

Transcript of Interview of Officer Yale by Deputy Prosecutor

9/11/20XX

Deputy Prosecutor ["DP"]: I know you've already talked this over with Detective Tharp, but why don't you tell me again about how you got the gun in that Hard case.

Officer Yale ["Y"]: You want it on tape? I've never had a prosecutor interview me on tape before.

DP: It's O.K. I work a little different than some, but I find taping helps get ready for defense suppression motions, and I've never had any trouble from having taped.

Y: O.K, if that's how you work . . . . About 2210 I was on patrol with DiJulio. We got a call that there had been a shooting at the Garage and that this guy, Ed Hard, was the suspect.

DP: Uh huh.

Y: Well, the dispatcher gave us Hard's address and told us to pick him up.

DP: What did you do then?

Y: Went over there. Oh yeah . . . I called for back-up. This was a man with a gun we were dealing with, and I didn't want anyone to get hurt.

DP: Sure.

Y: Anyway, me and DiJulio went over to the address we were given. A one-story house. I pulled in the drive. . . .

DP: Had your back-up come yet?

Y: No. So, DiJulio went around the back door just in case he saw us and was going to try and run, and I walked up on the front porch, stepped to the side of the door, and waited for the back-up.

DP: How long did they take?

Y: 30-35 seconds.

DP: Who arrived?

Y: Two marked cars.

DP: So with yours, there were three marked units?

Y: Yeah.

DP: Who joined you?

Y: Monroe, Banks, Blake, and Sonns.

DP: All in uniform?

Y: All of us were.

DP: Any weapons out?

Y: Banks had an automatic shotgun. The rest of us had our holsters unsnapped. We were dealing with a shooting . . .

DP: I know. What did you do next?

Y: I told Blake to join DiJulio in the back. Just in case. And told Monroe, Banks, and Sonns to join me at the front door.

DP: Go on.

Y: Well, we positioned ourselves on both sides of the door, and I knocked – announcing that we were police officers.

DP: Did anyone answer?

Y: Not right away. So I knocked again – and about five seconds later this guy comes to the door.

DP: What happened then?

Y: I asked if he was Ed Hard and he asked why did I want to know. So, I told him about the shooting at The Garage, and Hard being a suspect – and he said he was Hard but he'd been home watching TV and drinking beer.

DP: I'm looking at your report of 9/4 and some of the sequences of events seem slightly different than you're telling me now.

Y: Well, things happened fast at the door. All in a real short time.

DP: OK. What happened after he told you he was Ed Hard?

Y: I told him to step outside slowly, which he did, placed him spread eagle against the house and pat searched him for weapons.

DP: Did you find any?

Y: No. Then I cuffed him, and told him he was under arrest for the shooting.

DP: Did you get a description of the shooter from the dispatcher?

Y: Yeah. And he fit it.

DP: OK. What then?

Y: I wanted to find the gun. So I told the suspect we wanted the gun and that he should tell us where it was.

DP: Did he?

Y: Not at first. He said, "What if I don't want you guys in my house?" So I told him that if he wanted to play that game, we've got more than enough for a warrant and that I'd take him to jail, then go to the judge for the warrant while the rest of the officers guarded his house.

DP: What did he say?

Y: Nothing. He just looked at all of us for a while, shrugged his shoulders, pointed towards his living room with his shoulder, and slowly started to step inside.

DP: You followed him?

Y: Sure. He was telling us that the gun was in the living room.

DP: Did he say that?

Y: Not with words. But it was clear. He was telling us that the gun was in the living room and that we could look.

DP: So, you looked?

Y: You bet. We wanted that gun.

DP: And you found it?

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Y: Yeah, we took Hard in the living room and there on the floor between a coffee table and the couch was the gun.

DP: And this was in the living room?

Y: Right in plain view in the area Hard gave us permission to search.

DP: Good. And this was the gun with the four live rounds which you took into custody?

Y: Yes. The murder weapon.