not the case?

12 A. Yes, uh-huh.

13 Q. Now, in your research -- and I certainly -- every time
14 I hear you folks I am absolutely amazed at your depth of know-
15 ledge and et cetera. Not necessarily do I envy you; but your
16 findings only go to the elements -- the physical elements and
17 the things that you observe. They -- you do not necessarily
18 make findings as to motive; and by that, you don't know the
19 dynamics that went into this particular trauma, excepting what
20 someone has told you?

21 A. Yes and no. So as part of my training as a forensic
22 pathologist we are trained to evaluate not just the autopsy
23 findings, not just the physical findings, not just the toxic-
24 ology results, but the circumstantial evidence as it occurs and
25 the context in which those injuries occur, because frequently

1 the determination especially of manner of death is dependent on
2 that investigation.

3 Q. Well, let's narrow it down to this case. You've
4 indicate the cause of death or the trauma to different parts
5 of the body. Was there anything in your research or findings
6 that would lend itself as to what led up to the shooting?

7 A. No.

8 Q. So you don't involve yourself in areas of motive,
9 things like that, unless your findings support something that
10 has been proffered by the State; isn't that the case? By that,
11 you eliminated the fact that he did not -- this was not a self-
12 inflicted wound?

13 A. Yes.

14 Q. That's part of your process; is it not?

15 A. Yes, yes, it is.

16 Q. So you're trying to narrow down the dynamics of the
17 actual -- I call it an accident, although it's an accident that
18 is characterized as a crime, you're finding things and you're
19 eliminating others?

20 A. Yes.

21 Q. You found that certainly your findings would include
22 this was not a self-inflicted wound?

23 A. Correct.

24 Q. But nothing beyond that. You don't know from what
25 it was fired, who fired it, you don't know what led up to the

1 shooting. That stuff is not part and parcel of your investi-
2 gation, is it?

3 A. Only --

4 Q. In this case here?

5 A. In this case here I do have that information through
6 law enforcement. I routinely, as part of all my cases, you
7 know, as -- as it becomes relevant, will review police reports
8 and other evidence that's available. Sometimes it makes a
9 difference, sometimes it doesn't. It just all -- it becomes
10 part of the basis on which my opinion rests.

11 Q. I see, but in this case here you were not in search of
12 the dynamics and the activities that led up to the shooting?

13 A. No.

14 Q. They were just -- it was related to you?

15 A. Correct.

16 Q. So you're a -- for lack of a better term, you're a
17 scientist, and you're examining a subject looking for the
18 dynamics that you've been trained to look for?

19 A. Yes.

20 Q. As far as it relates to the commitment of a crime, all
21 those ingredients that are required for a crime to be supported
22 like knowledge, motive, intent, things like that you don't get
23 involved in?

24 A. No, I mean, that's all separate. Just so you --

25 Q. "Yes" or "no" would be fine.

1 A. No, uh-uh.

2 Q. Okay, and that was not the case in this -- in this
3 particular case?

4 A. No.

5 MR. ZABRISKIE: All right, thank you. No further
6 questions.

7 THE COURT: Thank you. Redirect?

8 MR. PEAD: Yeah, just briefly, your Honor.

9 REDIRECT EXAMINATION

10 BY MR. PEAD:

11 Q. How do you view your role in this case Dr. Christensen?

12 A. In this case my job is -- my primary obligation is to
13 Mr. Wride. He is my patient. In that role my obligation is to
14 determine -- what I'm essentially required to determine by law
15 is what killed him, what was the cause of his death, and what
16 was the manner of his death, which is -- my assessment of the
17 circumstances under which his death occurred. That is a --
18 you would call it a (inaudible) logical -- it's a bookkeeping
19 function almost that is part of vital records function that we
20 put on the death certificate.

21 We have the choice of I can call this a natural death,
22 I can call it a homicide, I can call it an accident, or I can
23 call it a suicide, or if circumstances are sufficiently muddled
24 I can just say I can't tell it's undetermined or could not be
25 determined.

1 Most of the time we're able to make a determination as
2 to the manner of death; and in this case, this is clearly not a
3 natural death, this is clearly not a suicide, and this is not
4 an accidental death in the sense that, you know, he didn't drop
5 his gun and it was discharged or somebody else didn't drop a
6 gun or there wasn't a gun a hair trigger.

7 The information I had is this was a gun that was
8 intentionally fired. What the intent was with the firing, I
9 don't know; but the gun was intentionally fired. It directly
10 led to -- the bullet wounds in his body which led to his death.
11 That, under our definition, is a homicide.

12 Q. I think we've briefly addressed homicide, which would
13 make this not an undetermined manner of death. We've addressed
14 natural causes, which you didn't find any basis for that. You
15 have just addressed accident. Will you briefly address for the
16 jury why you've ruled out suicide?

17 A. Primarily because the circumstances. I mean, this is
18 an assessment of all of it together, but certainly the -- there
19 is no way for him to fire a gun through the intermediate target
20 through which he was shot. So that's physically impossible for
21 him to have fired a gun outside the window at himself.

22 MR. PEAD: Thank you.

23 THE COURT: Okay, thank you.

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1 RECROSS EXAMINATION

2 BY MR. ZABRISKIE:

3 Q. Just for -- I don't wish to belabor this, but you
4 indicated that this was not caused by a self-inflicted wound?

5 A. Correct.

6 Q. That it appeared to be fired from somewhere outside
7 his immediate area?

8 A. Yes.

9 Q. That's been explained to you. Therein you indicated
10 that also the dyn -- as law enforcement saw it, they gave you
11 some brief summary of what they thought happened in this parti-
12 cular incidence, because you have to know that; do you not?

13 A. Well, yeah, a little more than brief summary, but yes.

14 Q. Well, by your standard maybe not brief, but by ours,
15 brief. Let's assume for the moment, though, that someone is
16 accidentally shot in a hunting accident.

17 A. Yes.

18 Q. You don't know anything about that accidental shooting
19 excepting you know it's not self-inflicted. So the way you
20 establish intent, especially in this case here, is because law
21 enforcement told you about the case; isn't that it?

22 A. And information that I gathered from other witnesses.

23 Q. Well, that's the very point I'm trying to make.

24 A. But yes.

25 Q. This was externally provided to you by others?

1 A. Yes.

2 Q. The issue of intent and things of that nature are the
3 subject of police investigation, not you?

4 A. It was as part of my job to determine that matter.
5 That's what I have to put on the death certificate. So I need
6 that information, and I gather it --

7 Q. Oh, I'm not -- I'm not faulting you for it.

8 A. -- sometimes from law enforcement -- no, I understand;
9 but sometimes from law enforcement, sometimes directly from
10 family members, from whatever source. It occurs over time.
11 What I know on the day that I do the examination is not the
12 same as what I know by the time I sign the final report.

13 Q. Well, for example, I've had cases where people have
14 been shot accidentally.

15 A. Uh-huh.

16 Q. In hunting accidents and things of that nature.

17 A. Yes.

18 Q. You quickly eliminate the possibility of somebody
19 self-inflicting a wound.

20 A. Uh-huh.

21 THE COURT: Uh-huh.

22 Q. BY MR. ZABRISKIE: Then comes the -- then comes the
23 investigation as to what stands or what's behind it. Is it an
24 accident; is it intentional? That's for law enforcement; that
25 isn't something that you do?

1 A. No, that is something that I do also.

2 Q. You're just not going to let me off the stand.

3 A. Well, no, because I have to, because for me then that
4 becomes is this truly an accident, or is this a homicide?

5 Q. But you do -- you do depend on what law enforcement
6 tells you as part of your investigation?

7 A. As part of it, but not -- certainly that's not the
8 only source of my information.

9 MR. ZABRISKIE: All right, thank you. No further
10 questions.

11 THE COURT: Thank you.

12 MR. PEAD: Okay, I don't have anything further for
13 Dr. Christensen. I'd like that he be released from his
14 subpoena.

15 THE COURT: Any objection?

16 MR. ZABRISKIE: No objection.

17 THE COURT: Thank you. That's all.

18 MR. PEAD: Your Honor, this might be a good time for a
19 brief break.

20 THE COURT: Okay, go ahead and take a short recess at
21 this time. Come back at 2:30. Again admonish the jurors to
22 comply with the instructions that I've previously given.

23 COURT BAILIFF: All rise for the jury.

24 (Jurors exit the courtroom)

25 THE COURT: Thank you. We'll be in recess.

1 (Recess taken)

2 THE COURT: Thank you. Please be seated. All right,
3 we're back on the record. All parties are present, including
4 the defendant, Ms. Grunwald, all members of the jury. Mr. Pead.

5 MR. PEAD: Thank you, your Honor. The State calls Doug
6 Squire.

7 COURT CLERK: Raise your right hand. You do solemnly
8 swear that the testimony you shall give in the case now pending
9 before the Court will be the truth, the whole truth and nothing
10 but the truth, so help you God?

11 THE WITNESS: Yes.

12 THE COURT: Thank you, sir. Please have a seat in the
13 witness box. Just make sure we get that one -- there you go.
14 Thank you.

15 DOUGLAS SQUIRE,

16 having been first duly sworn,

17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. PEAD:

20 Q. Will you please state your name and spell it for the
21 record.

22 A. Douglas Squire, S-q-u-I-r-e.

23 Q. Douglas is spelled the standard way?

24 A. Yes, sorry.

25 Q. Okay, how are you employed?

1 A. I am the Forensic Supervisor for the Utah County
2 Sheriff's Office.

3 Q. Okay, and are you a Certified Peace Officer?

4 A. I am.

5 Q. How long have you been such?

6 A. I have been certified since 1980, so 34 years, 35.

7 Q. Okay, and how long have you been in your current
8 assignment related to forensics?

9 A. I have been doing forensics for Utah County Sheriff's
10 Office for the last ten years, but pretty much my whole career.

11 Q. Okay, and what are your duties associated with that
12 responsibility?

13 A. I'm responsible to hold all the evidence for the Utah
14 County Sheriff's Office. I respond to specific scenes and
15 provide evidence gathering documentation.

16 Q. What kinds of scenes do you respond to?

17 A. I've responded to all kinds of scenes, homicides, all
18 the way back.

19 Q. Does your expertise go to processing crime scenes?

20 A. Yes.

21 Q. Okay, you know what case we're here on today?

22 A. Yes.

23 Q. Okay, and what was your role in this case?

24 A. I was notified by our office to go to Eagle Mountain
25 to take care of a case that had happened with a sergeant with

1 the department. I headed that direction. Plus we had several
2 other scenes that I helped coordinate with.

3 Q. What date are we talking about here?

4 A. This is January 30th of 2014.

5 Q. Okay, and what sergeant are we talking about?

6 A. Sergeant Wride.

7 Q. Okay, I show you State's Exhibit 7. Do you recognize
8 this person?

9 A. I do.

10 Q. Who is that?

11 A. That is Sergeant Wride.

12 Q. Okay, and is this the crime scene we're talking about?

13 A. Yes.

14 Q. I don't even know what your title is. What's your
15 title?

16 A. I'm the Forensics Supervisor.

17 Q. What would I call you?

18 A. Forensic Supervisor. I don't know, "Dude."

19 Q. I'm thinking more basic and rudimentary like "Deputy,"
20 "Sergeant," those kinds of things.

21 A. No, basically my title is Forensic Supervisor, so --

22 Q. Okay, Supervisor Squire, I'm going to show you what's
23 been marked as Plaintiff's Exhibits 15 through 31. Will you
24 take a minute and look at each of those.

25 A. (Witness reviewing exhibits).

1 Q. Sorry, I didn't see you were ready. Do you recognize
2 those exhibits?

3 A. Yes, they're photographs that I've taken at the scene
4 and at our forensic --

5 Q. Specific to doing what?

6 A. Basically investigating the shooting that had occurred
7 at Eagle Mountain.

8 Q. Is this to process Sergeant Wride's vehicle?

9 A. Yes.

10 MR. PEAD: Okay, at this time, your Honor, I'd move to
11 admit Exhibits 15 through 31.

12 MR. ZABRISKIE: No objection, your Honor.

13 THE COURT: Accept and receive State's Exhibits 15
14 through 31.

15 (Exhibit Nos. 15 through 31 received into evidence)

16 MR. PEAD: Permission to publish those, your Honor.

17 MR. ZABRISKIE: No objection, your Honor.

18 THE COURT: Thank you.

19 Q. BY MR. PEAD: We're going to -- I'm going to stand out
20 of the way and we'll show each of those pictures, and if for
21 the benefit of the jury you would describe what each of those
22 shows. You do have a laser pointer if you need it. Perfect.
23 This is State's Exhibit 15.

24 A. This is Sergeant Wride's vehicle that -- at the scene
25 in Eagle Mountain on Highway 73. This depicts the front portion

1 of the vehicle and depicts seven different bullet holes that
2 are in the vehicle; three in the windshield, there's one up
3 above here, two right here, and then the floor and the hood
4 that you can see.

5 Q. Okay, let's go up to -- and this is on scene?

6 A. This is on scene, yes.

7 Q. Okay, let's move to State's Exhibit 16.

8 A. This is a slug that was located on the back driver's
9 side of Sergeant Wride's vehicle. This is still at the scene.
10 I recovered that slug and placed into my care and evidence at
11 that time.

12 Q. For consistency, could we also call this a bullet
13 fragment?

14 A. This is a bullet fragment, yes.

15 Q. You collected that?

16 A. I did.

17 Q. On scene?

18 A. On scene.

19 Q. Let's move to Plaintiff's Exhibit 17.

20 A. This is the console area of Sergeant Wride's vehicle.
21 This is actually taken inside the forensic sally port. Right
22 here you can see a jacket from a bullet that has rested there
23 in the console.

24 Q. Okay, I see a gun there. Was this just the way his
25 console was at the time of the incident?

1 A. Yes, this is just -- we haven't -- we actually had
2 moved a pair of sunglasses that were sitting on top of here,
3 a sunglass case. Other than that, that's the appearance of
4 the console.

5 Q. You took a picture to show where that fragment ended
6 up?

7 A. Correct.

8 Q. Okay, let's move to Plaintiff's Exhibit 18.

9 A. This is pulling that wallet out and the fragment
10 attached to it.

11 Q. Okay, Plaintiff's 19?

12 A. We start to put in some rods into the vehicle so we
13 can get some kind of a direction of the direction that the
14 bullets have come. This is just starting the placement of
15 the rods for -- and it looks like we've got one, two three on
16 the windshield there.

17 Q. Okay, Plaintiff's 20?

18 A. This is just a closeup of the ones in the windshield
19 with the rods. Again, these are just showing directions that
20 the bullets would have entered the vehicle and passed through.
21 The yellow rod is consistent with the wound to Sergeant Wride's
22 forehead. The pink rod is consistent with the shot to Sergeant
23 Wride's right neck.

24 Q. Okay, and what's the top one?

25 A. The top one actually entered and hit -- hit the visor

1 that's right there, and at that point the bullet shattered into
2 several different fragments.

3 Q. Plaintiff's 21?

4 A. Again, the rods showing from inside the vehicle, and
5 just the consistency of where they hit. This is the one that
6 hit into the -- to the visor there.

7 Q. Plaintiff's 22?

8 A. Just a shot from the passenger side of the vehicle
9 again showing the rods. It would -- it would be consistent
10 with somebody leaning over and working on the computer right
11 here.

12 Q. Okay, Plaintiff's 23?

13 A. No. 23 is just another bullet fragment that has landed
14 on the rear passenger side of the vehicle.

15 Q. It's on the rear passenger side? On the seat or on
16 the floor?

17 A. On the floor.

18 Q. Plaintiff's 24?

19 A. That is just a closeup of that same bullet fragment.

20 Q. Okay, Plaintiff's 25?

21 A. No. 25 shows -- we've actually lettered the bullet
22 holes into the vehicle, such -- this would be A here, B is
23 right here, C entered here, ricocheted underneath the hood
24 and in those two spots there. D doing the same thing, going
25 into the hood and hitting the top of the hood -- or the under-

1 neath of the hood here at this spot also.

2 Q. Okay, and the -- you labeled the one and put A, B, C,
3 D?

4 A. Yes.

5 Q. Plaintiff's 26?

6 A. No. 26 is actually a bullet fragment that is -- if you
7 was to look in the hole of A, that's what you would see. It
8 was lodged by the -- by the radiator of the vehicle, and that's
9 what you could see after looking at it.

10 Q. So this was found under the hood?

11 A. This was found under the hood in the engine compart-
12 ment.

13 Q. Okay, Plaintiff's 27?

14 A. This was actually part of A there. It actually had
15 broken into two different places, but it's -- it's the same
16 bullet fragment that was setting on the radiator there.

17 Q. Okay, Plaintiff's 28?

18 A. No. 28 is the underside of the hood. Basically the
19 letters pretty much match the -- well, they do match what was
20 up on top. This would be A here. This was where B came in.
21 C, two locations. D, two locations. We actually had to pull
22 the skin off this -- all these particular fragments. They'd
23 all lodged their self in these ribs, and so we had to pull --
24 pull it apart to get all of the fragments out of there, and
25 there was several fragments.

1 Q. Okay, Plaintiff's 29?

2 A. No. 29 is a spot where a bullet had entered into the
3 back seat of Sergeant Wride's vehicle, a bullet fragment.

4 Q. I want to be clear. Those -- are those arrows -- what
5 are those -- what are those doing?

6 A. We're preparing to do an X-ray of the -- of the seat
7 to see if we can locate that fragment in the seat. So those
8 are just lead arrows that kind of show up in the -- in the X-
9 ray.

10 Q. So you saw a tear in the fabric of the back seat?

11 A. Correct.

12 Q. You determined there may be something inside of that?

13 A. Right.

14 Q. Okay, let's move to Plaintiff's 30.

15 A. No. 30 is an X-ray of that seat, and the -- the bullet
16 fragment had actually entered and was still within the seat
17 there.

18 Q. So this was an X-ray showing that within the seat?

19 A. Correct.

20 Q. Okay, and Plaintiff's 31?

21 A. No. 31 is that fragment that we removed from the seat.

22 Q. Okay, thank you. I'm going to show you what's been
23 marked -- well, I'm going to show you a few exhibits, but let's
24 start with Plaintiff's Exhibit 32. Will you look at that. Do
25 you recognize that?

1 A. I do.

2 Q. What is that?

3 A. That is the bullet fragment that was setting in the
4 console on that leather badge that was --

5 Q. On that wall, that location?

6 A. Yes.

7 Q. Is there an item number associated with this?

8 A. Yes, that's item No. 606.

9 Q. For the benefit of the jury will you show them where
10 those items are.

11 A. Every piece of evidence that we get gets several,
12 several items, and that's how we track them in our facility.
13 When an item is booked in a facility it's put into a container,
14 it's dated and sealed by the individual that is putting it in,
15 which in this case was myself. Then if anybody breaches this
16 envelope, they also have to date and seal it. So we can have
17 a chain of custody of where that item is gone.

18 On the front of here you see a bunch of different
19 numbers. No. 1 is the case number. The one that we're actually
20 looking for on all of these pieces of evidence is this bar
21 code. This is our tracking bar code in the evidence room,
22 and the last three numbers are 606.

23 Q. Tell us about Exhibit No. 33.

24 A. No. 33 is the partial bullet fragment that was in the
25 back seat that was recovered at the scene on the floor, that

1 you can see right there by the door panel, and inside No. 607.

2 Q. Okay, and it says 607 on that --

3 A. Yes.

4 Q. -- the purple sticker, right?

5 A. We still want to just focus on the bar code here one.

6 The purple-- the purple one is the State lab, but they actually

7 -- they'll actually have the same number, so they can kind of

8 track that. So any documentation you see from the State lab

9 will have 607 on it also. So everything that they've done

10 pretty much follows through with that same number.

11 Q. For example, for ballistics?

12 A. Yes.

13 Q. Okay, Exhibit 34?

14 A. No. 34 are those two fragments that were taken from A

15 on the hood, that were inside the compartment, that were just

16 kind of setting there on top of the radiator casing there.

17 They are marked as item 749.

18 Q. Exhibit 35?

19 A. No. 35 is the bullet fragment that was on the back

20 passenger floor, and it is marked as item 750.

21 Q. This is the one you found not on the scene, but --

22 A. Yes, later at the -- at the forensic lab.

23 Q. Okay, Exhibit 36?

24 A. No. 36 are the numerous bullet fragments that we

25 covered from underneath the hood when we peeled back the skin.

1 So we're unable to determine which one actually made -- made
2 those holes. So when we booked the evidence, all booked as one
3 item, and that item is 751.

4 Q. Does it have more than one item number?

5 A. It only has one item number, but the -- the crime lab
6 would have split it out into probably three, three different
7 numbers.

8 Q. Could they have split it out to four numbers?

9 A. Yes, because you have the main package.

10 Q. Okay, Plaintiff's Exhibit 37?

11 A. No. 37 is the fragment that was removed from the back
12 seat that you seen on the X-ray, and it is item 826.

13 MR. PEAD: Okay, your Honor, at this time I would move
14 to offer Exhibits 32 through 37.

15 MR. ZABRISKIE: No objection, your Honor.

16 THE COURT: Thank you. I'll accept and receive State's
17 Exhibits 32 through 37.

18 (Exhibit Nos. 32 through 37 received into evidence)

19 Q. BY MR. PEAD: Did you also investigate the area around
20 the crime scene for evidence of gunshots?

21 A. Yes, we -- you know, typically would find casings and
22 those type of items at the crime scene, and we did not find any
23 at the scene that would indicate what type of weapon that was
24 used. So we were at a little bit of a loss there for a little
25 while, but it all made sense.

1 Q. So you didn't see casings on the ground, in the snow--

2 A. No.

3 Q. -- anything?

4 A. No.

5 Q. Okay, I'm going to show you what's been marked as

6 Plaintiff's Exhibit 38. Do you recognize this?

7 A. Yes, these are what we call major -- major crime scene
8 prints that we take from individuals involved with crimes. I
9 met with Ms. Grunwald at the jail and took these personally
10 from her on looks like February 19th.

11 MR. PEAD: Move to offer State's Exhibit 38, your
12 Honor.

13 THE WITNESS: That's item 825, by the way.

14 MR. PEAD: Okay, thank you.

15 MR. ZABRISKIE: I'm sorry, I missed that. What did you
16 say?

17 MR. PEAD: No. 38.

18 MR. ZABRISKIE: No objection, your Honor.

19 THE COURT: Thank you. I'll accept and receive State's
20 Exhibit 38.

21 (Exhibit No. 38 received into evidence)

22 Q. BY MR. PEAD: And you -- and you personally took these
23 prints?

24 A. Yes, I did.

25 MR. PEAD: Could I have just a second, your Honor.

1 Q. BY MR. PEAD: When you were at the scene and looking
2 for other evidence including bullet casings or such, how did
3 you go about looking for those?

4 A. Basically we had -- we'd brought out a metal detector
5 and actually went over the snow and the areas that we could
6 see. We covered the area pretty extensively looking -- looking
7 for the evidence, because --

8 Q. That's why you say you were baffled, because you had--

9 A. Correct.

10 Q. -- fragments and --

11 A. Right.

12 MR. PEAD: Okay, thank you.

13 THE COURT: Okay, thank you.

14 MR. ZABRISKIE: May I just ask a few questions, your
15 Honor.

16 THE COURT: Sure.

17 CROSS EXAMINATION

18 BY MR. ZABRISKIE:

19 Q. Chief -- excuse me, Supervisor Squire, how are you?

20 A. (No verbal response).

21 Q. Your primary responsibility is what, the collection of
22 evidence and then the examination of it?

23 A. Collection, examination and pretty much to preserve it
24 for Court, and the documentation of the scene.

25 Q. As part of that you have to document as it moves down

1 the line or up the line, depending on where it's stored, you
2 have to document who has it, the chain of possession, things
3 like that?

4 A. Correct.

5 Q. You're in charge of that?

6 A. Yes.

7 Q. Now, you also indicated that you took hand prints from
8 Meagan?

9 A. Yes.

10 Q. That's -- let me see, I notice here --

11 MR. ZABRISKIE: Excuse me, your Honor --

12 THE COURT: Sure.

13 MR. ZABRISKIE: -- that's what we need.

14 Q. BY MR. ZABRISKIE: This is -- this is her palm print?

15 A. Yes.

16 Q. What are these --

17 A. These are the sides of her hands, and it would be with
18 the thumb and then the outer edge.

19 Q. Okay, tell me what the purpose is of taking those palm
20 prints, hand prints, whatever you call them.

21 A. Well, specific things. An individual might leave a
22 palm print. It might be just a finger print. Might be just
23 the side of their palm, or it might be the side of their thumb.
24 So we take those prints to make identifications.

25 Q. I see, and were you able to match those prints with

1 prints that, let's say, were found in or on the truck that was
2 being driven by her?

3 A. State Crime Lab actually made those identifications.

4 Q. Okay, and do you know what they found?

5 A. I do know they found her prints in the vehicle and
6 Angel's prints in the vehicle.

7 Q. Do you know where they found her print?

8 A. I don't recall.

9 Q. If I told you they found them on the driver's side
10 window and only on that window would you agree with that?

11 A. It would be possible. I don't know.

12 Q. So you wouldn't be able to object to that or disagree
13 with me, because you don't know?

14 A. I don't know.

15 Q. Okay, did you check her hands for any gunshot residue,
16 anything like that?

17 A. No, I did not.

18 Q. Do you know if that was done by anybody on your crew
19 or that was investigating this particular incident?

20 A. I don't know that.

21 Q. Did you -- were you the one that took the prints,
22 then, from -- I'm assuming this -- did you take Jose Garcia's
23 prints?

24 A. Did I take them? No.

25 Q. Were they taken?

1 A. I don't know.

2 Q. So we don't know if they were found in the truck or
3 not, or you just don't know?

4 A. No, I know they were found in the truck, but they --

5 Q. Uh-huh.

6 A. -- his prints were on file.

7 Q. I see. Do you know where they were found in the truck?

8 A. I don't.

9 Q. Do you know whether her prints -- by that, Meagan's
10 prints -- were found on the gun?

11 A. I don't know.

12 Q. Do you know whether in fact her prints were found
13 anywhere excepting -- this is redundant, I've asked you this
14 question. You're -- you have the title "Supervisor." Do you
15 know who would have taken those prints?

16 A. Yes, the State Crime Lab. They were assigned to
17 process the Tundra.

18 Q. Is it your testimony you have not reviewed those
19 findings?

20 A. I have seen their -- the sheet that they -- they
21 provided for finding those items, but other than that, no.
22 I do have a copy in my report.

23 Q. Have you reviewed that report?

24 A. Yes.

25 Q. Are you able to answer my question where else did they

1 find her print, if in fact they did?

2 A. I will check and see if they actually put locations,
3 but I don't know if they did or not.

4 MR. PEAD: Your Honor, the State Crime Lab scientist
5 who analyzed the prints and the vehicle will be testifying.

6 MR. ZABRISKIE: That being the case, your Honor, I
7 withdraw the question. I'm sorry.

8 THE COURT: No problem.

9 Q. BY MR. ZABRISKIE: I thought I had to grill you.

10 A. It's common.

11 MR. ZABRISKIE: All right, that being said, your Honor,
12 we have no further questions.

13 THE COURT: Thank you.

14 MR. ZABRISKIE: Thank you.

15 THE COURT: Any redirect?

16 MR. PEAD: No, your Honor.

17 THE COURT: All right, Mr. Squire, that's all. May he
18 be excused?

19 MR. PEAD: Yes.

20 MR. ZABRISKIE: We have no objection.

21 THE COURT: Okay, thanks, sir.

22 MR. PEAD: State calls Scott Finch.

23 THE COURT: Okay, let's get you sworn in.

24 COURT CLERK: You do solemnly swear that the testimony
25 you shall give in the case now pending before the Court will be

1 the truth, the whole truth and nothing but the truth, so help
2 you God?

3 THE WITNESS: Yes.

4 THE COURT: Thank you, sir. Please have a seat in the
5 witness box.

6 SCOTT FINCH,
7 having been first duly sworn,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. PEAD:

11 Q. Will you please state your name and spell it for the
12 record.

13 A. My name is Scott Finch, S-c-o-t-t F-I--c-h.

14 Q. How are you employed?

15 A. I'm a Sergeant Investigator with the Utah County
16 Attorney's Office Bureau of Investigations.

17 Q. Okay, and what is your current assignment?

18 A. My current assignment is an investigator with the
19 County Attorney's Office. Part of that assignment is to help
20 investigate officer involved shootings. In this particular
21 case I was assigned as case officer and also as the evidence
22 crime scene manager for the Eagle Mountain scene.

23 Q. Assisting Doug Squire?

24 A. Correct.

25 Q. As case officer, is this the kind of case where you do

1 a lot of the witnessing yourself, or you investigate and kind
2 of put the case together based on other evidence?

3 A. That is correct. I take evidence from all the other
4 officers that have collected it or interviews, kind of put it
5 all together and organize it in a manner that we can present it
6 to the prosecutors and for Court if necessary.

7 Q. Are you a certified peace officer in the State of
8 Utah?

9 A. I am.

10 Q. Okay, and how long have you been such?

11 A. For 29-and-a-half years.

12 Q. Do you have a particular role as it relates to shoot-
13 ings that involve law enforcement?

14 A. Yeah, my assignment with the officer involved shooting
15 task force is I am involved in the evidence collection, crime
16 scene management; and that's usually what I do, but from time
17 to time we will be assigned to be the case officer, and that
18 rotates through our office.

19 Q. Okay, I know your role in this case has been much more
20 significant than it's going to seem now, but I'm going to try
21 and wrap up the Eagle Mountain scene investigation with you.

22 A. Okay.

23 Q. From what you said, you were involved in that?

24 A. That is correct.

25 Q. Did you respond to the scene itself?

1 A. I did.

2 Q. Then did you also respond to the Utah County Sheriff's
3 Office sally port when Sergeant Wride's vehicle was processed
4 along with other vehicles?

5 A. At later date, yes.

6 MR. PEAD: Okay, may I approach the witness, your
7 Honor?

8 THE COURT: Yes.

9 Q. BY MR. PEAD: I'm going to show you what's been marked
10 as Plaintiff's Exhibit 39. Do you recognize this?

11 A. Yeah, this is the driver's license for Meagan Dakota
12 Grunwald.

13 Q. Where was that taken from?

14 A. That was, from my understanding, was taken from
15 Ms. Grunwald at the Santaquin Police Department by Sergeant
16 Patty Johnston, who was the officer that was dealing with her
17 at that time.

18 Q. Is there a driver's license number on that?

19 A. There is.

20 Q. What number is that?

21 A. That number is 194160347.

22 Q. Okay, and have you run that number through police
23 databases?

24 A. I did.

25 Q. What does that come back as?

1 A. That came back to -- as the driver's license for
2 Meagan Dakota Grunwald.

3 Q. Okay, now you've been here in Court, correct?

4 A. That's correct.

5 Q. As the case officer?

6 A. Yes.

7 Q. Did you hear the testimony of Norene Stone?

8 A. Yes.

9 Q. She -- we offered I believe it was State's Exhibit 3
10 as a CAD call?

11 A. Yes.

12 Q. Have you compared that driver's license number with
13 the driver's license number on the CAD call with Sergeant
14 Wride's motorist assist?

15 A. Yes.

16 Q. How do they compare?

17 A. They match.

18 MR. PEAD: Okay, I move to offer Exhibit 37 at this
19 time, your Honor.

20 MR. ZABRISKIE: No objection.

21 THE COURT: No. 39?

22 MR. PEAD: Oh, was it 39?

23 THE COURT: I think so.

24 MR. PEAD: Oh, you're right. Thank you, your Honor.

25 THE COURT: Accept and receive State's Exhibit 39.

1 (Exhibit No. 39 received into evidence)

2 Q. BY MR. PEAD: Okay, I want to talk a little bit about
3 the video that was played earlier from Sergeant Wride's dash
4 camera. You heard these little noises like "bapapapa." Do you
5 know what I'm talking about?

6 A. Yes.

7 Q. What were those noises?

8 A. Those noises are when an officer, once he enters the
9 information to his computer, those indicate it's an alert that
10 there's a response coming back. Then he can check to -- the
11 computer to see what is taking place and what the return was
12 on it, and what information is there for him.

13 Q. Okay, I'm going to show you what's been marked as
14 Plaintiff's Exhibits 40, 41, 42 and 43. Will you look at
15 those?

16 A. Yes.

17 Q. What are those?

18 A. These would be screen shots of a computer that some-
19 body would have ran something on their -- a police officer in
20 his patrol car when he ran a plate or an inquiry on somebody,
21 these would be the returns. This is what it would look like.

22 Q. Okay, now so this isn't a picture of what Sergeant
23 Wride would have seen, but you later demonstrating what it
24 would have looked like while he was running it on his computer?

25 A. That is correct.

1 MR. PEAD: I'd move to -- well, just a sec -- move to
2 offer Exhibits 40 through 43, I believe it is.

3 MR. ZABRISKIE: No objection, your Honor.

4 THE COURT: Accept and receive State's Exhibits 40, 41,
5 42, 43.

6 (Exhibit Nos. 40 thru 43 received into evidence)

7 MR. PEAD: Could we publish 41 -- or 40.

8 THE COURT: Any objection, Mr. Zabriskie?

9 MR. ZABRISKIE: No, your Honor.

10 MR. PEAD: Sorry, Judge.

11 Q. BY MR. PEAD: I don't want to be exhaustive, but will
12 you just briefly explain what would have shown on the screen.

13 A. Okay, on the screen up here on the top, right there,
14 that indicates that there's a return. An officer can click on
15 that and then it will populate this down here. This is what
16 the information he would be able to see of -- and this one is
17 the license plate information for license plate Delta 870 Echo
18 Charley. This is going to tell us who the owners are, the type
19 and description of the vehicle, as far as that goes.

20 Q. Okay, and in this case there were co-owners?

21 A. That is correct. I can't see it from here, but I know
22 from running it this would be a-- I think that's Tori Grunwald,
23 and then down here it is Meagan and it says "Funwald," if I
24 recall correctly, a typo.

25 Q. Okay, and this up in the right corner, what is that?

1 A. Right corner up here?

2 Q. Yeah.

3 A. This is Spillman. This is the computer system that
4 the police officers in Utah County use to run checks on license
5 plates, driver's license or other things.

6 Q. Is this what Norene Stone was talking about earlier?

7 A. That is correct.

8 Q. I'm going to show you what's been marked as Plaintiff's
9 Exhibit 44. Will you look at that.

10 A. Yes.

11 Q. Do you recognize that?

12 A. I do.

13 Q. What is that?

14 A. This is the vehicle registration to the Tundra.

15 Mr. Squires and I went through the Tundra (inaudible) the
16 State, and we were able to find that in the vehicle, and we
17 collected that, and Detective -- or Mr. Squires was able to
18 book that into evidence.

19 Q. Okay, and does that match what we've learned already
20 about the Tundra?

21 A. Yes.

22 MR. PEAD: Okay, move to offer Exhibit 44.

23 THE COURT: Any objection?

24 MR. ZABRISKIE: No, your Honor.

25 THE COURT: Accept and receive State's Exhibit 44.

1 (Exhibit No. 44 received into evidence)

2 Q. BY MR. PEAD: Who does it show the registration to?

3 A. It was Tori Grunwald and Meagan -- it says Funwald,
4 but it should be Grunwald.

5 Q. Okay, and does the license plate match what we heard
6 about earlier as well?

7 A. That is correct.

8 Q. What is that number?

9 A. It's Delta 870 Echo Charley.

10 THE COURT: Mr. Pead, I'm being advised we need to take
11 a recess at this point.

12 MR. PEAD: Okay, thank you.

13 COURT BAILIFF: All rise for the jury.

14 (Jury exits the courtroom)

15 THE COURT: Thank you. We'll be in recess.

16 (Recess taken)

17 COURT BAILIFF: All rise for the jury.

18 (Jury enters the courtroom)

19 THE COURT: Thank you. Please be seated. Okay, we're
20 back on the record. Mr. Pead.

21 MR. PEAD: Thank you, your Honor; and for the record,
22 your Honor, I hope that the Court would let the jury know that
23 if they have issues or if I'm in the way or anything that they
24 can raise their hand and let the Court know.

25 THE COURT: Yeah, thank you.

1 MR. ZABRISKIE: Sam, you're kind of in my way. Could
2 you move it this way.

3 MR. PEAD: Is that better?

4 MR. ZABRISKIE: That's better.

5 MR. PEAD: Okay, good.

6 Q. BY MR. PEAD: Sergeant Finch, I'm going to move onto
7 Plaintiff's Exhibit 45. Do you recognize this?

8 A. Yes.

9 Q. What is it?

10 A. This is the contents of Sergeant Wride's pocket that
11 he had in his uniform that were -- was recovered at the autopsy
12 and brought to our office.

13 Q. Okay, and what do those contents include?

14 A. It includes his quick reference guide, a pen, some
15 cards, but also his notebook where he would write notes in if
16 he made contact with somebody.

17 Q. Is there anything significant in the notebook?

18 A. Yeah, when we received this or when I went down to the
19 evidence and looked at it and got a copy of it, it was opened
20 to a page with the name of Jose Ruben Martinez, then Espinoza,
21 and also with what looks like appears to be a date of birth of
22 1/30 of '85, and the '85 looks like it's crossed out, and then
23 it's '92 has been written in.

24 Q. Okay, and why is that of significance?

25 A. That matches the entries he made on his computer

1 trying to find out who the occupants were in the vehicle.

2 Q. Did you see him on that dash cam video with a note pad
3 or a piece of paper going from the Tundra back to his vehicle?

4 A. Yes, I've watched that several times trying to find
5 out what's going on, and I did observe him take out of his
6 pocket something that appears to be a notepad of some sort,
7 and writing something down, returning to his vehicle. Even
8 when he goes back to the vehicle on the passenger side, talking
9 with the passenger, he appears to be maybe making a little note
10 there also.

11 MR. PEAD: I would move to offer Exhibit 45, your
12 Honor.

13 MR. ZABRISKIE: No objection.

14 THE COURT: Thank you. Exhibit 45 from the State will
15 be accepted and received.

16 (Exhibit No. 45 received into evidence)

17 Q. BY MR. PEAD: I'm going to show you Exhibit 46. Now, I
18 know this is in a package and we'll have pictures of it later,
19 but can you tell us what that is?

20 A. This is a package containing a cell phone that was
21 recovered from the Tundra in the front console area by the
22 State Crime Lab. Then it -- they photographed it, recovered
23 it, then turned it over to Mr. Squires, and placed it into
24 evidence. Then our office got it. Then we had one of our
25 phone technicians run the phone's contents to do a data

1 extraction to find out if there's any evidence on that phone.

2 Q. I don't want to get into the evidence there, but based
3 on the investigation into the phone generally do you know whose
4 phone this was?

5 A. I believe it is Meagan Grunwald's.

6 Q. Do you know what the phone number associated with that
7 phone is?

8 A. I'd have to look at my notes, but --

9 Q. Would that refresh your recollection?

10 A. It would.

11 Q. Okay, go ahead.

12 A. The phone number I believe that belongs to this 801-
13 809-4149.

14 MR. PEAD: Thank you. Move to offer Exhibit 46, your
15 Honor.

16 THE COURT: Any objection?

17 MR. ZABRISKIE: No, your Honor.

18 THE COURT: Accept and receive State's Exhibits 46.

19 (Exhibit No. 46 received into evidence)

20 Q. BY MR. PEAD: I'm showing you State's Exhibit 47, which
21 is open.

22 A. Okay, this one I do recognize that and I do have a lab
23 report that I completed for when I received this phone to do a
24 data extraction from that phone also. This again was obtained
25 from the Tundra in the center console area and it was recovered

1 by the State Crime Lab personnel who did the processing of that
2 vehicle, given to Mr. Squires, and which I obtained it, and
3 then did the data extraction.

4 Q. Based on your extraction and other information do you
5 know who this phone belongs to?

6 A. I believe it belonged to Mr. Garcia, or Jose or Angel.

7 Q. Jose Angel Garcia?

8 A. Correct.

9 Q. What is the phone number associated with this phone?

10 A. I'd have to refresh my memory again by using my notes.
11 It is 801-800-7191.

12 Q. 801-800-7191?

13 A. Correct.

14 MR. PEAD: Okay, I'd move to offer Exhibit 47, your
15 Honor.

16 THE COURT: Any objection?

17 MR. ZABRISKIE: No objection, your Honor.

18 THE COURT: I'll accept and receive State's Exhibit 47.

19 Q. BY MR. PEAD: I'm going to get a little bit ahead of
20 ourselves, but this was part of your role in this case. In
21 investigating this case did you do time measurements from the
22 various crime scenes that have been talked about today?

23 A. Yes, I have.

24 Q. Can you tell us what those are.

25 A. Yeah, I actually drove from the location where Sergeant

1 Wride had encountered the Tundra, and I drove that the speed
2 limit from there down SR-73 through Main Street, if I recall,
3 I-15 to Santaquin and it took me about 47 minutes. Then I got
4 on the computer, Googled the distance if you'd taken Redwood
5 Road, which is the other way from Eagle Mountain, Saratoga
6 Springs, down towards Santaquin. That would be approximately
7 time frame.

8 Then also I went to the location where it was believed
9 the suspects made the U-turn on I-15 and returned to Santaquin.
10 At which time Officer -- or Deputy Sherwood encountered the
11 suspects. That was approximately an average of about 4 minutes
12 and 50 seconds. I drove that three times to be able to get
13 that time frame.

14 Q. Okay, so if I'm understanding you correctly, from
15 where Sergeant Wride was shot to Santaquin Main Street, if you
16 go through I-15 is about 47 minutes?

17 A. That's correct.

18 Q. If you go from where Sergeant Wride was shot to
19 Santaquin Main Street along Redwood Road through Saratoga
20 Springs and Alberta and then toward -- then east I would take
21 it to Santaquin.

22 A. I-15?

23 Q. That's about an hour.

24 A. That is correct.

25 Q. Okay, and then from where the Tundra was observed,

1 just south of Santaquin, and that U-turn that you talked about
2 to -- back to Santaquin Main Street was about 4 minutes and 50
3 seconds?

4 A. That is correct.

5 Q. Okay, thank you, Sergeant Finch.

6 THE COURT: Thank you. Cross?

7 MR. ZABRISKIE: No cross, your Honor. May I inquire of
8 Counsel.

9 (Counsel confer off the record)

10 MR. ZABRISKIE: Okay, no questions at this time, your
11 Honor.

12 THE COURT: So he's not excused at this time?

13 MR. PEAD: No, he's not.

14 THE COURT: All right, thank you. Next witness?

15 MR. PEAD: State calls Greg Knapp.

16 THE COURT: Okay. Come forward, sir, let's have you
17 sworn in.

18 COURT CLERK: Raise your right hand. You do solemnly
19 swear that the testimony you shall give in the case now pending
20 before the Court will be the truth, the whole truth and nothing
21 but the truth, so help you God?

22 THE WITNESS: Yes, I do.

23 THE COURT: Thank you. Please have a seat in the
24 witness box. Just make sure the microphone is close enough
25 to pick you up.

1 THE WITNESS: Okay.

2 GREGORY TODD KNAPP,

3 having been first duly sworn,

4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. PEAD:

7 Q. Will you please state your name and spell it for the
8 record.

9 A. Yes, Gregory Todd Knapp. It's G-r-e-g-o-r-y T-o-d-d
10 K-n-a-p-p.

11 Q. How are you employed?

12 A. I am a special investigator with the Utah County
13 Attorney's Office Bureau of Investigations.

14 Q. Are you a peace officer in the State of Utah?

15 A. Yes, I am.

16 Q. What is -- what are your duties as an investigator?

17 A. To investigate felony crimes. One of the main things
18 we investigate is officer involved shooting cases.

19 Q. Okay, and were you involved in this case?

20 A. Yes, I was.

21 Q. Do you know what case we're here on today?

22 A. Yes, I do.

23 Q. Okay, how long have you been a peace officer in the
24 State of Utah?

25 A. For 17 years.

1 Q. What did you do before that?

2 A. I was a school teacher and I was in the military
3 before that.

4 Q. Okay, what is the primary purpose of your testimony
5 today?

6 A. To discuss -- my understanding is to discuss the GPS
7 locations on the cell phone calls that were made at the time
8 of this incident.

9 Q. Okay, will you briefly describe for the jury your
10 training, experience and other information as to what qualifies
11 you to do that?

12 A. Okay, in 1988 while a member of the Utah National Guard
13 I was trained as a radio repairman. That was approximately an
14 85 or 86 month course that I attended. In 1993 I went through
15 another 5 month course on signals intelligence analysis through
16 the U. S. Military.

17 During my law enforcement career I have worked invest-
18 igations for a number of years, both working terrorism cases as
19 well as narcotics cases, and we have used GPS technology to be
20 able to track where our people are and when things happen.

21 Q. What does the GPS data tell us generally?

22 A. The GPS technology that we gathered in this particular
23 instance shows the cell phones, the location where the cell
24 phone tower was that was used for -- to complete each of these
25 calls. It's to show where the tower that the cell phone

1 connected to to make the calls.

2 Q. Normally what tower does a cell phone connect with?

3 A. Generally a cell phone will connect to the tower that
4 has the strongest strength, which generally speaking is the
5 closest tower to that. It can vary depending on different
6 things. For example, the weather can change that. How much
7 traffic is being sent through one specific cell phone tower, it
8 might overwhelm that tower so it switched to a different tower;
9 but generally it's the closest tower to that cell phone.

10 MR. PEAD: May I approach the witness, your Honor.

11 THE COURT: Yes.

12 Q. BY MR. PEAD: I'm going to show you --

13 (Counsel conferring off the record)

14 Q. BY MR. PEAD: Investigator Knapp, I'm going to show you
15 what's been marked as State's Exhibits 51 an 52. Will you look
16 at those.

17 A. Yes. Okay.

18 Q. Do you recognize those?

19 A. Yes, I do.

20 Q. What are those?

21 A. This is the information sent to our office from T-
22 Mobile, showing the call information for the calls for two
23 cell phones we requested information on for January 30th of
24 2014.

25 Q. What phone numbers are those? If you'll do it by

1 exhibit.

2 A. Okay, Exhibit 51 is for telephone number 801-809-4149.

3 Q. Okay, and from your investigation do you associate
4 that number with a particular person?

5 A. Yes, it is a phone that was registered to Tori Grunwald
6 but it was recovered in the vehicle driven by Meagan Grunwald.

7 Q. Okay, and the other exhibit?

8 A. Exhibit 52 is for cell phone number 801-800-7191.

9 This is a cell phone that was registered to Angel Garcia.

10 Q. Okay, will you briefly describe for the jury what
11 categories of information those charts show.

12 A. Okay, there's a lot of information on here. The
13 MSISDN is the telephone number that is associated with this
14 particular record. The IMS -- the IMSI and IMEI are other
15 identifying numbers used to identify the phone, the device
16 that's being used for the calls. The event type, it states
17 either SMS or voice. SMS is for text messaging, and the voice
18 is for voice phone calls.

19 We have the start time of the telephone call or the
20 text message being sent, whether it was incoming or outgoing,
21 what number it connected to. On this there are some that have
22 the number 129, which is meaning it was a data message. So it
23 was not an actual phone call.

24 Then we have the first tower identifiers and cell ID
25 that tells us the tower and where it stands and which direction

1 it faces. The first tower technology, what kind of call that
2 tower is capable of dealing with. First tower latitude and
3 first tower longitude gives us the latitude and longitude
4 directions of where that tower is located. That's the inform-
5 ation that I used to be able to determine where that tower was.

6 Q. Okay, can I retrieve those briefly.

7 A. Yes.

8 Q. So this is -- this is the information from which you
9 were able to plot the tower on which communications were being
10 made with?

11 A. Yes, that is correct.

12 Q. This -- this shows when calls or texts were made, but
13 it doesn't have any content of that, correct?

14 A. No, it does not.

15 MR. PEAD: Okay, your Honor, I'd move to offer Exhibit
16 51 and 52.

17 MR. ZABRISKIE: No objection, your Honor.

18 THE COURT: Thank you. Accept and receive State's
19 Exhibit 51 and 52.

20 (Exhibit Nos. 51 and 52 received into evidence)

21 Q. BY MR. PEAD: But it does have the time of those commu-
22 nications?

23 A. Yes, it does. The time that's listed on there is
24 actually eastern time. So there's a two hour difference from
25 the actual time that we have here locally.

1 MR. PEAD: Your Honor, I'd like to publish these to the
2 jury just briefly so they can remember what Detective Knapp was
3 just talking about in relation to the categories.

4 THE COURT: Any objection? Hold on, Mr. Pead.

5 MR. ZABRISKIE: No.

6 THE COURT: Okay, thank you.

7 MR. PEAD: Sorry.

8 MR. ZABRISKIE: Did he make a record of -- he indicated
9 that the times were two hours off. Is that -- so the times
10 that you would have there would be two hours earlier than they
11 are or --

12 THE WITNESS: Yes, that is eastern time. So if it --
13 I think we'll be showing up here in a minute on the map the
14 information we received from the cell phone on it, but the time
15 on the cell phone versus what was on the record sent to us from
16 T-Mobile.

17 MR. PEAD: I guess -- I didn't realize we had those
18 ready to publish. I can do it this way if that's easier, your
19 Honor.

20 THE COURT: Okay.

21 MR. PEAD: If I can retrieve those. Thank you.

22 Q. BY MR. PEAD: Detective Knapp, will you use this -- and
23 again, briefly, here is these if you need them --

24 A. Thank you. Yes, I do.

25 Q. -- (inaudible) categories.

1 A. Okay, the first is the MSISDM. This first column
2 right over here --

3 MR. ZABRISKIE: You know, I'm going to have to get a
4 new prescription. I can't see a thing up there.

5 MR. PEAD: I think that's from turning it on and off.
6 Let me refocus this.

7 THE WITNESS: Okay.

8 Q. BY MR. PEAD: Here, Greg, let me just --

9 A. Just pass those back over. There's also the columns
10 for the tow -- the tower that the call terminated on. Many
11 times calls will start on one tower and end on the other. I
12 believe there was only one call pertinent on these that started
13 on one tower and terminated on a separate tower.

14 Q. Okay, thank you. Where were we at?

15 THE COURT: Ready for cross, Mr. Zabriskie?

16 MR. PEAD: I'm just letting him look at those photos
17 first, your Honor.

18 THE COURT: Okay.

19 Q. BY MR. PEAD: Investigator Knapp, did you take the
20 information from those and plot those in a GPS map?

21 A. Yes, I did.

22 Q. I'm going to show you what's been marked as Plaintiff's
23 Exhibit 49 and 50. Will you look at those.

24 A. Yes.

25 Q. What are those?

1 A. Those are the maps that we created using the GPS
2 coordinates for each of the towers that were used to make the
3 calls on January 30th for both phones.

4 Q. Okay, and they show the towers that those connected to
5 based on a certain time of communication?

6 A. Yes, that is correct. Exhibit 49 shows the calls made
7 on Angel Garcia's phone and 50 is the map for Meagan Grunwald's
8 phone.

9 MR. PEAD: Your Honor, at this time I'd move to offer
10 Exhibits 49 and 50.

11 THE COURT: Any objection?

12 MR. ZABRISKIE: Just a second. If I may have just a
13 second, your Honor.

14 THE COURT: Okay.

15 (Counsel conferring off the record)

16 MR. ZABRISKIE: No objection, your Honor.

17 THE COURT: Thank you. I'll accept and receive State's
18 Exhibits 49 and 50.

19 (Exhibit Nos. 49 and 50 received into evidence)

20 MR. PEAD: Permission to publish those, your Honor.

21 THE COURT: Any objection to that?

22 MR. ZABRISKIE: No, your Honor.

23 THE COURT: Thank you.

24 Q. BY MR. PEAD: Let's start with the Exhibit 49, and
25 again, which phone was this for?

1 A. This was for Angel Garcia's phone.

2 Q. Okay, and what have you plotted there?

3 A. These are the two phone calls that were made. The
4 11:15 on the records actually showed -- 11:16, I guess. I
5 can't see so well from here -- was actually showing on the
6 cell phone records at 1:16 a.m., but it was 11:16 p.m. of the
7 29th. There was a tower -- this is in the Draper area, and this
8 tower is west of I-15.

9 Then at 8:29 a.m. there was an outgoing call to call
10 his voice mail that pinged off of a tower that was also in the
11 Draper area, showing that the phone was in this general area at
12 both 11:16 p.m., when he called a number in Dodge City, Kansas
13 the night before, and then the morning of the 30th calling his
14 voice mail at 8:29 a.m.

15 Q. So you've adjusted these for local time?

16 A. Yes, that is correct.

17 Q. Again, this is in -- we can't narrow down location
18 specifically, but again, the general rule, from your experience
19 is, you'll ping off the closest tower?

20 A. Generally speaking, that is the case. It generally
21 pings from the closest tower.

22 Q. So this would show Jose Angel Garcia's phone pinging
23 in the Draper area the late night of the 29th and the morning of
24 the 30th?

25 A. Yes, that is correct.

1 MR. PEAD: We can move to the next exhibit. Can you go
2 bigger, Jessie.

3 THE WITNESS: Also, can I use the --

4 MR. PEAD: Sure.

5 THE WITNESS: -- the exhibit so that I can see what I'm
6 pointing at. Thank you.

7 Q. BY MR. PEAD: Okay, we've got the top half of Exhibit
8 50. This is specific to defendant Meagan Grunwald's phone; is
9 that correct?

10 A. Yes, that is correct.

11 Q. Will you explain what you plotted here at the top
12 half.

13 A. Yes, at 2:02 a.m. Meagan's phone made a phone call to
14 their voice mail -- to her voice mail, and it pinged off the
15 tower in the Draper area also. At 2:22 a.m. her phone was used
16 to contact the same phone number that Angel Garcia's phone had
17 been used to contact in the Dodge City, Kansas area. I wasn't
18 able to identify who he spoke with, but that's where the phone
19 is registered to.

20 At 5 o'clock a.m. the same tower was used to make an
21 outgoing call to Angel Garcia's phone. At 6:59 a.m. an incoming
22 call came in to Meagan's phone from phone number 809-66 -- area
23 code 801-809-6670.

24 Q. Okay, and for clarification, if I could see that
25 (inaudible), these dots are the towers?

1 A. Yes, that is correct.

2 MR. PEAD: Could we move down a little, Jessie.

3 ASSISTANT: Uh-huh.

4 Q. BY MR. PEAD: Okay, we're going to start right here,
5 Detective Knapp.

6 A. Okay.

7 Q. Could you explain this to us.

8 A. Okay.

9 Q. Let me clarify, are all these times adjusted to local
10 mountain time?

11 A. Yes, they are all adjusted to local mountain time.
12 At 1:03 p.m. an outgoing call was made from Meagan's phone to
13 area code 801-809-6670 from the tower in Eagle Mountain. At
14 1:22 p.m. an incoming call from the same number was used at a
15 tower that is on the hill between Eagle Mountain and Saratoga
16 Springs. At 1:23 a call -- an outgoing call to the same number
17 was bounced off of that same tower. At 1:29 p.m. local time
18 there was an outgoing call to area call 210-419-3398.

19 Q. Okay, if we could move down a little bit.

20 A. This particular call here at 1:47 p.m. was an incoming
21 call once again from the same number of area code 801-809-6670.
22 Then if we can go down a little further. Here we have a little
23 bit of an anomaly. At 11:50 a.m. there was a call that bounced
24 off of a tower located near -- in Payson near the Payson High
25 School track.

1 The explanation for that, the day of this event there
2 was a lot of clouds. It was raining. It was very wet and
3 cloudy, snowy day. Radio frequencies travel through the air,
4 and water is a very good conduit for radio frequencies.

5 So with Utah Lake between this tower and up north,
6 there wasn't enough time for the phone to travel clear to
7 Payson and back up to Draper in that amount of time; but the
8 radio frequencies will sometimes travel over water and will
9 ricochet kind of like a rock bouncing across the water for
10 longer distances and hit a tower further away, especially on
11 days when the weather is a little more wet and humid.

12 Q. Okay, let's see these other ones.

13 A. We then have at 1:53 in Santaquin we also have a call
14 incoming from area code 801-809-6670, and at 2:12 off of that
15 same tower in Santaquin, an incoming call from the same phone
16 number at 801-809-6670.

17 Q. Now, Detective Knapp, it appears that the closest
18 tower -- see in the middle there -- is when you marked at
19 1:47 p.m. local time?

20 A. Yes, in Provo.

21 Q. That's across the lake from --

22 A. Yes, it is.

23 Q. -- Saratoga Springs. Does that mean that the defendant
24 would have traveled along I-15 or Redwood Road, or is it not
25 indicative of either?

A. It's not indicative of either, because there's not another cell phone tower that I'm aware of for T-Mobile between Redwood Road and where that tower is. With the weather the way that it was and the lake right there, it would be -- it would be safe to say it could have gone either direction.

Q. Okay, so this doesn't tell us which direction the defendant's phone would have traveled, whether by Redwood Road or by I-15?

A. Correct.

MR. PEAD: Thank you. I believe those are all the questions I have for Detective Knapp.

THE COURT: Okay, thank you. Cross examination?

MR. ZABRISKIE: Just a few questions, your Honor.

CROSS EXAMINATION

BY MR. ZABRISKIE:

Q. I assure you none of them will have anything to do with that chart that I couldn't see.

A. Okay.

Q. But I'll take your word for it. How are you doing?

A. Not too bad. How are you today?

Q. All right. Your Spanish good?

A. Working on it still.

Q. Me, too. When you identify a certain number that belong -- for lack of a better term, and I certainly don't profess to have your expertise in these bouncing, ricocheting

1 whatever they are, and I appreciate your knowledge in this
2 area, but in reality they tell us who the phone is registered
3 to, right, the number?

4 A. Yes.

5 Q. For example, you indicated that one telephone was
6 registered to Tori Grunwald. Then all of the other numbers
7 you could identify as belonging to a certain registrant or
8 somebody whose name is on that phone or the phone's in their
9 name; is that correct?

10 A. Yes, that is correct.

11 Q. But it doesn't tell us with that, with any exactitude,
12 it really doesn't identify who's using the phone?

13 A. No, it does not.

14 Q. So -- and I appreciate -- I keep turning towards some-
15 thing that's not there. I appreciate the fact that we can
16 identify with some accuracy where people are located by the
17 positioning of the towers.

18 A. Yes.

19 Q. Not an exact science.

20 A. No, it is not.

21 Q. In fact, I think we all operated under the assumption
22 that the route taken beginning in Eagle Mountain and ultimately
23 to Santaquin and thereafter was down I-15?

24 A. That was a --

25 Q. It was an alternative.

1 A. -- yes, it was an assumption, yes.

2 Q. But in reality there will be testimony offered that
3 they went down Redwood Road. There's no conflict, then.

4 A. No.

5 Q. It's just -- it's just a matter of the positioning of
6 the towers?

7 A. Exactly.

8 Q. Okay, and again, with that, were you able to identify
9 -- you indicated that there was some phone calls that were made
10 to Kansas City, Kansas?

11 A. Dodge City, Kansas.

12 Q. Dodge City, Kansas.

13 A. Yes.

14 Q. Were those made on the phone registered to Garcia or
15 to Grunwald?

16 A. Both. There was actually the same number was called
17 from both phones.

18 Q. Did you identify anyone in Dodge City that was related
19 to or had any connections with Grunwald?

20 A. No.

21 Q. So if a phone call was made by her phone back to that
22 area, there at least would be the possibility, excepting a
23 wrong number, that someone else used that phone?

24 A. Yes, that would be correct.

25 Q. Okay, were you able through any further investigation

1 -- I don't know the extent of your research on this -- to
2 determine who was using those phones at those times?

3 A. No.

4 Q. Okay, I'm really interested in this. I think we talked
5 about this once before. A call was made that ultimately ended
6 -- evidently made to Provo, but it started bouncing around and
7 ended up in Santaquin?

8 A. There was one call that was made -- my assumption
9 would be probably about the time the phone would have been in
10 the point of the mountain area, somewhere roughly up in the
11 north part of the county, radio waves will sometimes reflect
12 kind of like a rock skipping across the water, when you have
13 a large body of water, and especially when you have a lot of
14 moisture in the air, because it's kind of like electricity
15 traveling through water. When you're standing in a puddle
16 when you stick your finger in the socket, you're going to get
17 shocked worse.

18 Q. Been there, done that.

19 A. So that's not a fun experience.

20 Q. No.

21 A. But that's -- the radio waves could have and probably
22 did ricochet across Utah Lake and bounce kind of like a rock
23 would, and pinged off of the tower in Payson to make that one
24 specific. The only -- the reason I say that is that I don't
25 think I could drive fast enough to get from the Draper and/or

1 Eagle Mountain, Lehi, north end of Utah County down to Payson
2 and back up in the amount of time given in between the other
3 calls. So that would be the only -- the only thing that makes
4 sense to me.

5 Q. That sounds like a reasonable explanation. That day
6 was inclement?

7 A. Yes, it was.

8 Q. The air would be considered moist?

9 A. Yes.

10 Q. A lot of humidity?

11 A. Yes.

12 Q. Were you -- is there any way of verifying that? Again,
13 I'm curious --

14 A. There really isn't. I spoke with an engineer from
15 T-Mobile this past week in reference to that to see if this
16 is something that he sees; and he was telling me of another
17 call that he had dealt with where a call had been made from
18 Salt Lake up near Kennecott Copper Mines, and had actually hit
19 a tower up in Davis County on a day where there was inclement
20 weather. So it's normally not the case, but from time to time
21 that does happen, and it appears to have happened on this part-
22 icular call.

23 MR. ZABRISKIE: Thank you very much.

24 THE WITNESS: Thanks.

25 THE COURT: Thank you. Redirect?

1 MR. PEAD: Yeah, just real briefly.

2 REDIRECT EXAMINATION

3 BY MR. PEAD:

4 Q. Detective Knapp, I see a number of calls to a specific
5 number on this exhibit. It's 809-6670. Did you request records
6 from T-Mobile relative to that number?

7 A. I believe I did.

8 Q. Who was that number registered to?

9 A. I'm trying to remember. That number was the same
10 number that was given. I don't remember that specific part.
11 I do remember that that was the number that Meagan had listed
12 when she was booked into the Utah County Jail as the emergency
13 contact number for Tori Grunwald.

14 Q. Who is Tori Grunwald?

15 A. Meagan's mother.

16 Q. Okay, thank you.

17 MR. ZABRISKIE: Did I misunderstand something? That's
18 not the number that was back in Dodge City, Kansas, though?

19 THE WITNESS: No, no, that is not the number in Dodge
20 City, Kansas. That is the number that the majority of these
21 calls were to in the time in question.

22 MR. PEAD: Thank you, your Honor.

23 THE COURT: Thank you. Anything else?

24 MR. ZABRISKIE: No, no.

25 THE COURT: Can he be excused?

1 MR. ZABRISKIE: We may call him back, but --

2 MR. PEAD: We were going to make the same request, your
3 Honor, that he be held in custody until we -- no.

4 THE COURT: All right, so you're not excused. That
5 means you have to sit outside still if you --

6 THE WITNESS: I can do that.

7 THE COURT: Thank you.

8 THE WITNESS: Thank you.

9 THE COURT: Next witness?

10 MR. TAYLOR: The State calls Officer Greg Gurney.

11 THE COURT: Okay. Come forward, sir, let's get you
12 sworn in.

13 COURT CLERK: Raise your right hand. You do solemnly
14 swear that the testimony you shall give in the case now pending
15 before the Court will be the truth, the whole truth and nothing
16 but the truth, so help you God?

17 THE WITNESS: I do.

18 THE COURT: Thank you, sir. Please have a seat here in
19 the witness box. Go ahead and pull that mic down close enough
20 so that we can hear you okay. Thank you.

21 GREG GURNEY,

22 having been first duly sworn,

23 testified as follows:

24 DIRECT EXAMINATION

25 ///

1 BY MR. TAYLOR:

2 Q. Will you please state your full name and then spell
3 your last name, please.

4 A. Greg Gurney, G-u-r-n-e-y.

5 Q. What is your occupation?

6 A. I'm a Lieutenant with Salem City Police Department.

7 Q. How long have you been a police officer?

8 A. Nineteen years.

9 Q. Okay, and your current assignment as a lieutenant, how
10 long have you been a lieutenant?

11 A. Since January.

12 Q. Okay, and are you a certified police officer with the
13 State of Utah?

14 A. Yes, sir.

15 Q. Okay, and did you respond to a shooting in Santaquin
16 on January 30th 2014?

17 A. Yes, sir.

18 Q. Could you explain how you happened to respond to that
19 situation.

20 A. Yes, I was traveling from Salem to my home somewhere
21 around 2:45, 2:50, and my assignment at that time, I was a
22 school resource officer in Salem Hills High School. So as I
23 left the school traveling to my home I heard dispatch put out
24 a -- what we call a 10/200 call, which they put out in serious
25 cases, and officers respond to certain areas to look for some-

1 thing.

2 I heard them talking about that, but I didn't -- when
3 I'm in the school I do not monitor a police radio. I have my
4 own issues going on in the high school, so I don't listen to
5 that. So I wasn't aware of what they were looking for. They
6 described a white Toyota pick-up truck, I believe, but I didn't
7 know why they were looking for it, and that it was out of Eagle
8 Mountain. So I didn't feel like it was something I was going
9 to be involved with.

10 I called my sergeant at that time and said, "What are
11 they looking for this truck for?" and he says, "I'm not aware
12 yet." So I was on the phone with him and about that time I
13 roll up on a white pick-up truck.

14 Q. Lieutenant Gurney, so where are you at at this point?

15 A. I am between the two Santaquin exits.

16 Q. What direction are you traveling?

17 A. I'm traveling southbound on I-15.

18 Q. Okay, so you're in between the two Santaquin exits at
19 this point?

20 A. Yes.

21 Q. Okay, so go ahead and describe what you saw.

22 A. So I roll up on this white truck, and it's traveling
23 in the fast lane, and I'm coming up on this truck, and I'm on
24 the phone with my sergeant and I said, "Well, I'm rolling up
25 on a white truck right now. What are we looking for?" and so

1 there was some confusion about what we were looking for this
2 vehicle for.

3 Q. Okay, so were you in a marked vehicle?

4 A. Yes.

5 Q. Okay, so you pull up on this truck. Are you directly
6 behind the truck at this time?

7 A. I was getting right up on that truck and there was a
8 semi in the slow lane, and then an SUV behind it. The white
9 truck was kind of pacing the semi, so nobody was passing any-
10 one. As I'm pulling up on it, the white SUV pulls in between
11 the white truck and myself. So it's between us at this time.

12 Q. Okay, and so -- so approximately how fast are you
13 going at this time?

14 A. We're going about 60 miles an hour, I remember looking,
15 and that's an 80 mile -- as soon as you get passed that Santa-
16 quin it turned to an 80. So it's an 80 mile an hour zone and
17 we were traveling about 60 in the fast lane.

18 Q. Approximately how long were you traveling behind this
19 white Toyota truck before this -- this other SUV came between
20 you and this -- this Toyota truck?

21 A. I wasn't -- I was just pulling up on it.

22 Q. Okay.

23 A. So I didn't travel right behind it for any significant
24 period of time. About the time I'm getting up on it that other
25 vehicle pulled in between us.

1 Q. Okay, so you're still continuing southbound at this
2 time.

3 A. Yes.

4 Q. So what are you observations? What are you observing
5 at this time?

6 A. So as we pass the south Santaquin exit, there's a
7 little grade there, and we kind of start up that hill and
8 down the other side into Juab County, and as we're coming
9 off that hill, the white truck keeps slowing down and just
10 kind of slowing down, and I thought they were trying to like
11 turn, pull down into the barrow pit and turn around; but there
12 was like a cable fencing, that barrier stuff that's in the
13 median that wouldn't allow you to do that. So I was -- I just,
14 what is this vehicle doing? Because they kept just kind of
15 brake checking and slowing down the hill.

16 Q. Okay, did that appear suspicious to you?

17 A. Yes.

18 Q. At this point were you -- were you aware of a license
19 plate number that -- on this 10/200 or this attempt to locate
20 or anything like that?

21 A. No, and at that time I couldn't see the plate, because
22 that other vehicle was between us.

23 Q. Okay, and so how long did you follow behind this
24 vehicle when you're with this SUV in front of you?

25 A. About five miles. It rolls off and about 240 is where

1 they went through the emergency turn --

2 Q. Why don't you -- why don't you explain what you
3 observed when you say that -- when they -- when they turned
4 off and went through that? What did you observe?

5 A. As we're coming down the hill, we're still traveling
6 well below 80. We're still about 60 coming off that hill. The
7 SUV is -- puts on its blinker like it's going to pass on the
8 right; but by that time the semi had caught back up with us and
9 was passing us going down the hill. So it just stayed between
10 us.

11 The semi passes, and as we get to about 240, the white
12 trucks just dumps on it, hits the brakes and flips into the
13 turnaround, one of those emergency turnarounds. The SUV makes
14 kind of an evasive maneuver, gets over behind the semi and
15 passes. I was going to pull in behind that -- the white truck
16 and initiate the stop, but I was going too fast. I couldn't
17 make that turn.

18 Q. So what did you observe the white truck do after it
19 pulled into that median there?

20 A. When it pulled into the median, I saw the driver. They
21 looked back at me over their left shoulder. That's the only
22 occupant I could see in the vehicle. I noticed that it appeared
23 to be a Ski Utah plate. I noticed the red on the top, and the
24 first letter appeared to be a "C." That's about all I could
25 detect from the vehicle.

1 Q. Did you observe anything with regards to the windows
2 of that vehicle?

3 A. I couldn't see through the back windows, and I can't
4 remember -- I couldn't see any occupants through the back, but
5 when they turn into that median I could see the driver looking
6 back through the driver's side window. I saw them look back at
7 me.

8 Q. Could you tell whether it was a male or female or any-
9 thing like that?

10 A. No, I could not.

11 Q. So it was just a quick observation?

12 A. Yeah, I just saw their face turn back at me, and
13 that's what I was able to detect.

14 Q. Okay, and so you said you only saw one person in the
15 vehicle. Could there have been someone in the passenger seat?

16 A. Yes, I couldn't see into the vehicle from the back.

17 Q. Okay, okay, and so this -- after it turns into the
18 median, what did the white vehicle do at that point?

19 A. It went through the emergency turnaround and proceeded
20 back northbound on I-15.

21 Q. Okay, so you see it going northbound at this time and
22 so you're continuing southbound. So what do you do?

23 A. I proceed -- just a short distance later there's
24 another turnaround, and I hit that turn around -- I'm sorry --
25 to go back to see what's up at that vehicle. About the time I

1 turn around and proceed north is when I hear what they're
2 looking for the vehicle for.

3 Q. What did you hear?

4 A. As I proceed back northbound I heard an officer state
5 or request, "Why are we looking for this car?" and dispatch
6 advised something to the effect, "This vehicle may be involved
7 in an officer down situation."

8 Q. Okay, and so at this point -- well, let me ask you
9 that. When you were traveling going southbound behind this
10 white vehicle, were your lights engaged at that point?

11 A. No.

12 Q. Okay, so at some point did you engage your lights?

13 A. Yes, after I'd hit that second turnaround and was
14 proceeding north on I-15.

15 Q. Okay, and so you're going northbound now on I-15
16 pursuing this white truck?

17 A. Yes.

18 Q. Then what happens?

19 A. As we're coming up the slant to the south Santaquin
20 exit, it was a cloudy, hazy day. I could see quite a ways,
21 but then when you got to the top of the hill it was a cloudy
22 and you couldn't see. So I lost the car as it got to the top.
23 So I proceeded up to the south Santaquin exit, and I slowed
24 down, and I looked off the off-ramp, and there's a convenience
25 store over there. I look down to the convenience store to see

1 if I could see the vehicle. I didn't see it there, so I
2 proceeded north.

3 Q. Okay, so you proceed north and then what happens at
4 that point?

5 A. Just as I'm entering the Santaquin Main Street off-
6 ramp I hear an officer -- I didn't know who it was at the time
7 -- state, "The vehicle just passed me heading westbound on
8 Santaquin Main Street."

9 Q. Where did you hear this from?

10 A. On the police radio.

11 Q. Okay, so you have your police radio on at this time,
12 you're monitoring traffic, you're receiving information; is
13 that correct?

14 A. Yes.

15 Q. Okay, and so what did you do when you heard that?

16 A. So I proceeded to exit, come off the off-ramp. About
17 the time I hit the off-ramp and start west.

18 Q. Okay, and so now you're on Main Street and Santaquin;
19 is that correct?

20 A. Yes.

21 Q. Okay, and so explain what happens next.

22 A. I'm working around some traffic right there. There's
23 a little traffic light and I'm getting around a school bus, and
24 I hear an officer say, "I'm hit." I could hear some distress
25 in the voice, and then he said it again. So I kept proceeding

1 westbound on Main Street.

2 Q. What did you observe when you continued to proceed
3 westbound on Main Street?

4 A. Excuse me, as I'm going west, I think I can see like
5 brake lights of the deputy's vehicle ahead of me. So I just
6 keep proceeding until I get within the same block, and somebody
7 says that they've turned around and headed back eastbound on
8 Main Street.

9 Q. So did you observe a deputy's vehicle on Main Street
10 in Santaquin?

11 A. Yes.

12 Q. Okay, so describe what you saw with regards to that.
13 Where was the vehicle and what were your observations with
14 regards to that?

15 A. It was a patrol vehicle and it was just stopped in the
16 lane of traffic. Appeared to be just facing west.

17 Q. Were the lights on on the vehicle; do you remember?

18 A. I can't remember.

19 Q. Okay, so you pull up on close to this and then you
20 hear that the vehicle had turned around. So what did you do at
21 that point?

22 A. I immediately just turned directly sideways, and I
23 exited my vehicle. I grabbed my AR15 and I threw a vest on.
24 This is kind of how I dress for school duty.

25 Q. What is an AR15?

1 A. It's a police -- it's a long gun, a semi-automatic
2 223.

3 Q. Okay.

4 A. I prepared to engage a white truck coming back in my
5 direction.

6 Q. Did you ever see that white truck?

7 A. I did not.

8 Q. Okay, so you're out of your vehicle, you've got your
9 vest on, you've got your AR-15 looking for a white vehicle,
10 and you didn't see that. Then what did you do?

11 A. There were a lot of traffic that kept trying to go
12 around me. We just tried to divert the traffic that was
13 pulling up by the deputy's vehicle to go north on 200 West.

14 Q. Let me ask you this. So when you stopped your vehicle
15 approximately how far away do you think you were from that
16 vehicle in the road?

17 A. I'm not sure how many feet. He was close to this
18 corner and I was inside this corner. So we're within the same
19 block.

20 Q. Okay, okay. So did you go up to the deputy's vehicle?

21 A. No, I did not. I was -- I was preparing to engage
22 somebody coming back this way.

23 Q. What were your -- what were your observations as to --
24 did other police vehicles arrive on the scene?

25 A. Yes, after a short period of time someone I believe

1 approached from the east. I looked up and there were people at
2 the vehicle providing medical assistance. I didn't know what
3 had even happened there at that point.

4 Q. Okay, did you hear any other radio traffic about the
5 suspect vehicle?

6 A. Yes, I heard an officer say that they had picked that
7 vehicle up again south on I-15. So I left that location and
8 started pursuing southbound on I-15 again.

9 Q. Did you -- did you hear any other radio traffic with
10 regards to that vehicle?

11 A. Yeah, about the time I got to Mona I heard Juab County
12 state that they were 1082, which means they're in custody. I
13 turned off my lights, slowed down, pulled over, tried to gather
14 myself a little bit, and I didn't respond to any other scenes
15 at that point.

16 Q. How did this -- how did this affect you?

17 MR. ZABRISKIE: Your Honor, I'm going to object. I
18 don't know the relevance of that question.

19 MR. TAYLOR: Just as a state of mind with regard to the
20 situation, Judge, is all I wanted to --

21 MR. ZABRISKIE: Well, it's still not relevant, his
22 state of mind.

23 THE COURT: Sustained.

24 Q. BY MR. TAYLOR: Okay, did you ever find out who was in
25 that vehicle with regards to the officer there in Santaquin?

1 A. Yes.

2 Q. Who was that?

3 A. Deputy Sherwood.

4 Q. Okay, thank you. Did you know Deputy Sherwood at that
5 point?

6 A. Yes, I did.

7 MR. TAYLOR: All right, nothing further. Thanks.

8 THE COURT: Thank you. Cross examination?

9 MR. ZABRISKIE: No, your Honor.

10 THE COURT: All right. That's all, Officer. Can he be
11 excused or do you intend to call him --

12 MR. TAYLOR: Yes, the State can excuse him.

13 MR. ZABRISKIE: No objection.

14 THE COURT: Okay, thank you.

15 MR. TAYLOR: State calls Mark Brown -- oh, excuse me,
16 Alaine Arms, I'm sorry. Alaine Arms.

17 THE COURT: Come forward, ma'am. Let's have you sworn
18 in. Just come right up here.

19 COURT CLERK: Raise your right hand. You do solemnly
20 swear that the testimony you shall give in the case now pending
21 before the Court will be the truth, the whole truth and nothing
22 but the truth, so help you God?

23 THE WITNESS: Yes.

24 THE COURT: Thank you. Please have a seat here in the
25 witness box. Let's make sure we can get you close enough so we

1 can pick you up okay. You can pull that microphone down.

2 There you go. Thank you.

3 MARILYN ALAINE ARMS,

4 having been first duly sworn,

5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. TAYLOR:

8 Q. Alaine, will you please state your full name and then
9 spell your last name for the record.

10 A. Yes, Marilyn Alaine Arms. Last name is A-r-m-s.

11 Q. Okay, and what's your occupation?

12 A. I am a corrections officer, Utah County Jail.

13 Q. How long have you been a corrections officer?

14 A. Ten years.

15 Q. Okay, and are you on duty today?

16 A. Yes.

17 Q. Did you come from work?

18 A. Yes.

19 Q. Okay, and so that's why you're in uniform?

20 A. Uh-huh.

21 Q. Okay, and so how long did you say you've worked for
22 the Utah County Sheriff's Office?

23 A. I've been with the County for thirteen years. I've
24 been an officer for the past ten years.

25 Q. Okay, so where were you on the afternoon of January 30

1 of 2014?

2 A. I was at my mother's home in Santaquin. I was actually
3 outside shoveling snow.

4 Q. Okay, and so do you live in Santaquin?

5 A. Not anymore.

6 Q. Okay, at the time on January 30th, 2014 where did you
7 live?

8 A. Santaquin, Utah.

9 Q. Okay, did you live in your mother's house?

10 A. Yes.

11 Q. Okay, what's the address of her home?

12 A. It's 47 North 100 East.

13 Q. Okay, and how long have you lived there -- had you
14 lived there, I should say?

15 A. About 18 months.

16 Q. Okay, and so you were there on the afternoon of
17 January 30th, 2014. You said you were shoveling some snow?

18 A. Yes.

19 Q. Do you remember approximately what time that was?

20 A. Approximately 1:30, 2 o'clock in the afternoon.

21 Q. Okay, and what did you hear, or what did you -- what
22 did you experience at that point?

23 A. Well, I heard a lot of sirens coming from a distance.
24 It sounded like maybe on the freeway, on I-15. I -- yeah, I
25 did hear the sirens and looked around and didn't see any cop

1 cars or such, but as I made a couple more passes on the drive-
2 way, then the sirens were way close, and I could hear what
3 sounded like three gunshots.

4 Q. Okay, so how far away is your home from Main Street?

5 A. Approximately 50 yards.

6 Q. Okay, and so you're out shoveling snow, and you hear
7 gunshots?

8 A. Uh-huh.

9 Q. Did you observe anything?

10 A. I immediately looked up and noticed a white Toyota
11 pick-up truck seeing as they were pulling over for a County
12 Sheriff deputy vehicle, you know, in my mind it looked like
13 they were pulling over as they were being pulled over by the
14 deputy, is what I assumed.

15 Q. Okay.

16 A. At that point I had heard "pop, pop, pop," and the
17 last one sounded like it made contact with the windshield --

18 Q. Okay.

19 A. -- of the vehicle, and then when I looked up that is
20 in fact what happened.

21 Q. So do you have a good vantage point? Do you have a --
22 is there anything obstructing your view, I should ask, at this
23 point?

24 A. If anything maybe a tree or two, but it was in the
25 wintertime, so there -- the branches were bare. I had a -- I

1 had a very good view, I would say.

2 Q. Where were you shoveling? Were you on a driveway,
3 were you on a sidewalk; where were you?

4 A. On the driveway.

5 Q. Okay, and so were you able to -- describe this vehicle
6 -- the vehicles that you saw once again.

7 A. The first vehicle that I noticed was a late model
8 white in color Toyota pick-up truck with tinted windows. Then
9 in the median I saw a sheriff's deputy vehicle, and it came
10 to a stop, like in the median. Then I noticed the truck, and
11 it never did really come to a complete stop. It just kind of
12 rolled like -- almost like they were going to pull over for the
13 officer, and then they sped up again. At that point is when I
14 ran in the house to get a heavier coat on.

15 Q. Okay, when you looked over at the vehicle could you
16 see any occupants in the vehicle?

17 A. Yes.

18 Q. What did you see?

19 A. I saw two heads. One head was at the steering wheel
20 driving, and the head was of brown colored hair. Then the
21 other head I couldn't quite make out but I did see two heads.

22 Q. Okay, so which -- are you looking -- how are you
23 looking at the vehicle; are you looking from the passenger
24 side, the front, the back, the driver's side? Where are you
25 at?

1 A. I would be looking directly in the passenger side
2 window.

3 Q. Okay, was the window up or down?

4 A. At first it was down approximately, what, four or five
5 inches.

6 Q. Okay, and so describe -- you saw two individuals in
7 the vehicle?

8 A. Yes.

9 Q. How were those individuals positioned; do you recall?

10 A. Well, the one that was behind the wheel was facing
11 forward; and then the passenger had looked like -- almost like
12 they were kneeling on the seat facing backwards, like looking
13 out the back window of the truck, because I could see this
14 shoulder and it was turned away from the window.

15 Q. Okay, and then is that when you heard the gunshot, or
16 did you see to the vehicle inside the vehicle first before you
17 heard the shots, or did you hear the shots first?

18 A. Shots first.

19 Q. Okay, and then you saw that inside the vehicle?

20 A. Yes.

21 Q. Okay, did you draw a -- let me --

22 MR. TAYLOR: May I approach the witness, please.

23 THE COURT: Sure.

24 Q. BY MR. TAYLOR: I'm going to show you what's been
25 marked State's Exhibit No. 53. Do you recognize that?

1 A. I do.

2 Q. What is that?

3 A. That is the diagram of where I was positioned and what
4 I saw that afternoon.

5 Q. Okay, so does that -- to the best of your recollection
6 does that accurately depict where you're at and what you saw on
7 that day?

8 A. Yes.

9 MR. TAYLOR: Okay, the State would offer into evidence
10 Exhibit No. 53. Could we publish this, please.

11 MR. ZABRISKIE: May I take a look.

12 MR. TAYLOR: Sure.

13 MR. ZABRISKIE: May I voir dire, your Honor, before
14 admission?

15 THE COURT: Okay.

16 MR. ZABRISKIE: Thank you.

17 VOIR DIRE EXAMINATION

18 BY MR. ZABRISKIE:

19 Q. Ms. Arms?

20 A. Yes.

21 Q. I trust you're not an art major?

22 A. No.

23 Q. Nor am I. You would agree that this is not necessarily
24 to scale?

25 A. (No verbal response).

1 Q. And --

2 THE COURT: Hold on. You need to answer audibly --

3 MR. ZABRISKIE: May I approach?

4 THE COURT: -- so we can pick you up.

5 THE WITNESS: Yes, it's not to scale.

6 Q. BY MR. ZABRISKIE: Can you see it from there?

7 A. Not very well. I don't have my glasses on.

8 MR. ZABRISKIE: May I approach, your Honor.

9 THE COURT: Sure.

10 Q. BY MR. ZABRISKIE: Again, it's marked as Plaintiff's

11 Exhibit 53. Maybe the jury can understand, that's this thing

12 in the corner here. Where are you in relation to what you've

13 described?

14 A. Okay, this is me. This is my mother's driveway --

15 Q. Uh-huh.

16 A. -- and I am making another pass to the gates, and then

17 this is the road that goes to Main Street.

18 Q. I've been out there in a lovely little home there, but

19 there's another building here --

20 A. Uh-huh.

21 Q. -- that's the one I'm pointing to, and I hope that the

22 jury can (inaudible) before publication. Then you can't see

23 through this building?

24 A. Nope.

25 Q. So what you've described is right here in this inter-

1 section?

2 A. The vehicle as it slowly crawled along --

3 Q. Uh-huh.

4 A. -- I started to see the vehicle right back here, and
5 I -- what I witnessed when I saw the heads, the occupants in
6 there --

7 Q. Uh-huh.

8 A. -- the front end of the car hadn't went in front of
9 that home.

10 Q. Okay, but anything that was in front of the car, as it
11 relates to this building, you would not be able to see from
12 where you were standing?

13 A. No, sir.

14 Q. Thank you, and you would admit this is not to scale?

15 A. Not to scale.

16 MR. ZABRISKIE: Thank you. I have no objection to it,
17 your Honor.

18 THE COURT: Thank you. Accept and receive State's
19 Exhibit 53.

20 (Exhibit 53 received into evidence)

21 THE COURT: Any objection to publishing them?

22 MR. ZABRISKIE: No, your Honor.

23 THE COURT: Thank you.

24 ///

25 ///

1 DIRECT EXAMINATION (resumed)

2 BY MR. TAYLOR:

3 Q. Are you able to see that (inaudible)?

4 A. No.

5 Q. Okay, you know what, I don't think I am either.

6 MR. TAYLOR: So you know what, Judge, I'm just going to
7 go ahead and have her just describe that more for the record.

8 THE COURT: Okay, thank you.

9 Q. BY MR. TAYLOR: So if you could just go ahead and show
10 the jury --

11 MR. TAYLOR: Could she stand up in front of --

12 THE COURT: Sure, just make sure you're next to a
13 microphone so that --

14 MR. TAYLOR: I'm going to --

15 THE COURT: -- see the little black things on there?
16 Those are microphones, or we have a mic here, too.

17 Q. BY MR. TAYLOR: Okay, I'm going to go ahead and -- so
18 I'll ask you a question, okay, and then you can just go ahead
19 and respond.

20 A. Okay.

21 MR. ZABRISKIE: Your Honor, may I strategically place
22 myself as a critic of that (inaudible).

23 THE COURT: Okay.

24 MR. ZABRISKIE: Thanks.

25 Q. BY MR. TAYLOR: So I'd just like you to show the jury

1 where you were located and what you saw at that time.

2 A. Okay, I'm located -- this is me shoveling snow at my
3 mother's home -- well, my home at the time, too; and this is a
4 flat driveway. It's just a driveway with a carport attached
5 to the home. This is a gate, and then this opens up to the
6 street.

7 I had been shoveling when I heard the sirens from
8 afar, and my second or third swipe back is where I heard the
9 "Pop, pop, pop," and knew what it was from my experience with
10 shooting that type of a caliber of gun.

11 So when I got back to this point I look up and I see
12 Officer Sherwood's patrol vehicle stopped in the middle. It
13 happened so fast, I put two and two together, "Oh, my God, he's
14 just been shot."

15 By then -- okay, so when I -- I'm sorry, I need to
16 slow down. When I heard the -- when I heard the shots, that's
17 when I looked up, and that's when I saw what looked to be two
18 occupants in the white Toyota truck.

19 Looked over and saw Officer Sherwood's truck sitting
20 there, windshield had clearly been shot. Ran back in the house
21 to grab a heavier coat, and at that point this white Toyota
22 pick-up truck had sped off, and I ran up there to render aid
23 to Officer Sherwood.

24 Q. Did you ever see that white Toyota pick-up after that
25 point?

1 A. No. At that point it sped off.

2 Q. In which direction?

3 MR. ZABRISKIE: If she saw it.

4 THE WITNESS: Yeah, I did see it -- I did see it leave.
5 It sped off, and it would have went west on Main Street.

6 Q. BY MR. TAYLOR: Okay, and that's --

7 THE COURT: Hold on, hold on. Mr. Zabriskie, you're
8 not in cross or --

9 MR. ZABRISKIE: Oh.

10 THE COURT: Thank you.

11 MR. ZABRISKIE: It's getting late, Judge.

12 Q. BY MR. TAYLOR: Okay, and so after that left to go
13 westbound, you didn't see it after that?

14 A. No, sir.

15 Q. Okay. All right, and then what did you do? You can
16 go ahead and sit down.

17 A. Okay. Will you please repeat that last question.

18 Q. Yeah, so after -- you said you ran to the house, you
19 grabbed a heavier coat. What did you do at that point?

20 A. I immediately ran towards Officer Sherwood's vehicle,
21 assuming the worst. Got there, and at the same -- as I'm
22 running I can hear an officer on his radio saying, "We have
23 an officer shot, officer shot." Got to Officer Sherwood's
24 door with the window down, and I could see that he was holding
25 his head like this and a little bit of blood was trickling down

1 his hand. He was coherent. He seemed to be in shock, but
2 talking with us.

3 At that point, like I don't know where the Santaquin
4 ambulance arrived. They were there so fast. The ambulance
5 driver was Susan Farnsworth, and I've known her family all my
6 life, and she says, "Lainey, you might have to drive," because
7 no one had responded.

8 So I was prepared to drive the ambulance and then just
9 this flood of it seemed like hundreds of different agencies
10 showed up. We got him loaded onto the Gurney and whisked him
11 away. At that point Deputy Sheriff -- Chief Deputy Durfee came
12 and had me get in his car and taken the car and (inaudible) it
13 by my mom's road so the traffic would quit coming.

14 After that we started looking for casings, and it was
15 really wet and cold and heavy snow. It was just a lot of chaos
16 and a lot of radio traffic. I would go to Chief Durfee's car
17 once in a while to get warm, and in there I was listening to
18 the radio traffic and kind of putting two and two together
19 what was going on. It was -- finally my head was wrapping
20 around what was going on, and listening to the events that
21 were happening further down towards Nephi.

22 Q. Okay, so based on your observations and your vantage
23 point, when you looked over towards that vehicle did you see a
24 gun or did you just hear a gun?

25 A. I did not see a gun. I heard shots fired.

1 Q. Did you see a hand extended from a window at all; do
2 you recall?

3 A. I don't recall.

4 Q. Okay, anything about the -- that white Toyota, the way
5 it was driving, stick out in your mind or anything like that?

6 A. Just the little bit that I did see of the movement and
7 whatnot, seemed like they knew what they were doing. It was
8 like -- my opinion was they knew -- I guess was familiar with
9 that truck, because they were driving it very well.

10 MR. TAYLOR: Okay. All right, nothing further.

11 THE COURT: Thank you. Cross examination?

12 MR. ZABRISKIE: Just a few questions, your Honor.

13 THE COURT: Okay.

14 CROSS EXAMINATION

15 BY MR. ZABRISKIE:

16 Q. Ms. Arms, I -- a few questions just dealing with
17 your testimony and not necessarily with what you saw. You
18 indicated in your written report and I think you testified to
19 it here today, that the first thing you recall, excepting for
20 the sirens, was, "Pop, pop, pop." Correct me if I'm wrong, you
21 indicated that it could have been a .40 Glock, because that's
22 similar to the gun you shoot; is that correct?

23 A. I don't know if I -- I don't recall saying ".40 Glock"
24 a high powered --

25 Q. Uh-huh.

1 A. -- I know it wasn't a reg -- like a b.b. gun or a
2 pellet gun that you hear the kids shoot in their backyards.

3 Q. If I -- let me recite to you what the report says,
4 and you tell me if you recall this. She said -- and this is
5 the report as recorded by Officer Motsinger. "She said it
6 sounded like her Glock .40, like something they shoot at the
7 range. She said it sounded like her Glock .40 caliber. She
8 said she thought the officers were shooting at this white
9 older Toyota Tacoma or Tundra." If you've forgotten saying
10 that, that's fine; but if I told you that that's what's been
11 recorded by those that were listening to you, would you dis-
12 agree with that?

13 A. Nope.

14 Q. Now, am I right in assuming that a Glock -- that's --
15 is that a common caliber for law enforcement?

16 A. Yes.

17 Q. Is that in fact what you would use if you were -- you
18 have a gun on today, but I assume that you know how to use one.

19 A. Of course.

20 Q. Is there a unique sound that comes from that caliber
21 or a caliber close to it? I know there's a -- mine --

22 A. To me there is. I've been shooting guns since I
23 was just really small, and so I don't know, it's probably
24 not unique that I do this, but different guns have different
25 sounds to me, different calibers. So I knew it was -- the

1 sound sounded like it was a very loud, powerful gun.

2 Q. Uh-huh, and that -- and that would -- you would
3 describe it as a loud, powerful gun?

4 A. Yes, the shots I heard that day.

5 Q. A gun that could certainly cause a great deal of
6 damage; isn't that the case?

7 A. I would agree.

8 Q. You've shot them and you know what they can do?

9 A. Yes, sir.

10 Q. When you say "loud," you -- is there any type of thing
11 that you would compare it with? An explosion that's loud?
12 That's such an amorphous word, but it's awful loud, isn't it?

13 A. It's very loud.

14 Q. Now, do you -- do you go to the range and practice
15 shooting?

16 A. Yes.

17 Q. Been shooting your whole life?

18 A. Yes.

19 Q. Do you hunt?

20 A. No.

21 Q. It's just part of your job?

22 A. That part is, yeah.

23 Q. Now, when you go to the range is there a certain
24 protocol? Do you have to -- you've indicated it's very loud.
25 Do you wear ear protection?

1 A. Yes.

2 Q. Okay, it's my understanding the protocol is if you're
3 going to go shoot your gun at the range you better have ear
4 protection; isn't that the case?

5 A. Yes.

6 Q. (Inaudible) or without the ear protection could it
7 cause damage to your ear?

8 A. I believe so.

9 Q. Have you ever had a gun of that caliber go off any-
10 where close to your ear without protection?

11 A. Yes.

12 Q. What happened?

13 A. I had ringing in that ear for a moment, a little bit.

14 Q. Suppose he shot five, six, a dozen shots close to your
15 ear. Would you expect the damage to be more severe, within
16 inches of your --

17 A. I don't know.

18 Q. Well, you've -- based on your experience wouldn't you
19 expect it to be more damaging the more times you're exposed to
20 that loud noise?

21 A. I don't know. Everyone's built differently.

22 Q. Uh-huh, but you had it happen one time and your ears
23 rang?

24 A. Uh-huh.

25 Q. You didn't have ear protection?

1 A. No, it was as I was getting it on.

2 Q. Well, now I am interested. What happened?

3 A. As I -- do you mean to my ear?

4 Q. Yeah, you didn't shoot yourself, did you?

5 A. Oh, no, no.

6 MR. ZABRISKIE: Thanks. No fur -- no further questions.

7 THE COURT: Thank you. Redirect?

8 MR. TAYLOR: Nothing further, Judge.

9 THE COURT: Can she be excused?

10 MR. TAYLOR: Yes, please.

11 MR. ZABRISKIE: No objection.

12 THE COURT: Thanks. That's all.

13 THE WITNESS: Okay, thank you.

14 MR. TAYLOR: State calls Mark Brown.

15 THE COURT: Come forward, sir. Let's get you sworn in.

16 COURT CLERK: Raise your right hand. You do solemnly

17 swear that the testimony you shall give in the case now pending

18 before the Court will be the truth, the whole truth and nothing

19 but the truth, so help you God?

20 THE WITNESS: I do.

21 THE COURT: Thank you, sir. Please have a seat in the

22 witness box.

23 THE WITNESS: Thank you.

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PHILLIP MARK BROWN,

having been first duly sworn,

testified as follows:

DIRECT EXAMINATION

BY MR. TAYLOR:

Q. Good afternoon, Mr. Brown.

A. Hello.

Q. Will you please state your full name for the record.

A. It's Phillip Mark Brown.

Q. Okay, and what's your occupation, Mr. Brown?

A. I'm a funeral director.

Q. Where at?

A. Santaquin.

Q. Okay, were you -- how long have you been a funeral director?

A. Thirty years.

Q. Okay, how long in Santaquin?

A. Ten years.

Q. Okay, and how often are you in Santaquin with regards to the funeral home there?

A. Every day now. I live in Santaquin and I'm at the mortuary every day.

Q. Okay, were you there at the mortuary on January 30th, 2014?

A. Yes.

1 Q. Okay, and did you observe a white vehicle on that day?

2 A. Yes, I did.

3 Q. Okay, would you please explain where you were at --

4 let me back up. What is the address of the mortuary?

5 A. It's 66 South 300 East.

6 Q. Okay, and is that close to Main Street in Santaquin?

7 A. Yes, half a block up, south of Main Street.

8 Q. Okay, were you there on the afternoon of January 30th

9 of 2014?

10 A. Yes, I was.

11 Q. Okay, and where were you located -- or were you inside

12 or outside?

13 A. I was outside on the -- in the front of my building.

14 Q. What were you doing?

15 A. I was on my four-wheeler plowing snow.

16 Q. Okay, and explain what you observed with regard -- you

17 said you saw a white pick-up truck. Explain what you observed.

18 A. Well, prior to that -- if it's okay if I back up a

19 little bit --

20 Q. Sure.

21 A. -- I was out there and I noticed all of the police

22 vehicles coming into town down Main Street, and then noticed

23 the white truck come back up Main Street -- this was after all

24 the police vehicles were there -- kind of on an angle into the

25 parking lot of the gas station across the street.

1 Q. What kind of gas station is that?

2 A. That's a -- it was a Conoco. It's vacant now.

3 Q. Okay, and so -- so you were on a four-wheeler at this
4 time plowing; is that correct?

5 A. Yeah.

6 Q. Okay, and did you have any earplugs or ear protection
7 on at that time?

8 A. No, I just was out plowing.

9 Q. Okay, so you're able to hear some sirens?

10 A. Yeah.

11 Q. Did you see any police vehicles at that point?

12 A. I did. I noticed a few of the vehicles coming into
13 town, a couple of sheriff's cars and then a few or maybe two
14 of the unmarked cars behind that. Then they didn't stop too
15 far up from my business. I didn't go look to see where they
16 stopped, but the siren stopped not too very far up from the --
17 where I was at.

18 Q. Okay, at some point did you talk with an officer about
19 what you had seen on that day?

20 A. I did. I contacted the police chief of Santaquin.

21 Q. Okay, and did you -- were you asked to draw a diagram
22 of what you observed and where you were at at that time?

23 A. Yeah, later I think he referred that to another -- or
24 to somebody else in the -- in the sheriff's office.

25 Q. Okay.

1 A. Not to the police chief, but to Mr. Taylor, I believe.

2 Q. Okay.

3 A. Or one of the deputies.

4 MR. TAYLOR: Okay, may I approach the bench.

5 Q. BY MR. TAYLOR: I'm showing you what's been marked
6 State's Exhibit No. 54. Do you recognize that?

7 A. I do.

8 Q. What is that?

9 A. It's just a map of where my business is with regard to
10 Main Street and the Conoco gas station.

11 Q. Okay, and did you -- did you make a drawing on that
12 map?

13 A. Yes.

14 Q. Does that accurately reflect the drawing that you made
15 on that map?

16 A. Yes.

17 Q. What's the purpose of drawing on that map?

18 A. Just to show how they approached the gas station, not
19 really coming up the street, and then turning in like a normal
20 direction into the cemetery -- or into the gas station, but
21 they came on an angle, kind of haphazardly, I would --

22 Q. Okay, I'll have you explain all that stuff, but --

23 A. Okay.

24 Q. -- but it accurately reflects what you drew, then,
25 correct?

1 A. Yeah.

2 MR. TAYLOR: The State offers into --

3 THE WITNESS: Just how they came into this gas station.

4 MR. TAYLOR: -- the State would offer into evidence

5 Exhibit No. 54.

6 THE COURT: Any objection?

7 MR. ZABRISKIE: No objection.

8 THE COURT: Accept and receive State's Exhibit 54.

9 (Exhibit No. 54 received into evidence)

10 MR. TAYLOR: Okay, Judge, we're going to try and
11 publish this one and see how this one turns out.

12 THE COURT: Okay, any objection to that?

13 MR. ZABRISKIE: No, your Honor.

14 THE COURT: Okay, thank you.

15 Q. BY MR. TAYLOR: I'm going to stand over here by you,
16 Mr. Brown. Okay, here's a laser pointer. Can you see that
17 okay or do you need to get closer?

18 A. I can see it.

19 Q. Okay, and so could you please explain what it is that
20 we're seeing here.

21 A. Just -- my business is right here, and I was right
22 here in the front of the building. My parking lot is right
23 here in that area as well. The truck approached off of this
24 corner right there and on an angle came into the parking lot.
25 The building of the gas station is right here, the pumps are

1 about right there, and then they came in on an angle -- or the
2 truck came in on an angle right there; and there was snow on
3 the ground, so it was kind of fish tailing a little bit. They
4 pulled -- the truck pulled about right in there and paused for
5 a minute, and then there's a drive-up window on the building,
6 and then an exit out onto Main Street out that way.

7 Q. Okay, and so approximately how far away were you, do
8 you think, when you observed this vehicle come to the Conoco
9 station?

10 A. Um, 50 yards.

11 Q. Okay.

12 A. I mean, it's -- I'm approximately right there on the
13 corner of my parking lot right there.

14 Q. Okay, did that truck catch your attention for some
15 reason?

16 A. Just because it came in quickly and on an angle like
17 that.

18 Q. Okay, could you see any of the occupants in that
19 vehicle?

20 A. No, I didn't.

21 Q. Okay, and so you said that it stalled there -- or
22 stayed there for a little bit. Can you describe a little bit
23 what you saw and where they were when they -- when it stopped?

24 A. As they came in on an angle it stopped about-- there's
25 some -- there are covered pump areas right here, and it was

1 just on the outside of those to the south -- or to the east,
2 excuse me. So right in that area right there.

3 Q. How long did it stop there?

4 A. Just a -- maybe not even a minute.

5 Q. Okay.

6 A. I didn't really pay attention too much after I saw it.

7 Q. Okay, and then did you see it take off?

8 A. I didn't notice it leave.

9 Q. You say you didn't?

10 A. I didn't really pay attention that it left.

11 Q. Okay, okay.

12 A. But it did -- it would have gone straight out that way
13 and then up that street.

14 Q. Okay, so -- so you said you didn't see any occupants
15 in the vehicle?

16 A. I didn't -- or if I remember, the windows were dark,
17 and it was on an angle that I really couldn't see into where --
18 by the time I noticed the truck it was -- it was further ahead,
19 so I would have had to look on an angle from like the back side
20 of the window.

21 Q. Okay, I'm going to show you from this -- I'm going to
22 show you what's been marked 55, 56 and 57. These are 55 -- the
23 State's 55, 56 and 57. Do you recognize those?

24 A. Yes.

25 Q. What are those?

1 A. No. 55 is about the corner of the front of my building.
2 No. 56 is the Conoco gas station that used to be.

3 Q. Okay.

4 A. Then No. 57 is the south side of the Conoco gas
5 station, and east.

6 Q. Do those pictures accurately reflect the Conoco gas
7 station and where you saw that white truck?

8 A. Yes.

9 MR. TAYLOR: Okay, the State would offer into evidence
10 55, 56 and 57.

11 MR. ZABRISKIE: Voir dire, your Honor, just for purposes
12 of accuracy?

13 THE COURT: Okay.

14 VOIR DIRE EXAMINATION

15 BY MR. ZABRISKIE:

16 Q. Those pictures weren't taken at the time you first saw
17 that truck in that Conoco, were they?

18 A. No, this was sometime after. There was snow on the
19 ground.

20 Q. Yeah, that's a beautiful spring day in Santaquin.

21 A. Yeah.

22 Q. All right, and so it's not an accurate picture as
23 it relates to the conditions, excepting it shows where the
24 building is and the approximate distance?

25 A. Correct.

1 MR. ZABRISKIE: With that we have no objection, your
2 Honor.

3 THE COURT: Thank you. Accept and receive State's
4 Exhibits 55, 56 and 57.

5 (Exhibit Nos. 55 thru 57 received into evidence)

6 MR. TAYLOR: May we publish those, please.

7 MR. ZABRISKIE: No objection.

8 THE COURT: Thank you.

9 DIRECT EXAMINATION (resumed)

10 BY MR. TAYLOR:

11 Q. Okay, so using this -- I'm going to get over here to
12 the microphone. Using this pointer again, Mr. Brown, can you
13 just kind of orient us here where we're at?

14 A. The front of my building is this way. The main parking
15 of my facility is right there. This is the corner, and I was
16 approximately in this area right there.

17 Q. Okay, and so this is looking in what direction;
18 where's the Conoco station?

19 A. The Conoco station is right -- right there. You can
20 see the red is the canopy over the pumps.

21 Q. Do you recall on that day whether there was a vehicle
22 or any obstruction there?

23 A. There was not.

24 Q. Okay, and so go to the next picture, please. Explain
25 what it is we're seeing here now.

1 A. This is looking straight on to the gas station from
2 across the street. Not from my -- not from my parking lot, but
3 from one that's further down.

4 Q. So describe where you saw the white vehic -- the white
5 Toyota.

6 A. Okay, the truck came in from this corner right here,
7 right into this area, and stopped right there.

8 Q. Okay. All right, and then let's go to 57. Do you
9 recognize that?

10 A. Yes, that's the east side of the Conoco gas station.

11 Q. Okay, so you're familiar with this Conoco gas station?

12 A. Yes.

13 Q. So if you were going to exit eastbound -- you drew
14 that on your map --

15 A. Right.

16 Q. -- can you describe what you were explaining?

17 A. The truck was parked right here. This was the --
18 kind of a drive-up area. So -- and then there's an exit onto
19 Main Street right there.

20 Q. Okay, and you didn't see the vehicle turn around at
21 that location where it stopped --

22 A. No.

23 Q. -- or get back on Main Street or anything like that?

24 A. No.

25 MR. TAYLOR: Nothing further.

1 THE COURT: Thank you. Cross examination?

2 MR. ZABRISKIE: No, your Honor.

3 THE COURT: I believe that's all, sir. Thank you. Can
4 he be excused?

5 MR. TAYLOR: Yes.

6 MR. ZABRISKIE: Yes.

7 THE COURT: All right.

8 MR. TAYLOR: Just go ahead and I'll grab this from
9 Mr. Brown. Thank you very much.

10 THE WITNESS: Thank you.

11 MR. TAYLOR: Judge, our next witness is going to take
12 probably 45 minutes or so. It's Deputy Sherwood, and so is now
13 a good stopping point?

14 THE COURT: Yeah, I think today's a good time to recess.

15 MR. ZABRISKIE: We stipulate to a recess.

16 THE COURT: Okay. All right, so we'll resume tomorrow,
17 same time. Have the jury -- is 8:30 okay for the jury? We'll
18 need you back at 8:30 again in the morning. Pona will let you
19 know where he wants you to be. Counsel will get started as
20 soon thereafter as we can. Again, I'd admonish you with regard
21 to the instructions. So important. Please comply. Anything
22 else before we recess for the day?

23 MR. TAYLOR: Nothing from the State, Judge.

24 THE COURT: Okay, we will lock up once again. So if
25 you wanted to leave things, that will be fine.

1 COURT BAILIFF: All rise for the jury.

2 (Jury exits the courtroom)

3 THE COURT: Thank you. Have a good evening. We'll see
4 you in the morning.

5 MR. TAYLOR: Thank you, Judge.

6 (Second day of trial concluded)

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