BEFORE THE LOS ANGELES POLICE DEPARTMENT

BOARD OF RIGHTS

MS. S. AMIN, CHAIRPERSON

IN THE MATTER OF:	
LOS ANGELES POLICE DEPARTMENT BOARD OF RIGHTS HEARING	B.F. 31674
	C.F. 21-001144
IN RE: LUKE WALDEN, #34898	

TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

WEDNESDAY, FEBRUARY 14, 2024

REPORTED BY:

DENISE C. RIVERA
CSR NO. 7535

APPEARANCES:

FOR THE DEPARTMENT:	SERGEANT DANIEL SLATER DEPARTMENT ADVOCATE 201 NORTH FIGUEROA ST. SUITE 1600 LOS ANGELES, CA 90012
FOR THE ACCUSED:	MR. BILL SEKI ATTORNEY AT LAW 600 WILSHIRE BLVD. SUITE 1250 LOS ANGELES, CA 90017
BOARD MEMBERS:	MS. S. AMIN MR. D. ORTEGA MS. P. STRONG-FARGAS
ALSO PRESENT:	SERGEANT MAYRA VILLAFANA MR. DANIEL LEE MR. JONATHAN NGUYEN MR. HOWARD PARK

I-N-D-E-X

FOR THE DEPARTMENT:	DIRECT	CROSS	REDIRECT	RECROSS
MR. DANIEL FIELD	7	22	28 50 57	31 40 62
MR. FADIL BIRAIMAH	69	85	92 97	102

FOR THE ACCUSED:	DIRECT	CROSS	REDIRECT	RECROSS
LT. ERIC BIXLER	108	112	117	
CHARACTER WITNESSES:				
MR. JAMES MCSORLEY	149	155		
MR. JESSE KANE	162			
DET. CRAIG MARQUEZ	170	176		

E X H I B I T S

DEPARTMENT'S:	FOR IDENTIFICATION	IN EVIDENCE
(NONE)		

ACCUSED'S:	FOR IDENTIFICATION	IN EVIDENCE
D - SCREENSHOT OF FUEL FILTER	140	140
E - SCREENSHOT OF FUEL FILTER	140	140
F - POST ORDER WITHDRAWAL	186	186
BOARD'S:		
1 - SCREENSHOTS OF WEBSITE SEARCH	56	56

LOS ANGELES POLICE DEPARTMENT

B.F. 31674

C.F. 21-001144

. . . . .

THE MATTER OF LUKE WALDEN, #34898, DETECTIVE, CAME ON REGULARLY FOR HEARING BEFORE THE BOARD OF RIGHTS CONSISTING OF:

MS. S. AMIN, CHAIRPERSON

MR. D. ORTEGA, ASSOCIATE

MS. P. STRONG-FARGAS, ASSOCIATE

AT 0911 HOURS, WEDNESDAY, FEBRUARY 14, 2024, AT 201 NORTH FIGUEROA STREET, SUITE 1600, LOS ANGELES, CALIFORNIA.

SERGEANT DANIEL SLATER APPEARED AS THE DEPARTMENT ADVOCATE; MR. BILL SEKI, ATTORNEY AT LAW, APPEARED AS THE DEFENSE REPRESENTATIVE; THE ACCUSED BEING PRESENT.

. . . . . .

DENISE C. RIVERA, CSR NO. 7535, HAVING BEEN DULY APPOINTED AND SWORN BY THE CHAIRMAN OF THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER TO REPORT IN SHORTHAND WRITING THE TESTIMONY AND PROCEEDINGS UPON THE HEARING, WAS DIRECTED BY SAID DEPARTMENT ADVOCATE TO THEREAFTER REDUCE SAID SHORTHAND NOTES INTO TYPING.

. . . . . .

THE RECORDS INDICATE THAT ALL JURISDICTIONAL REQUIREMENTS HAVE BEEN COMPLIED WITH. WHEREFORE, THE BOARD PROCEEDED IN THE SAID HEARING AS PRESCRIBED IN SECTION 1070, ARTICLE X, CHARTER OF THE CITY OF LOS ANGELES.

. . . . . .

THE ACCUSED WAS CHARGED IN A FORMAL WRITTEN COMPLAINT VERIFIED BY THE CHIEF OF POLICE AS FOLLOWS:

COUNT 1: ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER.

. . . . . .

MS. AMIN: BACK ON THE RECORD.

LET ME SWEAR IN THE COURT REPORTER.

(REPORTER SWORN.)

MS. AMIN: GOOD MORNING, ALL. AND I SEE WE HAVE SOME NEW FACES SO LET'S INTRODUCE OUR NEW SECOND ROW ATTENDEES. WHO DO WE HAVE BACK THERE?

MR. LEE: HI. MY NAME IS DANIEL LEE. I'M FROM THE CITY ATTORNEY'S OFFICE. I'M GOING TO BE ONE OF THE NEW ADVOCATES JOINING YOU.

MS. AMIN: OKAY. THANK YOU. AND NEXT TO YOU?

MR. NGUYEN: HI. MY NAME IS JONATHAN NGUYEN. I'M ALSO A NEW ADVOCATE WITH THE CITY

ATTORNEY'S OFFICE.

MS. AMIN: OKAY. GREAT.

AND WE'RE READY TO CONTINUE WITH THE NEXT WITNESS FOR THE DEPARTMENT?

SERGEANT SLATER: YES, MA'AM.

MS. AMIN: ALL RIGHT. LET'S GO.

SERGEANT SLATER: THE DEPARTMENT WOULD LIKE TO CALL GREGORY FIELD.

MS. AMIN: PLEASE DO.

(WITNESS ENTERS THE BOARDROOM.)

MS. AMIN: GOOD MORNING.

MR. FIELD: GOOD MORNING.

MS. AMIN: HOW ARE YOU?

MR. FIELD: I'M GOOD.

MS. AMIN: NICE TO SEE YOU. CAN YOU TELL US YOUR NAME, PLEASE?

MR. FIELD: MY NAME IS GREG FIELD.

MS. AMIN: AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GAVE IN THE CASE NOW IN HEARING BEFORE THE BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. FIELD: I DO.

MS. AMIN: HAVE A SEAT, PLEASE. AND IS IT F-I-E-L-D?

MR. FIELD: F-I-E-L-D.

MS. AMIN: GO AHEAD.

MR. SEKI: JUST PRESS THE BUTTON RIGHT IN FRONT OF AND IT WILL TURN GREEN. PERFECT. THANK YOU.

SERGEANT SLATER: THANK YOU.

MR. GREGORY FIELD,

WAS CALLED AS A WITNESS BY THE DEPARTMENT, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY SERGEANT SLATER:

Q. GOOD MORNING, MR. FIELD?

A. GOOD MORNING.

Q. SO WHEN YOU ANSWER QUESTIONS, JUST FOR THE BOARD, IF YOU CAN FACE THEM WHEN YOU'RE ANSWERING JUST SO THEY CAN HEAR YOU CLEARLY.

WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. SO MY CURRENT RANK IS DIRECTOR I OF POLICE TRANSPORTATION WITH LAPD MOTOR TRANSPORT DIVISION.

Q. AND WHAT WAS YOUR RANK AND ASSIGNMENT IN 2021?

A. THAT WOULD HAVE SENIOR AUTOMATIVE SUPERVISOR.

Q. AND WHAT IS A SENIOR AUTOMATIVE SUPERVISOR?

A. SO A SENIOR AUTOMOTIVE SUPERVISOR WITHIN M.T.D. IS -- IT'S A POSITION THAT OVERSEES HALF OF THE OPERATION. THERE'S TWO SENIOR AUTOMOTIVE SUPERVISORS, AND THEY SPLIT THE OPERATIONS BETWEEN THE TWO OF THEM.

Q. AND WHEN YOU SAY "OPERATIONS," WHAT ARE YOU REFERRING TO?

A. SO I'M REFERRING TO 26 GARAGES THAT SERVICES AND REPAIR LAPD'S FLEET.

Q. THANK YOU.

AND WHAT IS YOUR TRAINING AND EXPERIENCE WHEN YOU REFER TO SERVICING AND REPAIRING VEHICLES?

A. OKAY. SO I'VE BEEN IN THE AUTOMOTIVE REPAIR INDUSTRY FOR 43 YEARS. DURING THAT TIME I WORKED A LOT IN TUNE-UP SHOPS, INDEPENDENT GARAGES, DEALERSHIPS. AND I WAS A.S.E. CERTIFIED IN ENGINE PERFORMANCE AND BRAKES. I HAD A CERTIFICATION FOR -- FROM THE STATE OF CALIFORNIA AS A BRAKE AND LAMP ADJUSTER, AND ALSO THROUGH THE STATE OF CALIFORNIA BUREAU OF AUTOMOTIVE REPAIR AS A SMOG INSPECTOR.

Q. DID ANY OF YOUR TRAINING HAVE TO DO WITH FUEL SYSTEMS?

A. YES. SO AS AN AUTO MECHANIC, MY SPECIALITY WAS AUTOMATIVE TUNE-UP, AND THAT WAS DEALING MAINLY WITH IGNITION AND FUEL SYSTEMS.

Q. OKAY. WHEN YOU SAY "FUEL SYSTEMS," WOULD

THAT INCLUDE FUEL FILTERS AND FUEL LINES?

A. ABSOLUTELY.

Q. RELATED TO TOYOTA SPECIFICALLY, DO YOU HAVE ANY TRAINING AND EXPERIENCE?

A. SO I WORKED FOR A TOYOTA DEALERSHIP FOR APPROXIMATELY FIVE YEARS, AND THEY SENT US THROUGH TRAINING, ELECTRONIC ENGINE CONTROLS, ENGINE PERFORMANCE, AND TRANSMISSION CLASS. AND THERE'S PROBABLY A COUPLE OTHERS. I DON'T REALLY REMEMBER.

Q. OKAY. SO WOULD YOU BE KNOWLEDGEABLE ON WHAT THE PURPOSE OF A FUEL FILTER IS?

A. YES.

Q. WHAT IS THE PURPOSE OF A FUEL FILTER?

A. SO A FUEL FILTER IS SIMPLY A DEVICE THAT TRAPS DIRT, SEDIMENT, DEBRIS THAT MIGHT BE IN THE FUEL SYSTEM COMING FROM THE FUEL TANK AND TRAVELING UP TO EITHER A CARBURETOR OR A FUEL INJECTION SYSTEM, THE FUEL INJECTORS.

Q. OKAY. HOW MANY FUEL FILTERS DO YOU THINK YOU'VE WORKED ON THROUGHOUT YOUR EXPERIENCE WITH VEHICLES?

A. I WOULDN'T KNOW THE EXACT NUMBER, BUT IT'S IN THE HUNDREDS.

Q. OKAY. AND WHAT ABOUT 1980 MODEL CELICAS, HAVE YOU WORKED ON ANY OF THOSE?

A. 1980?

Q. '80'S.

A. OH, '80'S, YEAH. OH, YEAH.

Q. OKAY. SPECIFICALLY '85?

A. YES.

Q. HOW MANY DO YOU THINK YOU'VE WORKED ON ON THE '85 CELICAS?

A. THOSE WERE PRETTY POPULAR IN THE '80S. I WAS WORKING AT A SMOG SHOP FOR QUITE A WHILE WHERE WE DID A LOT OF TUNE-UPS AND SMOG INSPECTIONS, INCLUDING THOSE YEAR MODELS. I WOULD SAY DOZENS FOR SURE. I COULDN'T SAY EXACTLY HOW MANY, BUT I WOULD SAY FOR SURE DOZENS OF FUEL FILTERS.

Q. AND HAVE YOU KEPT YOUR KNOWLEDGE OF FUEL FILTERS AND FUEL SYSTEMS UP TO DATE?

A. OH, YEAH. NOTHING MUCH HAS CHANGED OVER THE YEARS.

SERGEANT SLATER: AT THIS TIME I'D LIKE TO HAVE THE BOARD QUALIFY MR. FIELD AS AN EXPERT ON FUEL FILTERS?

MS. AMIN: ANY OBJECTION.

MR. SEKI: I'LL SUBMIT.

MS. AMIN: OKAY. YOU'RE QUALIFIED.

MR. FIELD: AWESOME. I'LL TELL MY BOSS WHEN I GET BACK TO WORK.

BY SERGEANT SLATER:

Q. MR. FIELD, WERE YOU EVER ASSIGNED TO CONDUCT AN ANALYSIS AS PART OF AN INVESTIGATION OF DR-219913105?

A. YES.

Q. WHO ASKED YOU TO DO THIS?

A. DETECTIVE JIZMEJIAN.

Q. THANK YOU.

WHAT WAS THE PURPOSE OF THAT ANALYSIS?

A. THE PURPOSE OF THE ANALYSIS WAS TO LOOK AT SOME PHOTOS OF AN OBJECT AND TO DETERMINE WHETHER IT COULD BE A FUEL FILTER.

Q. OKAY. THERE ARE PILES OF PAPER IN FRONT OF YOU. THE ONE ON THE LEFT IS A PILE OF DEPARTMENT EXHIBITS. I'D LIKE TO DIRECT YOU TO DEPARTMENT NO. 5, AND THEY'LL BE NUMBERED IN THE YELLOW TABS.

A. (WITNESS PERUSES DOCUMENT.)

NO. 5.

Q. THANK YOU.

CAN YOU LOOK THROUGH THOSE PHOTOS REAL FAST?

A. SURE. OKAY.

Q. WERE THESE THE PHOTOS YOU REVIEWED IN YOUR EXAMINATION OF THAT ITEM?

A. YES.

Q. AND PRIOR TO THIS HEARING, WERE YOU SHOWN

THE PHYSICAL ITEM, AS WELL?

A. YES. PRIOR TO THIS HEARING I WAS.

SERGEANT SLATER: OKAY. AT THIS TIME I WOULD LIKE TO PROVIDE FOR EXAMINATION -- HOWEVER, IT WON'T BE MARKED AND ENTERED AS IT IS A PHYSICAL ITEM -- THE RECOVERED ITEMS THAT WERE RECOVERED BY DETECTIVE NEMEROFF.

MS. AMIN: OKAY.

BY SERGEANT SLATER:

Q. AFTER REVIEWING THOSE PHOTOGRAPHS, DID YOU MAKE ANY DETERMINATION REGARDING WHETHER OR NOT THE ITEM IN THE PHOTOGRAPHS COULD BE USED AS A FUEL FILTER?

A. YES.

Q. AND WHAT WAS THAT DETERMINATION?

A. THAT THEY COULD NOT.

Q. OKAY. I'M GOING PROVIDE YOU WITH A SERIES OF ITEMS. AND FOR THE COURT REPORTER'S REFERENCE, IT'S ONE BLACK END PIECE, ONE BLUE TUBE, AND A SERIES OF ITEMS WITH A YELLOW "6" THROUGH "8" ON THEM. CAN YOU TELL ME WHY THIS ITEM WOULD NOT WORK AS A FUEL FILTER (INDICATING)?

A. SO THE MAIN REASON WHY THIS COULD NOT BE A FILTER IS THERE IS NO FILTER ELEMENT WITHIN IT TO TRAP AND STOP DEBRIS FROM FLOWING THROUGH.

Q. OKAY. IS THIS ITEM "DISASSEMBABLE"? CAN YOU DISASSEMBLE THIS ITEM?

A. YES. SO IF I CAN?

Q. YOU MAY.

A. SO NORMALLY, IF THIS BODY WERE THE HOUSING OF A FUEL FILTER, WITHIN IT WOULD BE AN ELEMENT THAT COULD TRAP DEBRIS, DIRT, SAND, ANYTHING THAT MIGHT BE IN THE FUEL SYSTEM. SO IN ORDER FOR THAT TO HAPPEN, YOU KNOW, SOME OF THESE FILTERS ARE MEASURED IN MICRONS. SO THIS -- IT COULD BE EITHER A PAPER FILTER ELEMENT OR IT COULD BE A FINE MESH SCREEN OF SOME KIND, EITHER PLASTIC OR METAL. AND -- I MEAN, LOOKING AT THIS, THERE'S -- THIS WOULD JUST BE A FLOW-THROUGH. IF FUEL WERE TO FLOW INTO THIS DEVICE, IT WOULD JUST FLOW THROUGH AND OUT WITHOUT ANY FILTRATION WHATSOEVER. I MEAN, THE HOLES THAT ARE HERE COULD TRAP A PRETTY LARGE OBJECT; BUT THE FUEL FILTER ITSELF IS DESIGNED TO PREVENT SMALL PARTICLES LIKE DIRT, DEBRIS, SAND, THINGS LIKE THAT.

Q. OKAY. AND THE END CAP, NOT THE RING YOU UNSCREWED, BUT THE END CAP, WOULD THAT SERVE ANY PURPOSE IN A FUEL FILTER (INDICATING)?

A. NO.

Q. OKAY.

A. IT WOULD HAVE TO HAVE AN OUTLET. SO THE

FUEL HAS TO COME IN AND GO OUT SOME SOMEWHERE. AND SO IF THERE'S JUST A HOLE GOING IN, LET'S SAY, AND NOWHERE FOR IT TO FLOW BACK OUT, THERE WOULD BE NO WAY IT COULD BE A FUEL FILTER.

Q. WHAT ABOUT THE BLUE TUBE THAT WAS INCLUDED WITH THIS ITEM, WOULD THAT BE IN ANY WAY NEEDED FOR A FUEL FILTER?

A. NO.

Q. DO YOU SEE ANY PURPOSE RELATED TO FUEL SYSTEMS FOR THAT BLUE TUBE?

A. NO.

Q. DO YOU SEE ANY PURPOSE FOR ANY OF THE ITEMS THAT I PROVIDED YOU IN A FUEL SYSTEM?

A. NO.

Q. OKAY. AND I BELIEVE YOU STATED, BUT I JUST WANT TO BE CLEAR, WHEN YOU EXAMINED THE PHOTOGRAPHS, YOU STATED THAT THIS WOULD NOT WORK AS A FUEL FILTER, CORRECT?

A. CORRECT.

Q. AFTER EXAMINING THE ITEM IN ITS PHYSICAL PRESENCE, DO YOU STILL BELIEVE THAT?

A. THAT IT CANNOT BE USED?

Q. YES.

A. YES, I BELIEVE THAT.

Q. ALL RIGHT. IF THIS ITEM WAS ATTACHED TO A

FUEL SYSTEM, DO YOU KNOW WHAT WOULD OCCUR?

A. WELL, IF YOU WERE TO MODIFY IT TO WHERE IT COULD BE ATTACHED TO A FUEL SYSTEM AND, YOU KNOW, IT HAD AN OUTLET, IT WOULD REALLY DO NOTHING.

Q. OKAY.

A. THE FUEL WOULD JUST FLOW THROUGH IT.

Q. WHAT WOULD IT TAKE TO MAKE THIS USABLE AS A FUEL FILTER?

A. WELL, YOU'D HAVE TO -- YOU'D HAVE TO MODIFY IT TO WHERE FUEL LINES COULD BE ATTACHED TO EITHER SIDE, TO EITHER END; AND YOU'D HAVE TO CREATE SOME SORT OF ELEMENT THAT WOULD GO INSIDE THAT COULD ACTUALLY FILTER THE FUEL PROPERLY.

Q. OKAY. WHAT DO YOU MEAN BY "MODIFY" IT?

A. SO DEPENDING ON THE FUEL SYSTEM ITSELF AND ON A CELICA, IF IT WAS CARBURETED, THERE WOULD BE TWO HOSES WITH CLAMPS THAT WOULD HAVE TO HAVE AN INLET NIPPLE AND AN OUTLET THAT THEY WOULD -- THEY WOULD SLIP OVER AND THE CLAMP WOULD CLAMP DOWN ON TOP OF THEM. AND THEN LATER WITH FUEL INJECTION, WHICH OCCURRED IN 1984 AND ABOVE, THEY WENT TO A METAL FILTER, THE BODY BEING PROBABLY DOUBLE THE WIDTH OF THIS (INDICATING), AND THEN THEY USED BANJO FITTINGS ON THAT, B-A-N-J-O.

SO IT'S -- IN ESSENCE, AT THE END OF THE

FUEL LINE, THERE'S A CYLINDRICAL-SHAPED FITTING, AND THAT WOULD GO OVER THE TOP OR THE END OF THE FILTER. AND THEN THERE'S A HOLLOWED OUT BOLT THAT WOULD ALLOW FUEL TO FLOW THROUGH IT THAT WOULD ATTACH IT TO THE END OF THE FILTER. SO THE FUEL WOULD COME THROUGH THE HOSE THROUGH THAT SECURE -- THE BOLT AND THEN DOWN INTO THE FILTER AND THEN BACK OUT THE OTHER SIDE THE SAME WAY (INDICATING).

Q. OKAY.

A. AND THEN WITHIN THAT BODY, IN MOST CASES, IT WAS A PAPER ELEMENT --

Q. OKAY.

A. -- YOU KNOW, THAT FILTERED THE FUEL.

Q. ALL RIGHT. AND TO MAKE ALL THE MODIFICATIONS YOU JUST DESCRIBED TO THIS, WOULD THAT BE ECONOMICALLY AFFORDABLE?

A. NO. THERE'S -- THERE'S ALL KINDS OF COMPANIES OUT THERE THAT MAKE AFTER-MARKET -- THERE'S O.E.M., ORIGINAL EQUIPMENT MANUFACTURER. YOU CAN BUY -- YOU CAN BUY A TOYOTA FILTER EVEN FROM OUTSIDE COMPANIES. YOU DON'T HAVE TO EVEN GO TO TOYOTA. SO -- I MEAN, FROM MY PERSPECTIVE, IF I NEED TO PUT A FUEL FILTER ON A TOYOTA CELICA, IT'S JUST VERY SIMPLE TO GO TO AN AUTO PARTS STORE, TO GO TO A DEALERSHIP, OR EVEN ONLINE, AND FIND THE ORIGINAL EQUIPMENT THAT

JUST BOLTS RIGHT ON. EVERYTHING'S THERE, AND IT WORKS. TO FIND A DEVICE LIKE THIS AND TO MODIFY IT TO THE DEGREE THAT IT WOULD TAKE TO MAKE IT A FILTER WOULD JUST NOT MAKE ANY ECONOMIC SENSE OR TIME FOR THAT MATTER, THE AMOUNT OF LABOR INVOLVED.

Q. THERE'S BEEN TALK THAT THE ACCUSED WAS TRYING TO BUILD WHAT HE DESCRIBED AS A HIGH-PERFORMANCE FUEL SYSTEM. DO YOU SEE ANY USE OF THIS DEVICE IN THE ANY SORT OF HIGH-PERFORMANCE FUEL SYSTEM?

A. NO, I DON'T.

Q. WHY IS THAT?

A. WELL, AGAIN, IF YOU WERE -- EVEN IF YOU WERE TO MODIFY THIS THE WAY IT SITS AND MODIFY IT TO WHERE YOU HAVE FITTINGS ON BOTH SIDES TO WHERE YOU COULD PUT IT INLINE IN A FUEL SYSTEM, IT'S -- IT JUST DOESN'T DO ANYTHING. IT DOESN'T FILTER. IT DOESN'T CREATE MORE PRESSURE. AND, IN FACT, IT WOULDN'T EVEN REDUCE PRESSURE IF YOU WANTED TO DO THAT, WHICH WOULD BE UNUSUAL.

Q. OKAY. I'M NOW GOING TO DIRECT YOU TO THE OTHER PILE. THERE'S A PILE IN FRONT OF YOU LABELED "ACCUSED A." DO YOU MIND TAKING A LOOK AT THAT ITEM?

A. OKAY.

Q. THERE ARE TWO ITEMS ON THAT, ONE LABELED

"EVIL ENERGY INLINE 100 MICRON FUEL FILTER" AND ONE LABELED "EVIL ENERGY 50 MILLIMETER CAR MOUNTING BRACKET SINGLE FILTER." IF YOU CAN, WOULD EITHER OF THOSE ITEMS BE COMPATIBLE WITH THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU?

A. WOULD THEY BE COMPATIBLE? WELL, I DON'T SEE ANY COMPATIBILITY WITH THIS -- WITH THE FILTER ITSELF. AND THE BRACKET, I DON'T KNOW THE ACTUAL WIDTH OF THAT; BUT IF YOU'RE ASKING IF IT COULD MOUNT ON HERE AND THEN USE IT AS A MOUNT TO MOUNT IT ON SOMETHING, YEAH, YOU COULD PROBABLY -- YOU COULD PROBABLY USE IT FOR THAT IF THE CIRCUMFERENCE OF THAT CIRCLE IS THE RIGHT SIZE. BUT I WOULDN'T KNOW.

Q. OKAY. YOU WOULDN'T KNOW THE SIZE.

BUT A BRACKET WAS ORDERED WITH THE EVIL ENERGY INLINE 100 FUEL FILTER. WHY WAS A BRACKET -- OR WHY WOULD A BRACKET BE ORDERED WITH A FUEL FILTER?

A. SO THAT YOU COULD MOUNT IT --

Q. OKAY.

A. -- INSIDE -- PROBABLY INSIDE THE ENGINE COMPARTMENT IN MOST CASES.

Q. OKAY.

A. YOU KNOW, YOU CAN MOUNT A FUEL FILTER ANYWHERE BETWEEN THE FUEL TANK AND, IF IT'S CARBURETED OR FUEL-INJECTED, ANYWHERE IN BETWEEN, OR THE FUEL

PUMP, IF IT HAS A FUEL PUMP.

Q. OKAY.

A. SO THAT MOUNT WOULD BE ORDERED TO BE ABLE TO ATTACH THAT FILTER TO THE VEHICLE.

Q. OKAY. SO YOU WOULD NEED -- WHEN YOU'RE ORDERING A FUEL FILTER THEN, IT WOULD BE LOGICAL THAT YOU WANT TO ORDER A MOUNT COMPATIBLE WITH IT?

A. YES.

Q. OKAY.

A. IF YOU'RE ORDERING SOMETHING AFTERMARKET LIKE THIS, YES. IF YOU ORDER THE ORIGINAL EQUIPMENT FUEL FILTER, IT'S ALREADY GOING TO HAVE EVERYTHING YOU NEED ON THE CAR BECAUSE YOU'RE LITERALLY REMOVING THE ONE AND THEN REPLACING THE NEW ONE IN THE SAME EXACT PLACE, THE SAME BRACKET, THE SAME MOUNTING PLACE.

Q. ALL RIGHT.

A. SO EVERYTHING IS THERE FOR YOU.

Q. IF I'M HEARING YOU CORRECTLY -- AND I APOLOGIZE FOR CLARIFYING THIS, BUT IF I HEARD WHAT YOU SAID CORRECTLY, IF YOU ORDER A MODIFIED SYSTEM, YOU WOULD WANT TO ORDER THE APPROPRIATE BRACKET TO MATCH THAT MODIFICATION --

A. YES.

Q. -- CORRECT?

A. YES.

Q. AND LOOKING AT THE EVIL ENERGY INLINE ON ACCUSED A, ARE THERE DIFFERENCES BETWEEN THAT AND THE ITEM ON THE TABLE IN FRONT OF YOU?

A. WELL, ONE OF THE BIG DIFFERENCES IS THE SELECTION OF FITTINGS YOU HAVE THERE, WHICH WOULD ALLOW YOU TO ADAPT THAT TO -- AT LEAST TO A CERTAIN NUMBER OF VEHICLES' FUEL LINES. SO THE BIG DIFFERENCE HERE WOULD BE THE FITTINGS THEMSELVES, I THINK.

Q. OKAY. AND I'LL HAVE YOU LOOK THROUGH THE OTHER PAGES OF EXHIBIT A.

A. (WITNESS PERUSES DOCUMENT.)

OKAY.

Q. WHAT DIFFERENCE DO YOU SEE BETWEEN THAT ITEM AND THE ITEM ON THE TABLE IN FRONT OF YOU?

A. WELL, IT'S INTERESTING THAT THERE'S ACTUAL INSTRUCTIONS TO ATTACH IT TO A VEHICLE, NUMBER ONE. NUMBER TWO, AGAIN, THE MAIN THING FOR ME IS THE FITTINGS; BUT IT ALSO APPEARS TO BE WIDER IN DIAMETER, AT LEAST IT APPEARS TO BE SHORTER IN LENGTH. I THINK THAT'S THE MAIN THING.

Q. DO YOU KNOW WOULD THAT ITEM WORK AS A HIGH-PERFORMANCE FUEL FILTER?

A. WELL, I'M NOT REAL FAMILIAR WITH THIS ITEM; BUT, YES, I MEAN, THEY'RE CALLING IT "100 MICRON FUEL FILTER." THE FACT THAT IT'S A METAL BODY, IT APPEARS

TO BE THAT IT COULD BE, YEAH.

Q. OKAY. WHAT IS A HIGH-PERFORMANCE FUEL SYSTEM?

A. SO A HIGH-PERFORMANCE FUEL SYSTEM WOULD BE A SYSTEM THAT CAN PROVIDE A HIGH VOLUME OF FUEL AND USUALLY AT A HIGHER PRESSURE. SO YOU'RE NORMALLY GOING TO USE THAT IN A CASE WHERE YOU PUT A HIGHER PERFORMANCE ENGINE IN PLACE; RACE CARS, DRAG RACING, EVEN IN YOUR OWN VEHICLE. WHEN THERE'S A NEED FOR A HIGHER VOLUME OF FUEL, YOU MODIFY THE FUEL SYSTEM TO BE ABLE TO PROVIDE THE AMOUNT OF FUEL THAT A HIGH-PERFORMANCE ENGINE NEEDS AS COMPARED TO A STOCK ENGINE.

Q. DO HIGH-PERFORMANCE ENGINES AND FUEL LINES STILL NEED TO BE FILTERED?

A. YES. YOU'RE ALWAYS GOING TO FILTER THE FUEL, YEAH.

Q. WHAT HAPPENS IF YOU DON'T FILTER OR HAVE FILTRATION MEDIA IN THE FILTER?

A. SO IF YOU WERE TO GET CONTAMINATION IN YOUR FUEL TANK, IN YOUR FUEL SYSTEM BY ANY MEANS, YOU RISK DEBRIS AND DIRT GETTING INTO THE FUEL INJECTORS, WHICH CAUSE -- IT WILL START TO CAUSE MISFIRES. IT COULD EVEN CAUSE THE ENGINE NOT TO START AT ALL.

Q. THANK YOU.

AT THIS TIME, NO FURTHER.

MS. AMIN: OKAY. MR. SEKI?

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. THANKS FOR BEING HERE, MR. FIELD.

A. YOU'RE WELCOME.

Q. WHEN YOU MET WITH OR SPOKE WITH DETECTIVE JIZMEJIAN, HE TOLD YOU THE FILTER WAS FOR A TOYOTA CELICA, CORRECT?

A. I BELIEVE THAT WAS RIGHT, YEAH.

Q. DID HE TELL YOU THAT THERE WAS A MODIFICATION BEING DONE ON IT WHERE A WINDSOR 351 WAS GOING TO REPLACE THE CELICA ENGINE, IN ADDITION, A FUEL TANK OR FUEL CELL WAS GOING TO BE REPLACED?

A. NO.

Q. DID HE TELL YOU THAT A HIGH VOLUME OR HIGH-FLOW FUEL FILTER WAS -- WHAT WAS BEING ORDERED?

A. NO.

Q. DID HE EVER SHOW YOU THE ITEMS THAT APPEAR IN ACCUSED A, THE EVIL ENERGY?

A. NO. THIS IS THE FIRST TIME I'VE SEEN THAT.

Q. DID HE EVER ASK YOU TO DO ANY RESEARCH REGARDING NAPA 4003 WIX FUEL FILTERS?

A. YES.

Q. OKAY. AND DID YOU LOOK THOSE UP?

A. I DID.

Q. ARE THERE'S A VARIETY OF SITES ON THE INTERNET THAT SELL NAPA 4003 FUEL FILTERS, CORRECT?

A. WELL, I DIDN'T SEE A FUEL FILTER. THIS WOULD POP UP (INDICATING).

Q. WELL, LET ME ASK YOU THIS. I'M GOING TO HAVE YOU LOOK AT SOMETHING IN THE OTHER PILE. IT'S EXHIBIT 3. SO UNDERNEATH THE PURPLE -- NOT IN THAT STACK, THE OTHER STACK (INDICATING). SORRY. WE'RE GOING TO --

A. THAT'S OKAY.

Q. SO THAT'S "2."

A. SO NO. 3?

Q. NO. 3. I'M GOING TO HAVE YOU TURN TO PAGE 3.

A. (WITNESS PERUSES DOCUMENT.)

Q. SO THIS BULLETIN PUTS OUT THINGS THAT ARE IDENTIFIED AS NAPA 4003 FILTERS. AND LOOKING AT THE ONE ON THE BOTTOM, IT SAYS, "INLINE FILTER MARKETED AS NAPA 4003." DO YOU SEE THAT?

A. YES.

Q. OKAY. THERE, IT HAS -- LOOKS LIKE THERE WAS AN INTERNAL ELEMENT THERE, WHICH APPEARS TO BE A

FILTER, RIGHT?

A. YES.

Q. SOMETHING LIKE THAT IS MORE AKIN TO WHAT YOU WANT TO SEE IN SOME SORT OF FUEL FILTER; IS THAT RIGHT?

A. THAT'S CORRECT.

Q. SOME SORT OF AFTERMARKET FUEL FILTER, CORRECT?

A. OR ANY FILTER, YEAH, YOU'D HAVE AN ELEMENT SUCH AS THAT, YES.

Q. AND SAFE TO SAY, TYPICALLY, WHEN YOU LOOK AT O.E.M.'S, OR ORIGINAL EQUIPMENT MANUFACTURER FILTERS, THEY ARE TYPICALLY HOUSED IN LIKE A PLASTIC HOUSING AS OPPOSED TO LIKE THESE METAL HOUSINGS?

A. WELL, NOT IN ALL CASES; BUT THAT WAS COMMON, YES.

Q. RIGHT. AND ESPECIALLY FOR THAT GENRE OF '85 CELICA, CORRECT?

A. SO FOR THE '85 CELICA, IT WOULD HAVE BEEN A METAL HOUSING.

Q. OKAY. SO MUCH SMALLER, RIGHT? THAN THE SIZE OF THE ITEM THAT WAS ORDERED?

A. IT WOULD HAVE BEEN A WIDER BODY --

Q. RIGHT.

A. -- BUT PROBABLY SHORTER.

Q. RIGHT.

A. PROBABLY SHORTER A LITTLE BIT THAN THAT.

Q. OKAY. WHEN YOU SAW -- WHEN YOU ENDED UP DOING THE RESEARCH ON THE INTERNET AND FOUND, I GUESS, THE ITEMS, THE 4003, DID MOST OF THEM LOOK LIKE WHAT'S IN FRONT OF YOU, THE PHYSICAL ITEM OR DID THEY LOOK LIKE WHAT'S PICTURED ON PAGE 3 HERE?

A. MOST OF THEM LOOKED LIKE THIS ITEM HERE.

Q. DO YOU FIND ANY THAT WERE SIMILAR TO PAGE 3?

A. I DID NOT.

Q. OKAY. DO YOU FIND ANY THAT WERE MARKETED BY COMPANIES THAT WERE BASED IN THE UNITED STATES?

A. YOU KNOW, I DON'T RECALL SEEING WHERE THEY CAME FROM.

Q. I'M GOING TO HAVE YOU FLIP BACK -- AND I'M SORRY -- TO THE EVIL ENERGY ONE. SO YOU'RE DONE WITH THAT DOCUMENT (INDICATING).

A. GOT IT.

Q. ARE YOU FAMILIAR WITH THE EVIL ENERGY FILTER?

A. TODAY I LEARNED ABOUT THIS.

Q. OKAY. SO YOU HAVEN'T SEEN IT BEFORE?

A. I HAVE NOT.

Q. HAVE YOU -- BEING IN THE INDUSTRY AS LONG AS

YOU HAVE AND HAVING THE EXPERIENCE YOU HAVE, AT ANY POINT IN TIME HAVE YOU PUT TOGETHER A RACE ENGINE?

A. YOU KNOW, THAT'S SOMETHING I WAS NEVER REALLY INVOLVED WITH.

Q. SO DID YOU EVER STRIP A CAR APART AND LIKE REPLACE THE ORIGINAL ENGINE WITH ANOTHER ENGINE, REPLACE THE FUEL CELL AND HAVE TO BUILD A FUEL SYSTEM?

A. NO. I NEVER PERSONALLY HAVE DONE THAT.

Q. LOOKING AT WHAT'S IN FRONT OF YOU, "A," THE EVIL FUEL FILTER, IT DOESN'T SHOW YOU ANY PICTURES OF WHAT'S INSIDE. IT JUST SAYS IT'S 100 MICRON FUEL FILTER, CORRECT?

A. THAT'S CORRECT.

Q. ONE OF THE RISKS -- WOULD YOU AGREE ONE OF THE RISKS OF BUYING THINGS ONLINE IS YOU DON'T KNOW WHAT THE INTERIOR NECESSARILY LOOKS LIKE?

A. YEAH, I MEAN -- YES, I THINK THERE IS -- THERE'S ALWAYS A RISK IF YOU DON'T KNOW EXACTLY WHAT'S IN THERE.

Q. AND HAVE YOU EVER BOUGHT AFTERMARKET PARTS ONLINE OR DO YOU NORMALLY JUST GO TO THE SHOP, YOU KNOW, AUTO ZONE OR WHATEVER ELSE, PEP BOYS?

A. I -- FOR THE MOST PART, I -- I'M TRYING TO THINK IF I'VE ORDERED AUTO PARTS ONLINE. I DON'T THINK SO. I'M JUST HAPPY GOING DOWN TO THE LOCAL AUTO

PARTS STORE --

Q. OLD SCHOOL.

A. -- FOR THE MOST PART.

Q. YEAH.

A. I MEAN, NOWADAYS YOU CAN LOOK UP ON YOUR PHONE AND EVEN SEE IF THEY -- LIKE AUTO ZONE, FOR EXAMPLE --

Q. RIGHT?

A. -- IF THEY EVEN HAVE IT IN STOCK. YOU CAN BUILD YOUR OWN LIBRARY OF VEHICLES, YOU KNOW. THAT'S THE JUST THE WAY I DO IT.

Q. OKAY. SO YOU HAD NO IDEA THAT THE CAR THAT WAS BEING LOOKED AT WAS NOT GOING TO HOUSE A CELICA ENGINE BUT WAS GOING TO HOUSE A WINDSOR 351?

A. NO, I DID NOT KNOW THAT.

Q. YOU KNOW WHAT A WINDSOR 351 IS, RIGHT?

A. IT'S A FORD V-8, YEAH.

Q. AGAIN, HIGH-PERFORMANCE ENGINE, RIGHT?

A. WELL, IT CAN BE, YES.

Q. ESPECIALLY --

A. IF IT'S BUILT UP.

Q. -- IN A SMALL CAR LIKE A CELICA?

A. THAT WOULD BE A MONSTER.

Q. AND YOU HAVE TO HAVE THE RIGHT FLOW. YOU COULDN'T USE THE TOYOTA FUEL SYSTEM FOR THAT.

A. PROBABLY NOT.

Q. YOU'D HAVE TO MODIFY SOMETHING.

A. I WOULD SAY YES.

Q. ARE YOU FAMILIAR WITH FUEL SYSTEMS HAVING TWO FILTERS, MORE THAN JUST ONE FILTER, BUT MAYBE MULTIPLE FILTERS ATTACHED?

A. PERSONALLY, NO. IS THAT POSSIBLE, YEAH. YOU COULD PUT MORE THAN ONE FILTER --

Q. SEVERAL PUMPS ATTACHED, FUEL PUMPS?

A. NORMALLY THERE'S ONE FUEL PUMP, YOU KNOW. EVEN IN A PERFORMANCE ENGINE, YOU'RE GOING TO HAVE A HIGH-VOLUME, HIGH-PRESSURE BUMP.

Q. AND ONE OF THE IMPORTANT THINGS IS MAINTAINING PRESSURE, RIGHT? MAINTAINING THE PRESSURE FROM THE FUEL CELL, THE FUEL TANK, ALL THE WAY TO WHATEVER CARBURETION DEVICE YOU HAVE.

A. YES.

Q. THANK YOU VERY MUCH.

A. YOU'RE WELCOME.

MS. AMIN: OKAY. REDIRECT?

SERGEANT SLATER: YES, PLEASE.

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. MR. FIELD, YOU MENTIONED -- YOU WERE ASKED

IF THIS ITEM HAD POPPED UP AND YOU STARTED TO GIVE AN ANSWER. WHAT DID POP UP WHEN YOU SEARCHED THE ITEM ONLINE?

A. SO ON YOUTUBE THERE WAS SEVERAL VIDEOS, AND ALL OF THEM REFER TO IT AS A SUPPRESSOR OR A SOLVENT -- I CAN'T REMEMBER THE OTHER WORD. BUT THE WORD SUPPRESSOR WAS USED AND -- I MEAN, VIDEOS THAT STAND OUT ACTUALLY SHOW IT ATTACHED TO FIREARMS.

Q. DID YOU SEE ANY VIDEOS IT WAS ATTACHED TO A VEHICLE?

A. NO.

Q. IF THIS ITEM HAD BEEN ATTACHED TO A WINDSOR 351 V-8 ENGINE, WHAT WOULD IT HAVE THIS -- WHAT IMPACT WOULD THIS HAVE ON A FUEL SYSTEM?

A. IN THIS STATE IT WOULD HAVE NONE. IT WOULD FREE-FLOW WITHOUT REALLY, YOU KNOW, ANY CAUSE OR EFFECT. I MEAN, WORSE CASE SCENARIO, IT COULD BE A LITTLE RESTRICTIVE IF YOU WANT A HIGH-FLOW, HIGH-VOLUME, HIGH-PRESSURE FUEL SYSTEM. BUT AS FAR AS FILTRATION, IT WOULDN'T DO ANYTHING.

Q. OKAY. AS FAR AS FILTRATION, IF THIS HAD BEEN ATTACHED TO MULTI-PUMP FUEL SYSTEM, WHAT BENEFITS WOULD IT HAVE?

A. NONE.

Q. OKAY.

NO FURTHER AT THIS TIME. ACTUALLY, ONE FURTHER QUESTION.

THE WORD "MICRON" HAS BEEN MENTIONED A COUPLE OF TIMES. WHAT IS A MICRON?

A. IT'S A MEASUREMENT -- IT'S A MEASUREMENT OF, I GUESS, A DIAMETER. VERY, VERY SMALL.

Q. OKAY. AND THAT DIAMETER IS USED FOR WHAT?

A. IT'S USED FOR -- I MEAN, FOR AN EXAMPLE, IT WOULD BE USED FOR -- IN CASE OF FILTERS, LET'S SAY YOU HAD -- JUST PICTURE LIKE A WINDOW SCREEN, RIGHT, THAT MESH. IN MICRONS IT WOULD BE A SMALLER -- THE HOLE THAN A WINDOW SCREEN, IF YOU WANT TO CALL IT THAT. AND THEN IF YOU PICTURE THAT INSIDE THIS BODY, THAT COULD, IN ESSENCE, BE USED AS A FILTER MEDIA TO TRAP DIRT AND DEBRIS. SO THEY MEASURE IN MICRONS BECAUSE IT'S VERY TINY, AND YOU WANT TO BE ABLE TO TRAP EVEN THE SMALLEST PARTICLE OF DEBRIS IN A FUEL SYSTEM, ESPECIALLY IN A PERFORMANCE MODEL.

Q. AND IN A PERFORMANCE MODEL, ARE ANY OF THE HOLES IN THAT DEVICE IN FRONT OF YOU FUEL FILTER MICRON SIZE?

A. NO.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

RECROSS EXAMINATION

BY MR. SEKI:

Q. WHEN YOU SAID YOU SEARCHED ONLINE, YOU MENTIONED YOUTUBE VIDEOS. DID YOU JUST LOOK AT YOUTUBE VIDEOS OR DID YOU LOOK --

A. SO I ALSO SEARCHED -- OH, I'M SORRY.

Q. I DIDN'T FINISH THE QUESTION.

A. YES, SIR.

Q. OR DID YOU LOOK AT -- DO A SEARCH TO PURCHASE ITEMS?

A. YES. SO, YOU KNOW, IF YOU PUT IN THE NAPA 4003, THIS ITEM WOULD COME UP (INDICATING).

Q. OKAY. AND THERE WERE MANY SITES WHERE YOU COULD PURCHASE IT FROM, CORRECT?

A. I BELIEVE THERE WERE. I DON'T REMEMBER EXACTLY. I DIDN'T PAY MUCH ATTENTION TO THE ACTUAL SITES THEMSELVES.

Q. AND WERE THEY LISTED AS A FUEL FILTER OR SOLVENT CATCHER?

A. YEAH, THAT SOUNDS RIGHT.

Q. OKAY. SO THE ADDITIONAL RESEARCH YOU DID WAS GOING INTO YOUTUBE TO SEE HOW YOU WOULD USE THIS; IS THAT CORRECT?

A. CORRECT.

Q. OKAY. BUT JUST IN TERMS OF PURCHASING THE

ELEMENTS, JUST A GOOGLE SEARCH OR AN INTERNET SEARCH, IT WOULD PULL UP THESE TYPES OF ITEMS THAT'S IN FRONT YOU; IS THAT CORRECT?

A. YES.

Q. WITHOUT ANY FURTHER DESCRIPTION, JUST A FILTER?

A. I BELIEVE THAT'S CORRECT, YES.

Q. THANK YOU.

A. UH-HUH (INDICATING YES).

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT. THANK YOU.

MS. AMIN: LET ME INVITE MY ASSOCIATE MEMBERS. ANY QUESTIONS?

EXAMINATION

BY MS. STRONG-FARGAS:

Q. AFTER YOU EXAMINED THE INFORMATION ON A-1, AND IT WAS QUOTED PREVIOUSLY THAT -- YOU BEING THE PROFESSIONAL ON IT, YOU COULD TAKE THIS ITEM AND SUPE UP -- LET ME SEE IF I CAN GET IT RIGHT -- SUPE UP THE CAR TO, YOU KNOW, FILTRATION FROM ONE 4-CYLINDER TO AN 8-CYLINDER. AND THE REPLY WAS -- THE ANSWER IS "NO," IS THAT CORRECT, THAT YOU GAVE TO THE OFFICER PREVIOUSLY?

A. OKAY. I'M A LITTLE CONFUSED.
Q. OKAY.
A. ARE YOU ASKING IF THIS COULD BE USED AS A PERFORMANCE FILTER (INDICATING)?
Q. YES.
A. IT APPEARS SO.
Q. OKAY.
MS. AMIN: "THIS" MEANING ACCUSED EXHIBIT A.
MS. STRONG-FARGAS: "A."
MR. FIELD: YES.
MR. ORTEGA: NO. HE'S POINTING AT --
MR. SEKI: THE EVIL ENERGY.
MS. STRONG-FARGAS: THE EVIL --
MR. ORTEGA: HE'S POINT TO --
THE REPORTER: WAIT. ONE AT A TIME.
MS. STRONG-FARGAS: I'M SORRY.
MR. ORTEGA: OKAY. I'M SORRY.
MR. FIELD: YEAH, THE EVIL ENERGY INLINE --
MS. STRONG-FARGAS: IS THE --
THE REPORTER: WAIT, WAIT.
MR. FIELD: I'M SORRY.
THE REPORTER: ONE AT A TIME.
THANK YOU. GO AHEAD.
MR. FIELD: OKAY. COULD YOU REPEAT THE QUESTION SO I CAN --

BY MS. STRONG-FARGAS:

Q. I'M TRYING TO SAY THE PROPER WORDS THAT WERE USED HERE.

AFTER EXAMINING THE EVIL ENERGY INLINE 100 MICRON, COULD THIS ITEM BE USED TO SUPE UP A 4-CYLINDER TO AN 8-CYLINDER?

A. I'M NOT AN EXPERT ON THAT PARTICULAR PIECE, BUT IT DOES APPEAR TO BE SOMETHING THAT YOU COULD DO THAT WITH.

Q. OKAY.

A. I MEAN, YOU REALLY -- YOU'D HAVE TO HAVE MORE INFORMATION TO REALLY KNOW EXACTLY WHAT IT CAN BE USED FOR. YOU NEED TO KNOW HOW MUCH FUEL TO CONTROL. SO WHEN YOU BUILD AN ENGINE, WHEN YOU HAVE A PROJECT LIKE THAT, PART OF THE PROCESS IS UNDERSTANDING HOW MUCH FUEL AND HOW MUCH PRESSURE YOU NEED TO GET TO THE CARBURETOR OR THE FUEL INJECTORS IN ORDER FOR IT TO WORK PROPERLY. SO ONCE YOU KNOW THAT, THEN YOU START TO RESEARCH WHAT KIND FILTRATION WOULD I WANT THAT CAN ALLOW THAT TYPE OF VOLUME, RIGHT? SO -- I MEAN, WITHOUT KNOWING EXACTLY WHAT THIS IS CAPABLE OF DOING -- I DON'T KNOW IF I WOULD CHOOSE THAT, BUT --

Q. OKAY.

A. BUT IT LOOKS LIKE IT COULD BE USED IN THAT PURPOSE, YOU KNOW, DEPENDING ON THE APPLICATION.

Q. OKAY. YOU KIND OF ANSWERED MY NEXT QUESTION. MY NEXT QUESTION IS BEING THE MECHANIC THAT YOU ARE AND HAVE WORKED WITH THIS, I WAS GOING TO ASK WOULD YOU USE THIS OR IS THERE SOMETHING I CAN GO TO AUTO ZONE AND PURCHASE THAT COULD DO IT BESIDES DOING ALL THE CHANGES HERE?

A. THERE MAY BE SOMETHING AT AUTO ZONE; BUT IF YOU WERE -- NORMALLY, IF YOU'RE BUILDING A PERFORMANCE ENGINE, YOU'RE USING A LOT OF AFTERMARKET COMPONENTS. YOU'RE GOING TO REPLACE, YOU KNOW -- I MEAN, ESPECIALLY A CELICA BEING CONVERTED TO A V-8 FORD ENGINE, THERE'S GOING TO BE A LOT OF MODIFICATIONS DONE.

MS. STRONG-FARGAS: OKAY.

MS. AMIN: MR. ORTEGA?

MR. ORTEGA: YEAH, I HAVE A COUPLE.

EXAMINATION

BY MR. ORTEGA:

Q. IS IT NORMAL TO BE ABLE TO DISASSEMBLE FUEL FILTERS LIKE THAT? BECAUSE THE MESH -- THE ONES THAT I HAVE SEEN -- FIRST, ALL THE ONES I'VE SEEN WERE PLASTIC. MAYBE THEY WERE CHEAP. BUT THEY WERE SELF-CONTAINED UNITS THAT WHEN YOU NEEDED TO REPLACE THEM, YOU DIDN'T TAKE THE PAPER OUT. YOU JUST TOOK IT

OUT AND REPLACED THE WHOLE UNIT. IS THAT TYPICALLY HOW FUEL FILTERS COME OR CAN YOU DISASSEMBLE THEM?

A. SO MOST OF THEM ARE SEALED LIKE YOU SAID. SO IF YOU WERE TO GO AND REPLACE A FUEL FILTER ON MOST VEHICLES, IT WOULD BE -- YOU WOULD REMOVE IT FROM THE VEHICLE. THE NEW ONE IS INSTALLED. THERE IS NO DISASSEMBLY.

Q. RIGHT.

A. NOW, THERE IS SUCH A THING AS CANISTER-TYPE FILTERS WHERE YOU CAN TAKE THEM APART. AND THE FILTER ELEMENT IS REMOVED, BUT THAT'S PRETTY RARE.

Q. BECAUSE YOU RISK CONTAMINATION OF THE FILTER --

A. IT JUST DEPENDS ON THE STYLE. SO I'LL JUST SAY THAT ALL THE FUEL FILTERS I'VE EVER REPLACED WERE LIKE YOU JUST DESCRIBED. THEY WERE SEALED UNITS. THEY CAME SEALED. THE ELEMENT IS SEALED INSIDE WHETHER IT'S PLASTIC OR METAL, AND YOU SIMPLY REPLACE THAT WHOLE PIECE.

Q. YEAH. THAT'S WHAT I WAS USED TO, AS WELL.

ONE MORE QUESTION. FOR A PERSON WHO IS A TINKERER OF CARS, SOMEBODY WHO KNOWS AUTO MECHANICS, WOULD SOMEONE WITH THAT LEVEL OF EXPERIENCE LOOK AT SOMETHING LIKE THIS AND BE ABLE TO TELL THAT THIS IS NOT A FUEL FILTER (INDICATING)?

A. I THINK SO. YOU KNOW -- I THINK SO, YOU KNOW. I THINK YOU'RE TALKING ABOUT DO-IT-YOURSELFERS. THEY CALL THEM "DIY-ERS" NOW.

Q. RIGHT.

A. OKAY. SO IN MY OPINION, MY PROFESSIONAL OPINION, PEOPLE LIKE THAT ARE GOING TO BE KNOWLEDGEABLE ENOUGH TO BE ABLE TO REPLACE SOME OF THE PARTS ON THEIR CAR, INCLUDING FUEL FILTERS. AND IN MOST CASES, FROM MY EXPERIENCE, THEY WOULD SIMPLY BUY A LIKE ITEM AND REPLACE IT DIRECTLY WITH THE ONE THAT'S ON THE CAR.

SO TO GO TO THE LENGTH OF MODIFICATION, IT GETS UP -- YOU KNOW, IT GETS TO ANOTHER LEVEL OF TECHNICALITY. AND IF YOU'RE JUST TINKERING AND YOU'RE A DIY-ER, YOU'RE BASICALLY JUST MAINTAINING YOUR VEHICLE FOR THE MOST PART. YOU START GETTING INTO HIGHER LEVELS OF MAJOR MODIFICATIONS, THEN, YOU KNOW -- I'M NOT SAYING IT'S IMPOSSIBLE FOR SOMEBODY LIKE THAT TO NOT BE ABLE TO VIEW THAT AND MAKE AN ASSUMPTION OR DECISION ABOUT IT. BUT I THINK FOR MOST PEOPLE, YEAH, IT WOULDN'T EVEN COME INTO PLAY.

Q. OKAY. THANK YOU.

SERGEANT SLATER: I'D JUST LIKE TO INTERRUPT. FOR THE RECORD, THE ITEM THAT YOU WERE JUST POINTING TO, SIR, WAS DEPARTMENT'S 3, PAGE 4,

CORRECT?

MR. ORTEGA: CORRECT.

SERGEANT SLATER: THANK YOU.

EXAMINATION

BY MS. AMIN:

Q. OKAY. SO IF AN ONLINE SHOPPER IS LOOKING FOR A FUEL FILTER AND COMES ACROSS A PICTURE OF JUST THAT BARREL, GOT ALL THE LITTLE DETAILS, AND INTENDS TO BUY IT AS A FUEL FILTER, WOULD THEY KNOW BY LOOKING AT THE ONLINE PICTURE THAT IT SAYS "NAPA 4003 FUEL FILTER," WOULD THAT PERSON KNOW THAT IS NOT A FUEL FILTER?

A. THAT'S A GOOD QUESTION. I GUESS THAT WOULD DEPEND ON THEIR LEVEL OF KNOWLEDGE AND EXPERIENCE. I MEAN, IF YOU'RE LOOKING FOR A SPECIFIC PART AND YOU KNOW WHAT YOU'RE LOOKING FOR, THEN THAT WOULD BE OBVIOUS THAT IT'S NOT WHAT YOU'RE LOOKING FOR. IF YOU DO AN ARBITRARY SEARCH FOR A FUEL FILTER AND THAT COMES UP, WOULD YOU KNOW WHETHER IT IS OR NOT? I WOULD SAY -- AND I DON'T REMEMBER -- IF THE PHOTOGRAPHS SHOW THE INTERNAL, THIS BAFFLE, IF YOU WANT TO CALL IT THAT, THEN THEY SHOULD KNOW THAT THAT CANNOT FILTER FUEL.

Q. RIGHT.

A. IF IT JUST SHOWED THIS CYLINDER, WHICH IS SORT OF SIMILAR TO THIS EXHIBIT A-1, THE ASSUMPTION COULD BE MADE THAT THERE'S A FILTER INSIDE THERE.

Q. BUT WE DON'T KNOW WHAT THE WEBSITE ADVERTISEMENT DEPICTED FROM THE PURCHASE?

A. NO. I DON'T KNOW.

Q. YOU'VE NEVER SEEN IT, NEVER TRIED TO TRACK DOWN THE ACTUAL SITE THAT IT WAS PURCHASED FROM?

A. NO, NO. I DID A QUICK SEARCH AND, YOU KNOW, I DIDN'T GO MUCH FURTHER.

Q. SO IF I UNDERSTAND YOU CORRECTLY, SIMILAR TO EXHIBIT ACCUSED A, FIRST PAGE, IF IT ONLY SHOWED A BARREL LIKE THIS, IT'S POSSIBLE THAT THE BUYER WOULD THINK THAT IT'S A FUEL FILTER AS ADVERTISED?

A. YES. AND -- BUT KEEP IN MIND, THIS HAS ALL OF THOSE FITTINGS THAT SHOWED THAT THERE IS A WAY TO ADAPT THE FUEL LINES. THERE'S A -- I MEAN, THAT'S A BIG CLUE.

MS. AMIN: SO I WOULD LIKE TO ASK THE DEPARTMENT IF YOU'RE ABLE OPEN UP THE WEBSITE THAT THEY SHOWED US FROM THE SEARCH THAT SHOWED NAPA 4003 FUEL FILTER, WHAT DOES IT LOOK LIKE?

SERGEANT SLATER: SO "YES" AND "NO." THE DEPARTMENT, AFTER YESTERDAY'S TESTIMONY, IS TRYING TO -- IS WORKING ON ACQUIRING SOME OF THE STILLS. THE

WEBSITE LINKS AS THEY ARE NO LONGER FUNCTIONAL. BUT THE -- UPON OUR REVIEW OF THE MINUTE ORDER OF THE PRELIMINARY HEARING, WE SAW FIVE ITEMS WERE ENTERED AS PHOTOGRAPHS. THE CRIMINAL INVESTIGATOR HAS SINCE RETIRED. SO WE'RE ATTEMPTING TO GET THOSE ITEMS AND ENTER THEM AND THEN WE'LL NEED TO -- WE'LL LAY A FOUNDATION, BUT WE NEED TO VERIFY THAT.

MS. AMIN: WELL, CAN YOU GO TO THE VENDOR'S WEBSITE THAT'S ON THE PACKAGING AND SEE -- SEARCH THEIR FUEL FILTER NAPA 4003 -- WHATEVER THE NUMBER IS?

SERGEANT SLATER: I WILL VERIFY. I BELIEVE THAT THAT WEBSITE WAS NO LONGER FUNCTIONING, AS WELL, BUT I WILL VERIFY THAT.

MS. AMIN: OKAY. THANK YOU.

I HAVE NO OTHER QUESTIONS. DEPARTMENT, DO YOU HAVE ANY QUESTIONS?

SERGEANT SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

MR. SEKI: YEAH. I JUST WANT TO CLARIFY SOMETHING.

FURTHER RECROSS EXAMINATION

BY MR. SEKI:

Q. WHEN YOU WERE EXPLAINING, MR. FIELD, TO MR. ORTEGA IN TERMS OF FUEL FILTER, YOU TALKED ABOUT

"DIY-ERS," "DO-IT-YOURSELFERS," WHICH IS DIFFERENT FROM SOMEBODY WHO IS CREATING A WHOLE NEW HIGH-PERFORMANCE SYSTEM, RIGHT?

A. I WOULD SAY YES. I MEAN, SOMEBODY THAT'S TAKING ON A PROJECT OF THAT NATURE, YEAH, THEY'RE PROBABLY A LITTLE MORE KNOWLEDGEABLE ABOUT AUTOMOTIVE SYSTEMS.

Q. WHEN YOU'RE LOOKING AT RACING ENGINES OR DOING STUFF, I MEAN, PEOPLE WHO DO THOSE THINGS HAVE THE ABILITY TO MODIFY, FABRICATE, DO OTHER THINGS?

A. MANY DO.

Q. THEY CAN FIGURE OUT -- AND CORRECT ME IF I'M WRONG, IN YOUR EXPERIENCE, THEY CAN GET SOMETHING AND FIGURE OUT A WAY TO MAKE IT WORK.

A. IN MANY CASES, YES. I WOULD SAY IN MANY CASES, YES.

Q. AND DEALING WITH CREATING A FUEL SYSTEM FROM SCRATCH, THERE'S A LOT OF TRIAL AND ERROR --

A. WELL --

Q. -- IF YOU KNOW. I DON'T KNOW -- YOU HAVEN'T DONE IT, RIGHT?

A. I JUST -- FROM MY PERSPECTIVE, THERE'S JUST SO MANY SYSTEMS AND PIECES AND PARTS AVAILABLE THAT YOU COULD CHOOSE FROM. ALMOST ANY PROJECT, IT WOULD BE EASY TO FIND THOSE ITEMS AND BUILD YOUR SYSTEM WITH

WHAT ALREADY EXISTS. GOING TO THE LENGTHS OF A LOT OF MODIFICATIONS -- I MEAN, THERE MIGHT BE CASES, DEPENDING ON THE PROJECT. BUT THERE'S A LOT OF PARTS AND EQUIPMENT AVAILABLE FOR PERFORMANCE --

Q. SURE.

A. -- AVAILABLE. SO MOST PEOPLE, AT LEAST PEOPLE THAT I KNOW FROM MY PERSPECTIVE, ARE NOT GOING TO GO TO THIS HUGE LENGTH OF MODIFYING THINGS. THEY'RE GOING TO PURCHASE SOMETHING THEY KNOW THEY CAN BOLT IN EASILY BECAUSE -- YOU KNOW, AS MUCH FUN AS THEY'RE HAVING DOING THIS PROJECT, THEY ALSO WANT IT TO BE EFFICIENT. THEY WANT -- THE ESTHETICS ARE IMPORTANT, AND THEY ALREADY HAVE THE KNOWLEDGE OF SYSTEMS THAT ARE OUT THERE AND AVAILABLE. SO IN MOST CASES THAT I'M AWARE OF --

Q. SO --

A. -- IF SOMEBODY SETS OUT TO DO A PROJECT, THEY SORT OF MAP OUT HOW THEY'RE GOING TO DO IT, INCLUDING FUEL SYSTEMS. AND THEY PROBABLY, IN MOST CASES, HAVE ALREADY PICKED OUT A FUEL CELL, WHICH IS THE TANK, THE FUEL LINES THEY'RE GOING TO USE, THE FILTER, THE PUMP, WHATEVER THEY'RE DOING. IT'S ALL AVAILABLE.

Q. OKAY. BUT YOU YOURSELF HAVE NEVER DONE THAT; IS THAT CORRECT?

A. I HAVE NEVER DONE ONE PERSONALLY, NO.

Q. AND ONE OF THE THINGS YOU TALKED ABOUT, THERE ARE PRODUCTS THAT ARE OUT THERE, IF YOU'RE INTO RACING, YOU WOULD PROBABLY ASSUME SOMEBODY WOULD GO TO A RACING SITE, RIGHT, OR A SITE THAT SPECIALIZES IN RACING?

A. YES.

Q. ARE YOU FAMILIAR WITH RACING SITES?

A. I CAN'T NAME ONE OFF THE TOP OF MY HEAD RIGHT NOW.

Q. ARE YOU FAMILIAR WITH SUMMIT RACING?

A. I'VE HEARD OF SUMMIT RACING, YES.

Q. OKAY. GIVE ME ONE SECOND HERE.

I DON'T KNOW IF THERE'S A WAY TO PUT THIS UP ON THE SCREEN OR NOT.

SERGEANT SLATER: DOES YOUR COMPUTER HAVE AN HG MIC ON IT?

BY MR. SEKI:

Q. YOU SEE WHAT'S ON THE SCREEN?

A. YES.

Q. SO IT'S SUMMIT RACING EQUIPMENT. AND YOU GOT A NUMBER OF DIFFERENT FUEL FILTERS THAT ARE PICTURED THERE, CORRECT? SO WHEN YOU SAY YOU CAN GO TO A SITE, YOU CAN GO TO A SITE LIKE THIS AND LOOK FOR THINGS LIKE THIS THAT HAVE DIFFERENT FUEL FILTERS; IS

THAT CORRECT (INDICATING)?

A. YES.

Q. AND I'M GOING TO CLICK ON -- THERE'S ONE HERE, "K.R.C. RACING FUEL FILTER HOUSING." IT SAYS IT CAN BE SPECIAL ORDERED, 54.99. BASICALLY, IT JUST GIVES YOU THIS PICTURE WITHOUT ANY FURTHER DESCRIPTION. SO WHEN YOU SEE SOMETHING LIKE A HOUSING AND IT DOESN'T HAVE FITTINGS OR ANYTHING ELSE WITH IT, IT JUST BASICALLY HAS ITS HOUSING, WHAT'S YOUR UNDERSTANDING OF WHAT THIS WOULD BE USED FOR?

A. WELL, I MEAN, I'M NOT FAMILIAR WITH THAT ITEM. THEY'RE DESCRIBING IT AS A FUEL FILTER HOUSING. SO I WOULD HAVE TO ASSUME THAT YOU COULD MAYBE PUT AN ELEMENT INSIDE OF THAT HOUSING. THERE MAY BE DIFFERENT CHOICES PERHAPS OF ELEMENTS TO GO INSIDE IT.

Q. NOW, THIS IS MORE LIKE WHAT YOU -- WHAT'S IN FRONT OF YOU, IT SAYS -- "INVICTA FILTER" IS THE SITE.

A. OKAY.

Q. "ALLUMINUM FUEL FILTER, MONOCORE SOLVENT TRAP FUEL FILTER, SOLVENT TRAP KIT, NAPA 4003 WIX." THIS IS THE TYPE OF THING THAT YOU ENDED UP SEEING; IS THAT CORRECT?

A. YES.

Q. AND LET ME SEE IF I CAN -- SO IF SOMEBODY WERE TO LOOK AND SEE SOMETHING LIKE THIS, IT'S GOT

BASICALLY ALL THESE THINGS -- IT LOOKS LIKE -- IF YOU DON'T KNOW ANY BETTER, IT LOOKS LIKE IT CAN BE USED FOR SOMETHING, RIGHT?

A. WELL, IN THIS CASE, THEY'RE ACTUALLY SHOWING THE INSERT, WHICH PEOPLE WITH KNOWLEDGE WOULD KNOW THAT THAT CAN'T FILTER FUEL.

Q. IF YOU DO A GOOGLE SEARCH FOR HIGH-VOLUME FUEL FILTERS, YOU COME UP WITH -- THERE'S ITEMS HERE THAT LOOK KIND OF LIKE WHAT YOU WERE TALKING ABOUT THAT ARE HOUSED, A LITTLE SMALLER, FATTER. YOU HAVE THIS ONE UP HERE, IT'S NISHIMOTO HIGH-FLOW FUEL FILTER. HERE'S A WIX ONE. AND THEN YOU HAVE A.E.M. ELECTRONICS. A.E.M. UNIVERSAL HIGH-VOLUME FUEL FILTER. ANOTHER ONE, HIGH-FLOW. SO THESE -- YOU HAVE TO KIND OF GO THROUGH DIFFERENT THINGS AND FIND SOMETHING THAT YOU LIKE OR SOMETHING THAT YOU THINK WOULD WORK FOR YOU; IS THAT CORRECT?

A. YES.

Q. HERE -- YOU CAN SEE THIS ONE HERE WHICH IS FLIPPING THE NAPA 4003 WIX FUEL FILTER TITANIUM. IS THIS THE TYPE OF SEARCH THAT YOU DID?

A. I DON'T RECALL THESE EXACT SCREENS THAT CAME UP FOR ME; BUT, YES, IT WAS SIMILAR.

Q. OKAY. AND THEN YOU'RE LOOKING AT THINGS THAT ARE SIMILAR IN TERMS OF SIZE. I'M JUST -- THIS

GOES BACK TO SUMMIT, BUT IT DEALS WITH SOMETHING THAT HAS AN ELEMENT IN IT, FITTINGS, THINGS LIKE THAT, RIGHT (INDICATING)?

A. YES. SO IN THE CASE WHERE YOU SEE AN ACTUAL FILTER ELEMENT, THAT'S A GOOD CLUE.

Q. OKAY. NOW I'M GOING TO TURN YOU TO -- BACK TO DEPARTMENT'S 3, AND IT HAS THIS INLINE FUEL FILTER. OBVIOUSLY, YOU'RE NOT AN EXPERT IN WEAPONS, RIGHT?

A. CORRECT.

Q. OKAY. ACCORDING TO WHAT THE A.T.F. HAS PUT OUT HERE, IT LOOKS SIMILAR IN THIS PICTURE TO KIND OF WHAT WE JUST LOOKED AT ON SCREEN, RIGHT?

A. YES.

Q. THEY CLAIM THIS IS NOT A FUEL FILTER.

A. OKAY.

Q. BUT YOU SEE A FUEL ELEMENT IN THERE, RIGHT?

A. I DO.

Q. SO SOMEBODY WOULD LOOK AT THAT AND SEE THAT FUEL ELEMENT, IT WOULD MAKE SENSE, "OH, MAYBE THAT'S A FUEL FILTER," RIGHT?

A. THAT COULD DEFINITELY BE DECIDED, YES.

Q. OKAY. WOULD YOU AGREE THEN JUST BASED UPON YOUR TESTIMONY THAT SOMEBODY WHO IS DOING A COMPLETE MODIFICATION, MAYBE BUILDING A RACE CAR OR SOMETHING LIKE THAT, THEY COULD POINT TO A SITE SIMILAR TO ONES

WE JUST LOOKED AT?

A. THEY COULD.

MR. SEKI: OKAY.

MS. AMIN: BEFORE YOU DISCONNECT, I HAVE A QUESTION.

EXAMINATION

BY MS. AMIN:

Q. THAT ALLUMINUM ONE THAT MR. SEKI WAS FLASHING THROUGH THAT HAD THE HOUSING AND THAT INNER TUBE WITHOUT THE FILTER AND THE ATTACHMENTS WIT THE BLUE STRIP AT THE ENDS LOOKS EXACTLY LIKE WHAT YOU HAVE ON THE DESK EXCEPT SILVER.

A. VERY SIMILAR.

Q. SO YOU'RE SAYING THAT THAT'S NOT A FUEL FILTER LIKE THEY'RE ADVERTISING BUT A SILENCER?

A. I'M NOT SAYING THAT.

Q. OKAY. BUT IT'S NOT A FUEL FILTER.

A. WELL, I'D HAVE TO GO BACK AND REFERENCE AGAIN, BUT --

Q. IT'S THAT SECOND --

MR. SEKI: I'M SORRY. LET ME GO BACK TO WHERE WE WERE.

MS. AMIN: IT'S THE ALUMINUM FUEL FILTER, THE SECOND ONE (INDICATING).

SERGEANT SLATER: AND THE DEPARTMENT WOULD LIKE SCREENSHOTS CAPTURED OF THESE ITEMS.

MR. FIELD: YOU'RE TALKING ABOUT THIS ONE HERE (INDICATING)?

MS. AMIN: YEAH. SO THOSE --

MR. FIELD: SO HERE --

THE REPORTER: ONE AT A TIME.

BY MS. AMIN:

Q. SO THOSE FIVE ITEMS IN THE PICTURE WHICH ARE THE FIVE ITEMS, EXCEPT DIFFERENT COLOR, OR MAYBE SIZE, LENGTHS. I DON'T KNOW.

A. RIGHT.

Q. BUT PRETTY MUCH THE SAME ITEM.

A. SAME, YES.

Q. SO THAT'S NOT A FUEL FILTER?

A. NO, NO.

MR. SEKI: YOU CAN SEE THE GOOGLE SEARCH ON TOP IS "HIGH-VOLUME FUEL FILTER."

MS. AMIN: YEAH.

MR. SEKI: RIGHT?

MR. FIELD: OKAY. YES.

MR. SEKI: OKAY. I DON'T HAVE A GOOD SCREENSHOT.

SERGEANT SLATER: I'M NOT FAMILIAR WITH YOUR COMPUTER.

MS. AMIN: YOU CAN USE YOUR CELL PHONE AND TAKE A PICTURE AND E-MAIL IT.

MR. SEKI: YOU MUST HAVE KIDS.

MS. AMIN: YEAH.

MR. ORTEGA: I HAVE -- AGAIN, ONE LAST QUESTION. SOMEBODY WHO KNOWS CARS, EVEN A WEEKEND TINKERER, SHOULD KNOW THAT THAT BAFFLE INSIDE ISN'T GOING TO FILTER ANYTHING, RIGHT?

MR. FIELD: I AGREE WITH THAT, YES.

MS. AMIN: SO IT'S FALSE ADVERTISING.

MR. ORTEGA: YEAH. THAT'S --

MR. FIELD: WELL, YEAH, IT IS.

MS. AMIN: IF I DON'T KNOW THE DIFFERENCE, TO ME, IT SAYS "FUEL FILTER." OKAY. FUEL FILTER. I'M NOT A TINKERER, BUT --

MR. FIELD: YEAH, THAT'S --

MS. AMIN: WELL, WE DON'T KNOW WHAT --

MR. FIELD: AGAIN, I'M 43 YEARS IN THE BUSINESS. I'VE CHANGED HUNDREDS OF FUEL FILTERS. AND, YOU KNOW, IT'S EASY FOR ME TO SAY THAT'S NOT. IT'S EASY. BUT THAT'S WHY I'M HERE, RIGHT?

MS. AMIN: RIGHT.

ANY MORE QUESTIONS? DEPARTMENT?

SERGEANT SLATER: YES. JUST ONE MOMENT, PLEASE.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. SO A COUPLE QUICK QUESTIONS. THE ITEM YOU SAW ON THE SCREEN, THAT SILVER DEVICE THAT LOOKS LIKE THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU --

A. YES.

Q. -- YOU SAID THAT CAN'T BE USED AS A FUEL FILTER. CAN YOU -- I KNOW YOU'VE TOUCHED ON IT, BUT CAN YOU EXPLAIN TO THE BOARD WHY THAT ITEM COULDN'T BE A FUEL FILTER JUST TO BE CLEAR?

A. SO THE MAIN REASON IS THE CENTER INSERT. IT'S NOT A FILTER MEDIUM.

Q. OKAY.

A. IT'S A WIDE OPEN DEVICE.

MS. AMIN: A HOLE.

MR. FIELD: THERE'S A HOLE TO THIS FILTER. YOU CAN LOOK STRAIGHT THROUGH IT. SO, AGAIN, A FILTER HAS TO HAVE SCREEN OR A PAPER ELEMENT OF SOME TYPE, SOME TYPE OF MEDIA THAT CAN -- USUALLY MEASURED IN MICRONS THAT CAN TRAP AND STOP DEBRIS FROM FLOWING THROUGH THE FUEL SYSTEM.

BY SERGEANT SLATER:

Q. AND THAT WOULD BE READILY APPARENT TO SOMEBODY WHO'S CAPABLE OF REBUILDING THEIR OWN FUEL SYSTEM, CORRECT?

A. I WOULD SAY "YES" TO THAT.

Q. AND THEN IS THAT THE SAME ITEM YOU SAW BEING USED AS A SILENCER IN VIDEOS?

A. YES.

SERGEANT SLATER: NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: MS. STRONG?

MS. STRONG-FARGAS: NO.

MS. AMIN: OKAY. NO FURTHER QUESTIONS. THANK YOU VERY MUCH. YOU ARE EXCUSED.

MR. FIELD: THANK YOU.

MS. AMIN: ALL RIGHT. SHALL WE TAKE A BREAK?

SERGEANT SLATER: YES.

MR. AMIN: BACK IN TEN.

OFF THE RECORD.

(BRIEF RECESS WAS TAKEN.)

MS. AMIN: LET'S GO BACK ON THE RECORD.

DEPARTMENT, DO YOU HAVE ANOTHER WITNESS?

SERGEANT SLATER: WE DO. BUT A MATTER OF BUSINESS BEFORE OUR NEXT WITNESS, LAST NIGHT -- OR FOLLOWING OUR FIRST DAY YESTERDAY, WE DETERMINED AND DISCOVERED THAT LOOKING AT THE PRELIM MINUTES, THERE WERE ITEMS THAT WERE NOT INCLUDED IN THE DISCOVERY WE

RECEIVED. THE DEPARTMENT SENT AN E-MAIL TO THE RETIRED CRIMINAL INVESTIGATOR REQUESTING ON PAGE 4 OF 5, ITEMS 5, 6, 7 AND 8. I HAVE SPOKEN TO OUR DISCOVERY UNIT, AND WE RECEIVED THOSE ITEMS. THEY'RE THE SCREENSHOTS OF PAGES THAT WERE VISITED BY MR. WALDEN IN THE COMPUTER AUDIT. WE HAVE THEM AVAILABLE. WOULD YOU LIKE THEM ENTERED AS BOARD EXHIBITS, SINCE YOU HAD ALSO JUST REQUESTED THOSE ITEMS NOW THAT WE HAVE CONFIRMED WE RECEIVED THEM?

MR. SEKI: I'D LIKE TO SEE THEM FIRST BEFORE --

MS. AMIN: OKAY.

MR. ORTEGA: CAN YOU RESTATE WHAT THAT IS?

SERGEANT SLATER: THE PRELIMINARY HEARING HAD FIVE OR FOUR IMAGES ENTERED RELATED TO THE COMPUTER AUDIT THAT WAS DONE ON MR. WALDEN'S COMPUTER, SPECIFICALLY A ONE-PAGE SCREENSHOT OF A Q-O-O, PUFF, P-U-F-F WEBSITE; A ONE-PAGE SCREENSHOT OF A KIKOGIFT WEBSITE, A ONE-PAGE SCREENSHOT OF KIMBER WEBSITE, AND A ONE-PAGE SCREENSHOT OF SOLVENT TRAP FUEL FILTER WEBSITE THAT WERE FOUND AS PART OF THE KEYWORD QUERY. THEY WERE ENTERED IN THE PRELIMINARY HEARING. THEY WERE NOT PART OF THE DISCOVERY WE RECEIVED WHEN WE GOT OUR ADMINISTRATIVE PACKET. SO AFTER SEEING THIS LAST NIGHT, WE REACHED OUT TO THE RETIRED INVESTIGATOR.

AND THOUGH HE IS NOT AVAILABLE TO TESTIFY, HE DID HAVE THESE ITEMS AND E-MAILED THEM TO US, AND THE BOARD ASKED ABOUT THEM.

MR. ORTEGA: SO IS IT CORRECT -- IS MY UNDERSTANDING CORRECT THAT THESE ARE THE IMAGES THAT ONE WOULD GET WHEN SOMEBODY WOULD ENTER A SEARCH WORD INTO --

SERGEANT SLATER: THESE ARE THE IMAGES THAT WERE PULLED DIRECTLY FROM THE SEARCH WORDS THAT WERE RECOVERED OF MR. WALDEN'S COMPUTER. THESE ARE THE IMAGES AND WEBSITES THAT HE WAS LOOKING AT ACCORDING TO THE PRELIMINARY HEARING.

MS. DIDICH: IF I MAY, IF WE TRY TO LOOK AT THE LINKS NOW, THEY'RE BROKEN. THIS WAS A COUPLE OF YEARS AGO, AND THESE SCREEN-GRABS OCCURRED WHEN THE LINKS WERE STILL FRESH AND AVAILABLE. AND SO THAT'S WHAT THEY ARE OF.

MS. AMIN: SO IT'S NOT REALLY THE WORD SEARCH. IT IS THE LINKS THAT OPEN UP --

SERGEANT SLATER: THE LINKS ARE --

MS. AMIN: WHEN YOU PUT "WW" IN AND THE REST OF THE LINKS, THAT'S WHAT YOU OPEN. IT'S NOT THE ACTUAL WORD IN THE GOOGLE SEARCH LINE.

SERGEANT SLATER: SO FROM THEIR -- I'M TRYING TO THINK HOW TO EXPLAIN IT. THE WORD SEARCH

WAS DONE AND THESE POPPED UP AS THE WEBSITES RELATED TO THOSE WORD SEARCHES IN -- THAT WERE CLICKED ON.

MS. AMIN: RIGHT. BUT YOU DON'T KNOW WHAT THE WORD SEARCHES WERE. ONLY THE LINKS THAT CAME UP.

SERGEANT SLATER: THEY'RE PART OF THE SERIES OF WORD SEARCHES THAT WAS PROVIDED TO THE BOARD YESTERDAY.

MS. AMIN: OKAY.

MR. ORTEGA: SO IN WHAT WE SAW YESTERDAY, ARE YOU ABLE TO TELL US WHAT SOMEBODY TYPED INTO THE KEYBOARD TO GET THAT LINK TO APPEAR?

SERGEANT SLATER: I CAN'T SPECIFICALLY SAY -- IT MAY BE EASIER TO DEMONSTRATE IF I MAY PULL UP A WORD SEARCH.

MS. AMIN: SURE.

MR. SEKI, DID YOU HAVE AN OBJECTION TO THE --

MR. SEKI: I WANT TO SEE WHAT HE'S GOING TO DO FIRST. I WANT TO SEE THE MAGIC HE'S GOING TO MAKE.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: SO AS EXPLAINED YESTERDAY, THE DEPARTMENT DID AN AUDIT OF MR. WALDEN'S COMPUTER USAGE AND DISCOVERED THAT HE HAD VISITED A NUMBER OF WEBSITES. WHAT THE AUDIT WAS BROKEN DOWN INTO WAS THIS EXCEL SHEET DEPICTING WHAT KEYWORD SEARCH WAS

USED TO CORRESPOND TO THE RETURNS. SO THEY DID A KEYWORD SEARCH FOR "FUEL" AND THE FOLLOWING MULTIPLE HUNDRED OF SEARCH RETURNS RETURNED FOR 2021 CONTAINING THE KEYWORD SEARCH "FUEL." WHAT FURTHER THE DEPARTMENT DID WAS BREAK THAT DOWN INTO THE URL THAT WAS VISITED AS PART OF THAT SEARCH. SO IN THIS EXAMPLE, ON LINE 398 OF THE MARCH 2021 KEYWORD "FUEL," A WEBSITE WWW.KIKOGIFT.COM/PRODUCTS/BUY-1-GET-1-FREE, NUMBER SYMBOLS -- CONTINUING TO NAPA 4003 WIX 24003, 1/2-28 WAS VISITED.

SOME OF THOSE WERE ENTERED IN AS SCREEN-GRABS. THE ACTUAL WEBSITE WAS VISITED BY THE CRIMINAL INVESTIGATOR AND ENTERED AS A SCREEN-GRAB INTO THE CRIMINAL COURT PROCEEDING. THESE ARE THE IMAGES FROM VISITING THAT URL. HE ENTERED FOUR DIFFERENT SCREENSHOTS OF WEBSITES HE VISITED FROM THIS WORD SEARCH. DOES THAT MAKE SENSE?

MR. ORTEGA: YES.

SERGEANT SLATER: OKAY.

MS. AMIN: YES, IT MAKES SENSE; BUT IT'S NOT THE ACTUAL WORD SEARCH ENTERED IN THE GOOGLE WORD LINE. IT'S YOUR WORD THAT YOU ENTERED "FUEL" AND CAME UP WITH ALL OF THESE URL'S.

SERGEANT SLATER: THESE ARE ALL HITS CORRESPONDING TO WHEN HE USED THE WORD "FUEL" IN SOME

WAY.

MR. ORTEGA: THAT'S WHAT I UNDERSTAND.

SERGEANT SLATER: IT DOESN'T MEAN NECESSARILY THAT HE SEARCHED THE WORD "FUEL." IT MEANS ANY INTERNET RETURN THAT INVOLVED THE WORD "FUEL" THAT WAS DONE IN CORRESPONDENCE TO ACTIVITY ON HIS WORK COMPUTER.

MS. AMIN: RIGHT. OKAY.

ALL RIGHT. SO ANY OBJECTION TO PAGE 5, 6, 7, 8? IT'S GOING TO BE ADMITTED AS BOARD 1.

MR. SEKI: OKAY.

MR. ORTEGA: IS IT -- OH, BOARD 1.

(BOARD'S EXHIBIT 1 WAS MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE.)

SERGEANT SLATER: IN THAT LIGHT WE WOULD LIKE TO RECALL MR. FIELD AND HAVE HIM TAKE A LOOK AT A COUPLE OF THE IMAGES THAT ARE GOING TO APPEAR.

MS. AMIN: OKAY. CAN WE GET THE EXHIBITS?

SERGEANT SLATER: YES. I'M JUST LABELING THEM NOW.

MR. SEKI: I ALREADY HAVE IT.

SERGEANT SLATER: YOU ALREADY HAVE IT?

MR. SEKI: YOU GAVE IT TO ME.

MS. STRONG-FARGAS: THANK YOU.

SERGEANT SLATER: OF COURSE.

(MR. FIELD IS RECALLED TO THE STAND.)

MS. AMIN: WELL, WE MISSED YOU SO MUCH, YOU HAD TO COME BACK.

MR. FIELD: I DON'T THINK MY BOSS IS GOING TO SAY THE SAME THING WHEN I GET BACK. WE'LL SEE.

MS. AMIN: ALL RIGHT. SO YOU'RE STILL UNDER OATH.

OKAY. WE HAVE ADDITIONAL QUESTIONS FOR YOU

MR FIELD: OKAY.

MS. AMIN: I'M GOING TO TURN YOU OVER TO THE DEPARTMENT.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. ALL RIGHT. MR. FIELD, THANK YOU FOR YOUR PROMPT RETURN.

A. NO PROBLEM.

Q. IN YOUR PRIOR TESTIMONY YOU WERE ASKED IF YOU LOOKED AT SOME OF THE WEBSITES THAT HAVE BEEN VISITED, IF YOU'D BE ABLE TO IDENTIFY AN ITEM AS A FUEL FILTER. WE HAVE PRESENTED A SERIES OF PHOTOGRAPHS TO THE BOARD. THESE ARE SCREENSHOTS OF WEBSITES VISITED BY HE MR. WALDEN. CAN I HAVE YOU TAKE A LOOK THROUGH THOSE FIVE PAGES? YOU CAN GO PAGE

BY PAGE, PLEASE.

MR. SEKI: YOU WANT HIM TO LOOK AT ALL FIVE PAGES? BECAUSE THE LAST TWO ARE IRRELEVANT, I SUPPOSE.

SERGEANT SLATER: I'D STILL LIKE HIM TO LOOK AT IT. I DON'T INTEND TO ASK HIM ABOUT THOSE, BUT JUST SO HE'S SEEN ALL THE ITEMS THAT WERE ENTERED.

MR. FIELD: (PERUSES DOCUMENTS.)

OKAY.

BY SERGEANT SLATER:

Q. LOOKING AT PAGE 1, SIR -- I REALIZE THE PAGE CUTS OFF, BUT HOW IS THAT ITEM DESCRIBED?

A. WELL, IT'S A NAPA 4003 WIX 24003 1/2-28, 5/8-24 FUEL FILTER ALUMINUM SOLVENT TRAP.

Q. AND LOOKING AT THE PHOTOS, NOT JUST ONE PHOTO BUT THE ENTIRE SET OF PHOTOS ON THIS PAGE, DOES RESEMBLE THE PHYSICAL ITEM THAT WAS PROVIDED TO YOU TODAY?

A. YES.

Q. ALL RIGHT. WOULD THIS ITEM WORK AS A FUEL FILTER?

A. NO.

Q. AND I KNOW IT'S BEEN ASKED BY THE BOARD, BUT CLARIFY FOR THIS ITEM SPECIFICALLY, WOULD SOMEBODY KNOWLEDGEABLE ENOUGH TO CHANGE MULTIPLE COMPONENTS OF

AN ENGINE SETUP RECOGNIZE THIS AS A FUEL FILTER?

MR. SEKI: I'M GOING TO OBJECT. THAT CALLS FOR SPECULATION. HE DOESN'T HAVE THE SAME OR SIMILAR KNOWLEDGE. WE DON'T KNOW THAT HE HAS THE SIMILAR KNOWLEDGE AS MR. WALDEN. HE'S NEVER PUT TOGETHER A HIGH-PERFORMANCE ENGINE ON HIS OWN. THERE'S A LOT OF OTHER THINGS. WE'VE ALREADY HEARD IT'S CUMULATIVE ANYWAY.

MS. AMIN: IT'S SUSTAINED. MAYBE YOU CAN JUST EXPAND ON WHAT SIMILAR KNOWLEDGE, WHAT TYPE OF PERSON YOU JUST -- WHAT DO YOU MEAN?

BY SERGEANT SLATER:

Q. WOULD SOMEBODY DESCRIBED AS A "TINKERER" HAVE KNOWLEDGE THAT THIS IS NOT A FUEL FILTER?

MR. SEKI: I'M GOING TO OBJECT AS TO WHAT A "TINKERER" IS. A "TINKERER" IS AMBIGUOUS, VAGUE. YOU ALREADY HEARD THE TESTIMONY. IT'S --

MS. AMIN: ITS OKAY.

IF YOU CAN ANSWER THE QUESTION, GO AHEAD.

MR. FIELD: OKAY. IN ANY OPINION, THEY WOULD RECOGNIZE THAT THIS IS NOT A FUEL FILTER.

BY SERGEANT SLATER:

Q. OKAY. MOVING TO THE NEXT PAGE, THE QOOPUFF ON PAGE 2, HOW WAS THAT ITEM DESCRIBED?

A. BUY 1 GET 1 FREE FOR NAPA 4003 WIX 24003

1/2-28, 5/8-24 FUEL FILTER, ALUMINUM SOLVENT TRAP.

Q. AND LOOKING AT THIS IMAGE, DOES THIS RESEMBLE THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU?

A. A LITTLE DIFFERENT, BUT YES.

Q. WHEN YOU SAY "A LITTLE DIFFERENT," HOW SO?

A. SO THE CENTER PIECE SEEMS TO HAVE A LITTLE BIT DIFFERENT CONFIGURATION TO THE DESIGN. THE BAFFLES, IF YOU WILL.

Q. AND DESPITE THOSE BAFFLES BEING SLIGHTLY DIFFERENT, WOULD THAT ITEM WORK AS A FUEL FILTER?

A. NO.

Q. ALL RIGHT. WOULD A TINKERER RECOGNIZE THAT?

MR. SEKI: OBJECTION. SAME OBJECTION AS LAST TIME.

MS. AMIN: SOMEONE WITH EXPERIENCE WITH REPLACING FUEL LINES.

MR. FIELD: SOMEONE WITH EXPERIENCE IN REPLACING FUEL LINES AND FILTERS WOULD KNOW THAT THAT'S NOT A FILTER.

BY SERGEANT SLATER:

Q. OKAY. MOVING TO PAGE 3, CAN YOU READ WHAT THE WEBSITE AT THE TOP OF THIS PAGE IS?

A. "WWW.SOLVENTTRAPFUELFILTER.COM."

Q. OKAY. AND DOES THE ITEM ON PAGE 3 RESEMBLE

THE PHYSICAL ITEM IN FRONT OF YOU?

A. YES.

Q. WOULD THAT ITEM WORK AS A FUEL FILTER?

A. NO.

Q. ALL RIGHT. ONE MOMENT, PLEASE.

I'M GOING TO DIRECT YOUR ATTENTION TO THE SCREEN. THIS IS MARKED AS DEPARTMENT'S 8. HOWEVER, FOR VIEWING PURPOSES, I PUT IT ON THE SCREEN. SPECIFICALLY, I'M GOING TO DIRECT YOU TO LINE 79, UNDER "ITEM TITLE." THIS WAS THE ITEM THAT WAS PURCHASED BY MR. WALDEN WE'VE HEARD IN TESTIMONY. HOW IS THIS ITEM DESCRIBED?

A. YOU WANT ME TO READ THE SCREEN?

Q. JUST --

MR. SEKI: THE DOCUMENT SPEAKS FOR ITSELF. WE DON'T NEED HIM FOR THAT. YOU ALL HAVE LOOKED AT IT.

MS. AMIN: WE CAN READ IT. WE KNOW WHAT IT SAYS.

SERGEANT SLATER: OKAY.

Q. LOOKING AT THE ITEM TITLE ON LINE 79, WHICH IS RIGHT ABOVE THE PLUS -- AND IF YOU NEED TO GET CLOSER, YOU CAN.

A. OKAY.

Q. IS THAT THE SAME ITEM TITLE YOU JUST -- OR

THE ITEM WEB SHOTS YOU JUST READ?

MR. SEKI: I'M GOING TO OBJECT. IT SPEAKS FOR ITSELF. YOU ALL CAN REACH YOUR OWN CONCLUSION.

MS. AMIN: YOU CAN ANSWER THE QUESTION. OVERRULED.

MR FIELD: YES.

SERGEANT SLATER: OKAY. NO FURTHER AT THIS TIME.

MS. AMIN: MR. SEKI?

FURTHER RECROSS EXAMINATION

BY MR. SEKI:

Q. HAVE YOU EVER SEEN -- IN YOUR SEARCHES, YOU SAID YOU NEVER SAW A SIMILAR FUEL FILTER OR AN ITEM DESCRIBED AS A FUEL FILTER USED AS A FILTER OR ANY PICTURE OF IT USED AS A FILTER; IS THAT CORRECT?

A. I'M SORRY. I DON'T UNDERSTAND THE QUESTION.

Q. DID YOU SEE ANY PICTURE OF THE ITEM OR SIMILAR ITEMS UTILIZED AS A FUEL FILTER?

A. IN THE DESCRIPTION -- I THINK FUEL FILTER WAS THERE IN THE DESCRIPTION.

Q. DID YOU EVER SEE IT HOOKED UP TO ANYTHING OR --

A. NO. WELL, THE ONLY THING -- THE ONLY TIME I SAW IT HOOKED UP TO ANYTHING WAS IN A VIDEO.

Q. SO, IF I CAN, I'VE GOT A SITE HERE I WANT YOU TO TAKE A LOOK AT.

OBVIOUSLY, IF SOMEBODY WERE TO ASK FOR ASSISTANCE AGAIN --

SERGEANT SLATER: CAN I SEE IT BEFORE WE PUT IT ON THE SCREEN? NO OBJECTION.

BY MR. SEKI:

Q. SO THIS IS A WEBSITE NAPAFUELFILET.COM, AND THERE'S A PICTURE HERE --

CAN YOU LOWER THE --

SERGEANT SLATER: GOES AWAY IN A SECOND.

BY MR. SEKI:

Q. YOU GOT SEVERAL DIFFERENT SCREENSHOTS BELOW THE MAIN ONE, WHICH IF I CLICK ON IT, IT'S SIMILAR TO THE ITEM WE'RE LOOKING AT OR THAT'S IN FRONT OF YOU, CORRECT (INDICATING)?

A. YES.

Q. AND IN THIS ONE IT ACTUALLY HAS SOME SORT OF SETUP, WHICH APPARENTLY IS UTILIZING THAT FILTER. DID YOU EVER SEE ANYTHING LIKE THAT?

A. I DON'T RECALL SEEING THAT. CAN I TAKE A CLOSER LOOK?

Q. SURE. I HAVE A SCREENSHOT THAT I'VE TAKEN THAT I'LL CIRCULATE. IS IT POSSIBLE THAT SOMEBODY LOOKING AT THIS SITE MIGHT SAY, "OH, MAYBE THERE IS A

WAY TO USE IT AS A FILTER"?

A. IS IT POSSIBLE, YES. I HAVE A PERSONAL OPINION ABOUT IT.

SERGEANT SLATER: CAN WE HAVE THAT STILL ON THE SCREEN FOR A MINUTE?

MR FIELD: SO --

BY MR. SEKI:

Q. WELL, I'M NOT ASKING FOR YOUR PERSONAL OPINION.

A. OKAY.

Q. WE'VE HEARD YOUR PERSONAL OPINION ALREADY SO --

A. NO PROBLEM.

MR. SEKI: OKAY. I DON'T HAVE ANY ADDITIONAL QUESTIONS.

BY SERGEANT SLATER:

Q. LOOKING AT THAT IMAGE, MR. FIELD, IS THAT A LEGITIMATE FUEL FILTER SETUP?

A. IT WOULD BE NOTHING LIKE I'VE EVER SEEN. AND THE BLUE HOSE COMING OFF, WHICH APPEARS TO BE COMING OFF THE END ON THE RIGHT, IT ALMOST APPEARS TO BE GOING INTO THE AIR INDUCTION HOSE. THAT'S THAT SORT OF BAFFLED BLACK CYLINDER-SHAPED HOSE. YOU SEE THE BLUE HOSE ON THE RIGHT (INDICATING). IF THAT, INDEED, IS HOOKED TO THE AIR INDUCTION SYSTEM, THEN IT

HAS NOTHING TO DO WITH FUEL. THE OTHER THINK I NOTICE IS THAT THE OTHER END, THERE'S NO -- THERE'S NO OUTLET. SO IF THAT'S BEING PORTRAYED AS A FUEL FILTER, THEN IF FUEL'S GOING IN ON THAT RIGHT SIDE, IT'S NOT COMING BACK OUT ANYWHERE.

Q. WOULD PEOPLE WHO ARE FAMILIAR WITH CHANGING FUEL LINES AND FUEL SYSTEMS RECOGNIZE THAT THAT DOES NOT SHOW AN ACCURATE USE OF A FUEL FILTER?

A. YES.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: BOARD MEMBERS? MR. ORTEGA, DO YOU HAVE A QUESTION?

MR. ORTEGA: NOT FOR THIS WITNESS.

MS. STRONG-FARGAS: NO.

EXAMINATION

BY MS. AMIN:

Q. SO ARE YOU SAYING THAT PICTURE WITH THE FUEL FILTER DEPICTED INSIDE OF WHAT LOOKS LIKE AN ENGINE IS FALSE?

A. I'M NOT SAYING IT'S FALSE. I'M SAYING THAT THAT IS NOT SET UP TO FILTER FUEL. I DON'T KNOW WHAT THAT IS.

Q. DO YOU KNOW WHY ANYONE WOULD PORTRAY IT AS A FUEL FILTER IF IT'S NOT A FUEL FILTER?

A. WELL, I CAN GIVE YOU MY OPINION.

Q. OKAY.

A. IT'S TO PROBABLY DECEIVE PEOPLE OR TO FURTHER THE ACT, I WOULD SAY, OF DISPLAYING IT OR SELLING IT. IF IT'S BEING -- SO THIS DEVICE HERE IS BEING SOLD AS A FUEL FILTER. IT IS, OBVIOUSLY, NOT A FUEL FILTER. IT'S JUST ONE MORE WAY OF DISPLAYING IT AS SUCH. IT DOESN'T PROVE THAT IT IS IN MY OPINION.

Q. BUT IN YOUR OPINION, IT PROVES THAT IT IS NOT A FUEL FILTER?

A. I'M SAYING THE WAY IT IS CONNECTED, IT COULDN'T BE, YES.

Q. ALL RIGHT. THANK YOU. I HAVE NOTHING ELSE.

DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. SEKI?

MR. SEKI: NO, NOTHING FURTHER.

MS. AMIN: BOARD. NO?

ALL RIGHT. ONE MORE TIME.

MR FIELD: ARE YOU SURE?

MS. AMIN: MAYBE. THANK YOU VERY MUCH.

SERGEANT SLATER: WE'LL CALL YOU. DON'T

CALL US.

MR FIELD: THANK YOU ALL.

MS. AMIN: ALL RIGHT. TAKE CARE.

(MR. FIELD LEAVES THE BOARDROOM.)

DEPARTMENT, DO YOU HAVE ANY OTHER WITNESSES?

SERGEANT SLATER: THE DEPARTMENT HAS ONE FURTHER WITNESS. HIS NAME IS FADIL BIRAIMAH.

MR. SEKI: AND WITH REGARD TO THIS PARTICULAR WITNESS, THERE'S A LAB REPORT ALREADY ENTERED, DEPARTMENT'S 6. WE WOULD BE WILLING TO STIPULATE THAT THE TESTIMONY HE WOULD PROVIDE IS BASICALLY RELATIVE TO THE LABORATORY, AND WE'D AGREE THAT IT WOULD BE THE SAME. I DON'T KNOW THAT THERE'S ANY NEED TO HAVE HIM. WE ALREADY HAVE THE LAB REPORT IN.

MS. AMIN: SO DO YOU WANT TO GIVE AN OFFER OF PROOF?

SERGEANT SLATER: WELL, WE INTEND TO HAVE HIM SPEAK TO MORE THAN JUST THE LAB REPORT. WE HAVE --

MS. AMIN: OKAY.

MR. SEKI: WELL, AN OFFER OF PROOF. THAT'S NOT AN OFFER OF PROOF.

MS. AMIN: NO. SO YOU HAVE MORE EVIDENCE THAN JUST THE LAB REPORT?

SERGEANT SLATER: YES.

MS. AMIN: OKAY. THEN LET'S HEAR IT.

(MR. BIRAIMAH ENTERS THE BOARDROOM.)

MS. AMIN: GOOD MORNING.

MR. BIRAIMAH: GOOD MORNING.

MS. AMIN: THANK YOU FOR COMING IN. CAN YOU TELL US YOUR NAME, PLEASE?

MR. BIRAIMAH: MY NAME IS FADIL BIRAIMAH.

MS. AMIN: CAN YOU SPELL IT?

MR. BIRAIMAH: FIRST NAME, F-, AS IN FRANK, -A-D-I L; LAST NAME B-, AS IN BOY, -I-R-A-I-M-A-H.

MS. AMIN: OKAY. THANK YOU FOR THAT.

AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. BIRAIMAH: I DO.

MS. AMIN: THANK YOU SO MUCH. HAVE A SEAT.

MR. BIRAIMAH: THANK YOU.

MS. AMIN: YOUR WITNESS.

DIRECT EXAMINATION

BY SERGEANT SLATER:

Q. GOOD MORNING, SIR. THANK YOU FOR COMING IN TODAY.

A. GOOD MORNING.

Q. WHEN YOU ANSWER OR TESTIFY, CAN YOU JUST FACE TOWARDS THE BOARD AND USE MICROPHONE SO EVERYBODY CAN HEAR YOU?

A. YES.

Q. THANK YOU SO MUCH.

SIR, WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A CRIMINALIST III WITH THE FORENSIC SCIENCE DIVISION. I'M ASSIGNED TO THE FIREARM ANALYSIS UNIT.

Q. AND WHAT DOES THE FIREARM ANALYSIS UNIT DO, SIR?

A. WE HANDLE ALL ANALYTICAL REQUESTS WITH REGARDS TO FIREARMS OR SHOOTING SCENES IN THE CITY OF LOS ANGELES. SO WE DO -- OUR MAIN WORK IS THE WORK THAT'S COMMONLY REFERRED TO AS BALLISTIC COMPARISON WITHIN THE LABORATORY.

Q. WHEN YOU SAY "BALLISTIC COMPARISON," WHAT DOES THAT MEAN?

A. SO WE EXAMINE EXPENDED AMMUNITION COMPONENTS IN ORDER TO TRY AND DETERMINE WHETHER THEY'VE BEEN FIRED IN THE SAME FIREARM. THIS CAN APPLY TO BULLETS OR CARTRIDGE CASES. SO THAT'S THE BULK OF OUR WORK IN THE UNIT.

Q. DO YOU DO ANY WORK EXAMINING FIREARMS AND FIREARMS COMPONENTS?

A. YES.

Q. DO SOME OF THOSE COMPONENTS YOU EXAMINE INCLUDE SILENCERS?

A. YES. WE EXAMINE DEVICES IN ORDER TO DETERMINE IF THEY FALL UNDER LEGAL CLASSIFICATIONS FOR RESTRICTIONS. THIS WOULD INCLUDE SILENCERS, AND SO-CALLED SOUND SUPPRESSORS.

Q. AND YOU SAID "SO-CALLED SOUND SUPPRESSORS." ARE THOSE TWO EXPRESSIONS USED SYNONYMOUSLY?

A. ALSO CALLED "SOUND SUPPRESSORS," YES. THEY'RE ESSENTIALLY EXCHANGEABLE. SILENCER IS A LITTLE BIT OF A MISNOMER. THAT WAS SELF-APPLIED EARLY ON BY THE EARLY INVENTORS. SOUND SUPPRESSOR IS A LITTLE MORE TECHNICALLY ACCURATE, BUT THEY'RE -- WE'RE TALKING ABOUT THE SAME DEVICES.

Q. WHAT TRAINING AND EXPERIENCE DO YOU HAVE PERTAINING TO FIREARMS COMPONENTS AND FIREARMS ANALYSIS?

A. WELL, WHEN I TRANSFERRED TO THE DIVISION, I HAD A GENERAL BACKGROUND IN NATURAL SCIENCE. IN ORDER TO PERFORM THE WORK WE CALL "BALLISTICS," IT REQUIRED ME TO TAKE A LENGTHY PROGRAM WE CALL THE FIREARM EXAMINER TRAINING PROGRAM. THIS HAS A DURATION OF

MORE THAN TWO-AND-A-HALF YEARS. IT TRAINS THE EXAMINERS IN THE BASICS OF MECHANICS AND OPERATION OF FIREARMS AND AMMUNITION COMPONENTS, ALL THE WAY THROUGH DIFFERENT FIREARM MECHANISMS, RESTRICTED DEVICES, AS WELL AS THE MICROSCOPIC TECHNIQUES THAT WE ACTUALLY USE TO MATCH ITEMS ON A MICROSCOPE. I COMPLETED THAT PROGRAM IN 2009, AND I'VE COMPLETED ABOUT 300 CASES, EXAMINED MORE THAN 3,000 ITEMS OF EVIDENCE.

Q. AND IN THOSE CASES AND EXAMINATIONS, HAVE YOU EXAMINED ANY SILENCERS OR FIREARM SUPPRESSORS?

A. I HAVE.

Q. OKAY. DO YOU KNOW HOW ANY OF THOSE FIREARM SILENCERS OR SUPPRESSORS WERE MARKETED WHEN THEY WERE RECOVERED?

A. YES.

Q. WERE ANY OF THEM EVER MARKETED OR SOLD AS NAPA 4003?

A. YES. IN RECENT YEARS THERE'S BEEN SORT OF A BLOOM OF A NEW TYPE OF DEVICE THAT WE'VE JUST BEEN BECOMING ACCUSTOMED WITH. THEY ARE COMMONLY SOLD IN PARTIALLY FINISHED CONDITION, AND THEY MAY BE SOLD UNDER NAMES THAT ARE NOT QUITE CONSISTENT WITH THEIR ACTUAL PHYSICAL FEATURES. ONE OF THE SORT OF CODE WORDS FOR THIS TYPE OF DEVICE WOULD BE NAPA 4002, I

BELIEVE. THERE'S A FEW OTHERS. BUT THESE LITTLE WORDS WILL ACTUALLY CONNECT YOU WITH THE MARKETERS OF THE DEVICE ONLINE.

Q. AND YOU SAID "4002." DID YOU MEAN 4003?

A. I'M SORRY. 4003.

Q. THANK YOU.

DO YOU RECEIVE ANY ONGOING CONTINUING EDUCATION AS PART OF YOUR CAREER?

A. YES.

Q. WHAT DOES THAT -- WHAT FORM DOES THAT CONTINUING EDUCATION TAKE?

A. THERE ARE SPECIFIC TRAINING MODULES THAT WE UNDERTAKE WITHIN THE UNIT, AS WELL THERE'S -- IN OUR PROFESSIONAL COMMUNITY, THERE'S LITERATURE PUBLISHED BY ORGANIZATIONS SUCH AS THE ASSOCIATION OF FIREARM AND TOOLMARK EXAMINERS. THIS IS THE PREMIER PROFESSIONAL ORGANIZATION FOR FORENSIC FIREARMS. THEY PUBLISH A SCIENTIFIC JOURNAL AND ALSO HAVE CONVENTIONS AND MEETINGS. SO THEIR MATERIAL IS PARAMOUNT TO OUR TRAINING AND OUR MAINTAINING CURRENT, AS IS THE RESEARCH THAT WE DO AS WE ENCOUNTER NEW CHALLENGES AND CASEWORK. IT'S PART OF OUR JOB TO ADAPT TO THAT. ESPECIALLY IN MY CURRENT ROLE AS CRIMINALIST II, IT'S ALSO A TECHNICAL LEAD POSITION WITHIN THE FIREARMS UNIT. SO I ALSO HAVE, IN ADDITION TO CASEWORK,

PARTICIPATE IN TRAINING OTHER PEOPLE AND SPECIAL PROJECTS AND CASEWORK.

Q. DOES THAT INCLUDE ANY INFORMATION FROM THE A.T.F.?

A. IT HAS.

Q. HAVE YOU RECEIVED ANY TECHNICAL BULLETINS FROM THE A.T.F.?

A. I HAVE REVIEWED A FEW TECHNICAL BULLETINS REGARDING THIS MATERIAL, YES.

Q. IN THE PAPERWORK IN FRONT OF YOU, THERE'S SOME ITEMS LABELED DEPARTMENT 2 AND DEPARTMENT 3. CAN I HAVE YOU REVIEW THOSE?

A. YES.

Q. JUST FOR THE SAKE OF SPEED --

A. YOU SAID DEPARTMENT 3? THANK YOU.

Q. OF COURSE.

A. (WITNESS PERUSES DOCUMENTS.)

YES. I'VE REVIEWED THOSE DOCUMENTS AND I DO RECOGNIZE THEM.

Q. OKAY. CAN I DIRECT YOU TO DEPARTMENT 2, THE A.T.F. TECHNICAL BULLETIN 1702?

A. YES.

Q. WHAT WAS THIS BULLETIN REGARDING?

A. SO THIS IS ABOUT SO-CALLED SOLVENT TRAPS. THIS IS A CLASS OF DEVICE THAT'S SORT OF BLOSSOMED

AFTER THE GHOST GUN ISSUES COME TO LIGHT IN THE PAST FIVE YEARS OR SO. SO THESE ARE DEVICES THAT ARE PHYSICALLY VERY CLOSE TO FINISHED SILENCERS OR SOUND SUPPRESSORS. THEY'RE SOLD UNDER A DIFFERENT TERMINOLOGY AS A GUN CLEANING DEVICE THEY CALL A SOLVENT TRAP.

Q. SO YOU MENTIONED A GUN CLEANING DEVICE. CAN A SOLVENT TRAP HAVE A LEGITIMATE PURPOSE?

A. IT IS POSSIBLE. THERE IS A POSSIBILITY OF ATTACHING ONE OF THESE DEVICES TO A BARREL IN ORDER TO CAPTURE CLEANING FLUID. IT IS NOT A VERY COMMON USE AND THEIR FEATURES ARE VERY PECULIAR TO ACHIEVE THAT FUNCTION.

Q. ARE SOLVENT -- YOU SAID THEY HAVE A PARTICULAR USE THAT COULD BE LEGITIMATE. ARE SOLVENT TRAPS EVER MODIFIED FOR ILLEGITIMATE PURPOSES?

A. YES.

Q. AND WHY IS THAT?

A. THERE ARE VERY SIMPLE FINISHING PROCESSES, NAMELY JUST DRILLING ONE OR A FEW HOLES, THAT CAN RENDER THESE DEVICES FULLY OPERATIONAL AS SOUND SUPPRESSORS.

Q. DO YOU KNOW WHAT AN INDEX MARKING IS?

A. I DO.

Q. AND WHAT IS AN INDEX MARKING?

A. SO WHEN MANUFACTURING -- FINISHING THE MANUFACTURE OF THESE DEVICES, IT'S VERY IMPORTANT TO CLEAR A PASSAGE FOR A BULLET THAT IS VERY CLOSE TO THE CENTER OF THE DEVICE. TO ACHIEVE THAT YOU NEED TO DRILL HOLES THROUGH EITHER THE END CAP OR THE END CAP AND OTHER SURFACES WE CALL "BAFFLES" VERY CLOSE TO THE CENTER OF THOSE ITEMS WHERE A BULLET MAY STRIKE IT AS IT ATTEMPTS TO TRAVERSE THE DEVICE. IN ORDER TO FACILITATE DRILLING THAT HOLE IN A PROPER LOCATION, THE DEVICES THAT I HAVE EXAMINED, AS WELL AS ASSEMBLED, HAVE WHAT'S CALLED AN INDEX MARK. IT'S A SMALL DIVOT IN THE CENTER OF THE ITEM THAT GUIDES THE DRILL SO THAT COULD BE DRILLED IN THE PROPER LOCATION.

Q. AND ARE YOU FAMILIAR WITH FUEL FILTERS, SIR?

A. I AM.

Q. WOULD AN ITEM BE ABLE TO BE USED AS BOTH A FUEL FILTER AND A SOLVENT TRAP?

A. NO. NONE OF THE -- NOT THAT I'M AWARE.

Q. OKAY. AN ITEM WAS RECOVERED AND IT WAS MARKETED AS A FUEL FILTER ALUMINUM SOLVENT TRAP. WOULD THOSE TWO USES BE COMPATIBLE?

A. THESE ARE -- NO. THEY SOMETIMES WILL APPLY DIFFERENT LABELS, AND THESE ARE CONTRADICTORY. A SOLVENT TRAP IS INTENDED TO BE A RECEPTACLE, ESSENTIALLY A BOTTLE. AND THAT'S ALL YOU WOULD HAVE

TO USE TO FULFILL THAT FUNCTION. A FILTER INHERENTLY HAS AN INLET AND AN OUTLET THAT ALLOWS MATERIAL TO GO THROUGH AND BE FILTERED. SO THESE ARE TWO COMPLETELY DIFFERENT FUNCTIONS.

Q. OKAY. CAN I DIRECT YOU TO DEPARTMENT 3, PLEASE, NOW?

A. YES.

Q. CAN I HAVE YOU REVIEW THE FIRST PARAGRAPH OF PAGE 2 UNDER "SOLVENT TRAPS," PLEASE?

A. YES.

Q. WHAT DID THIS PARAGRAPH HAVE TO SAY ABOUT FRONT END -- OR PILOT HOLES OR INDEX MARKERS? WHAT DID THIS EXPLAIN?

A. THIS EXPLAINS THE A.T.F.'S POSITION ON INDEX MARKS THAT -- WITH RESPECT TO THE LEGAL CLASSIFICATION AS THE STATUTES ARE WRITTEN, THE STATUTES COVER DEVICES INTENDED TO BE USED IN THE FABRICATION OF SUPPRESSORS. THE A.T.F. CONTENDS THAT THE INDEX MARK IN AN END CAP OR IN THE BAFFLES FULFILLS THAT REQUIREMENT, MEANING THAT THE DEVICE WOULD, THEREFORE, VIOLATE THE STATUTE AND BE REGULATED.

Q. CAN I HAVE YOU REVIEW THE FOURTH PARAGRAPH OF THIS PAGE UNDER "INLINE FUEL FILTERS" BEGINNING WITH "FUEL DISPENSING SYSTEM HOSES" (INDICATING)?

A. YES.

Q. DID THE A.T.F. IDENTIFY A TYPICAL SIZE FOR FUEL DISPENSING HOLES?

A. YES.

Q. AND WHAT SIZE WAS THAT?

A. THEY IDENTIFIED SOME OF THE SIZES AS 3/4-INCH AND ALSO 1-INCH N.P.T.

Q. AND WHAT IS "N.P.T."?

A. IT IS NATIONAL PIPE TAPERED. IT'S A THREADING CONFIGURATION THAT IS STANDARDIZED I THINK IN THE UNITED STATES TO ALLOW A SECURE FLUID CONNECTION.

Q. OKAY. DID YOU REVIEW AN ITEM AS PART OF THE INVESTIGATION OF D.R. 219913105?

A. YES.

Q. ALL RIGHT.

A. SEVERAL ITEMS, I SHOULD SAY.

Q. CAN I DIRECT YOU TO THE PHYSICAL ITEMS ON THE TABLE IN FRONT OF YOU (INDICATING)?

A. YES.

Q. ARE THOSE THE ITEMS YOU REVIEWED?

A. YES, THEY ARE. ALL THE -- THE FOUR METALLIC ITEMS I'M LOOKING AT ALL BEAR THE CASE INFORMATION, WHICH I INSCRIBED DURING MY EXAMINATION, ALSO MY STYLIZED INITIALS AND SERIAL NUMBER.

Q. ALL RIGHT. WHAT WAS THE PURPOSE OF THE

ANALYSIS OF THESE ITEMS?

A. THEY WERE SUBMITTED AS PART OF A SOUND SUPPRESSOR DETERMINATION ANALYSIS.

Q. AND WHAT WAS THE CONCLUSION YOU REACHED?

A. THE REPORTED CONCLUSION IS THAT THE ASSEMBLY AS I RECEIVED IT IS A SILENCER AS DEFINED BY THE CALIFORNIA PENAL CODE SECTION, I BELIEVE IT IS 17210.

Q. AND WHY DID YOU COME TO THAT CONCLUSION?

A. THIS DETERMINATION IS MADE BASED ON PHYSICAL CHARACTERISTICS OF THE ITEMS. THIS IS A VERY PECULIAR USE TO SUPPRESS SOUND WHILE NOT IMPEDING THE PROGRESS OF A BULLET. IT LEADS TO VERY RECOGNIZABLE PHYSICAL FEATURES AND IT'S A FEW NARROW FAMILIES OF DESIGN THAT CAN ACCOMPLISH THAT ACTUAL FUNCTIONALITY. WE EXAMINE THE STRUCTURE OF THE DEVICES FOR FEATURES THAT ARE CONGRUENT WITH THOSE PATTERNS OF DESIGN. WHEN WE SEE SIGNIFICANT INDICATIONS OF THESE DESIGNS, THEN THAT FULFILLS OUR DETERMINATION THAT IT IS A SOUND SUPPRESSOR, ALSO THAT IT IS COVERED UNDER THE RELEVANT STATUTE.

Q. AND WHAT SIGNIFICANT DESIGN FEATURES LEAD YOU TO BELIEVE THAT WAS A FIREARM SILENCER OR SUPPRESSOR?

A. SO THERE ARE SEVERAL LEVELS TO THAT STATUTE. AN INTACT DEVICE MAY QUALIFY; A COMBINATION OF PARTS

MAY QUALIFY; OR A SINGLE PART BY ITSELF MAY QUALIFY. SO ASSEMBLED IN A CERTAIN WAY, THIS DEVICE QUALIFIES AS AN ASSEMBLED DEVICE. I RECEIVED IT WITH THE ITEM 8 COMPONENT. THIS IS WHAT YOU CALL A "MONOCORE BAFFLE." IT WAS INSERTED INTO THE EXTERIOR TUBE LIKE SO (INDICATING) AND SECURED WITH THE ITEM 6 RING. SO IN THIS CONFIGURATION, THE DEVICE IS CONFIGURED AND READY TO BE ATTACHED TO A FIREARM AND USED. SO IT DOES QUALIFY AS A SINGLE ASSEMBLY AS A SOUND SUPPRESSOR.

THE MOST UNMISTAKABLE FEATURE IS THIS CAREFULLY-MACHINED INTERNAL COMPONENT. IT IS A MONOCORE BAFFLE, MEANING IT IS MACHINED FROM A SINGLE PIECE OF ALUMINUM. YOU CAN TELL THERE'S A LOT OF MATERIAL WASTED TO PRODUCE THAT DEVICE. THE MATERIAL IS REMOVED IN ORDER TO PROVIDE THESE DIVIDERS CALLED "BAFFLES," WHICH WILL THEN COMPARTMENTALIZE THE INSIDE OF THIS TUBE. IT ALSO HAS A CENTRAL PASSAGE THAT IS CLEAR THROUGH THE DEVICE.

I RECEIVED IT ALSO WITH THIS ITEM, ITEM 5 (INDICATING). THIS IS AN END CAP. IT IS SOLID. THERE IS NO HOLES THROUGH THIS ITEM; HOWEVER, AT THE CENTER THERE IS AN INDEX MARK. AGAIN, CONFIGURE THE ITEM WITH ITEM 8, THE BAFFLE INSIDE THE TUBE, AND I CAN AFFIX THE ITEM 5 END CAP (INDICATING). SO AS YOU CAN SEE, IT IS NOT IN OPERABLE CONDITION. HOWEVER,

BASED ON THE FACT THAT THE END CAP HAS THAT INDEX MARK, THIS IS REGARDED AS AN INDICATION THAT IT IS INTENDED TO BE FINISHED BY THE END USER THROUGH A SIMPLE DRILLING PROCESS. I'VE PERFORMED THIS PROCESS AS PART OF A RECONSTRUCTION ON ANOTHER HOMICIDE CASE.

SO THE COMBINATION OF PARTS, INCLUDING THIS ITEM, WOULD ALSO QUALIFY, IN MY OPINION, UNDER THE SECOND CLAUSE WITHIN THE RELEVANT STATUTE.

Q. THANK YOU.

DID YOU EXAMINE -- IN YOUR EXAMINATION DID YOU DETERMINE IF THERE WAS A WAY THIS COULD BE ATTACHED TO A FIREARM?

A. YES.

Q. AND HOW COULD THIS ITEM BE ATTACHED TO A FIREARM?

A. THE DEVICE HAS THE MONOCORE SUPPRESSOR, HAS AN INTERNALLY-THREADED OPENING WE CALL A THREADED COLLAR. IT IS THREADED, WHAT WE CALL, A FEMALE THREADED CONFIGURATION SO THAT ANOTHER ITEM CAN BE SCREWED INTO THAT END OF THE DEVICE AND SECURED. THIS IS HOW SOUND SUPPRESSORS ARE SECURED TO THREADED BARRELS. SO IT DOES HAVE THAT COMPONENT.

Q. DID YOU DETERMINE THE THREAD SIZE OF THAT COLLAR?

A. THERE WAS A THREAD CONFIGURATION MARKED ON

THE BOX CONTAINING THESE ITEMS, AND I DID TAKE A MEASUREMENT OF INTERNAL DIAMETER FINDING THAT THE DIAMETER WAS CONSISTENT WITH THAT MARKED THREAD CONFIGURATION.

Q. AND WHAT WAS THAT MARKED THREAD CONFIGURATION?

A. IT WAS CALLED 1/2 BY 28.

Q. DO YOU KNOW WHAT TYPE OF FIREARMS A 1/2 BY 28 THREAD CONFIGURATION WOULD BE COMPATIBLE WITH?

A. IT IS COMMON WITH SEVERAL CALIBERS. IT IS UP TO THE TRADITIONS OF THE MANUFACTURERS WHICH CALIBERS. BUT I KNOW A 9-MILLIMETER LUGER; ANOTHER CARTRIDGE WOULD BE 223 REMMINGTON. THIS IS A CARTRIDGE THAT IS COMMON IN AR-15 STYLE RIFLES, AS WELL AS 22-RIMFIRE CARTRIDGES, INCLUDING 22 LONG RIFLES. A LESSER-KNOWN NEWER CARTRIDGE IS CALLED 5.7 BY 28 MILLIMETER. THIS IS A NEWER HANDGUN CARTRIDGE THAT HAS BEEN CHAMBERED IN FIREARMS, WHICH ARE PRODUCED WITH THIS THREAD CONFIGURATION.

Q. ARE YOU FAMILIAR WITH THE CONCEPT OF A THREADED BARREL?

A. YES.

Q. WHAT WOULD IT TAKE TO EQUIP A HANDGUN WITH A THREADED BARREL?

A. IT WOULD REQUIRE A BRIEF DISASSEMBLY PROCESS

WE CALL THE FIELD-STRIPPING. I BELIEVE THE NAME IS BECAUSE IT CAN BE DONE IN THE FIELD IF YOU WERE A SOLDIER WITHOUT TOOLS. IT'S A DISASSEMBLY THAT DOESN'T REQUIRE TOOLS. IT JUST BREAKS THE GUN DOWN TO THREE OR FOUR PARTS FOR CLEANING PURPOSES. THIS SIMPLE DISASSEMBLY PROCESS WOULD REQUIRE TO REMOVE THE BARREL AND REPLACE IT WITH A BARREL THAT EXHIBITS A THREADED EXTENSION AT THE MUZZLE END, WHICH CAN BE INSERTED INTO A MUZZLE ATTACHMENT, INCLUDING SOUND SUPPRESSORS.

Q. CAN I DIRECT YOU TO THE PAGES IN FRONT OF YOU TITLED "BOARD 1," PLEASE?

A. BOARD 1?

Q. YES, THAT PACKET. SPECIFICALLY I'D LIKE TO DIRECT YOU TO PAGE 4.

A. OKAY. I'M ON PAGE 4.

Q. THIS IS IDENTIFIED AS A 9-MILLIMETER STAINLESS STEEL THREADED BARREL (INDICATING). WOULD THAT BE COMPATIBLE WITH THE THREAD SIZE ON THE ITEM -- THE PHYSICAL ITEM ON THE TABLE?

A. I DON'T SEE A THREAD SIZE ON THIS PAGE, PAGE 4. IT IS A 9-MILLIMETER CALIBER REPLACEMENT BARREL THAT IS THREADED, BUT IT DOESN'T LIST THE CONFIGURATION ON THIS SHEET.

Q. EARLIER YOU STATED THAT THE STANDARD

9-MILLIMETER THREAD WOULD BE 1/2 BY 28. IS THAT ACCURATE?

A. YES. I'VE -- THE LITERATURE REPRESENTED -- REPRESENTS IT AS THE MOST COMMON THREAD CONFIGURATION FOR THAT CALIBER.

Q. LOOKING AT THE PHYSICAL ITEM ON THE TABLE IN FRONT OF YOU, THE ACCUSED HAS STATED HE ORDERED THAT ITEM AS A FUEL FILTER. IN YOUR OPINION, IS THAT IN ANY WAY POSSIBLE?

A. NO.

Q. WHY NOT?

A. SO THIS ITEM HAS A GENERAL EXTERNAL APPEARANCE SIMILAR TO SOMETHING CALLED AN INLINE FUEL FILTER. HOWEVER, IT HAS THIS OPENING AND THE BAFFLE STRUCTURE PREVENTS FROM FUNCTIONING IN THAT MANNER. SO AN INLINE FUEL FILTER, TO MY KNOWLEDGE, FUEL COMES IN ONE END AND COMES OUT THE OTHER END. IN BETWEEN IT ESSENTIALLY ACTS LIKE A COMMUTER TUNNEL. IMAGINE THAT THERE'S A VEHICLE BROKEN DOWN IN THE CENTER LANE. TRAFFIC HAS TO DIVERT AROUND THAT VEHICLE IN ORDER TO TRAVERSE THE TUNNEL AND THEN IT TRAVERSES BACK TO THE CENTER TO EXIT THE OTHER SIDE. THAT'S HOW A FUEL FILTER WORKS. IT WOULD ACTUALLY INCLUDE SORT OF A TUBE WITHIN THIS TUBE THAT IS THE FILTRATION MEDIA. SO THE TRAFFIC -- THE FUEL WOULD COME IN, DIVERT TO

THE SIDE OF THE TUBE; AND THEN AS IT IS DIVERTED BACK TO THE CENTER TO EXIT THE DEVICE, IT PASSES THROUGH THE MEMBRANE OF THAT ACTUAL FILTER (INDICATING).

SO THAT PHYSICAL PROCESS IS IMPOSSIBLE, IN MY OPINION, WITH THIS DEVICE. IT HAS A CLEAR PASSAGE THROUGH THE CENTER. I'LL POINT THAT OUT TO EACH OF YOU (INDICATING). AND THAT IS THE ONLY PASSAGEWAY THROUGH THE DEVICE. SO THERE IS NO WAY FOR THE FUEL TO DIVERT TO THE EXTERIOR AND FILTER BACK TOWARDS THE INSIDE OF THE DEVICE THROUGH FILTRATION MEDIA.

SO IT IS INTERESTING THAT SOUND SUPPRESSORS ARE ESSENTIALLY THE EXACT OPPOSITE OF A FILTER, BECAUSE FILTERS ARE MEANT TO ALLOW THE FLUID COMPONENTS TO PASS THROUGH WHILE STOPPING THE SOLID COMPONENT. SUPPRESSORS ARE BUILT FOR THE EXACT OPPOSITE FUNCTIONALITY. THEY WANT THE SOLID BULLETS TO BE ABLE TO PASS THROUGH DIRECTLY THROUGH THE ACTUAL CENTER OF THE DEVICE WHILE THE FLUID, HERE THE GAS, IS ALLOWED TO EXPAND, SLOW DOWN, AND DECREASE ITS PRESSURE AND PERCEIVE SOUND.

SO LONG STORY SHORT, PHYSICALLY, IT'S INCOMPATIBLE WITH FILTRATION FUNCTIONALITY.

Q. AND IN YOUR TRAINING AND EXPERIENCE, HAVE YOU ENCOUNTERED ITEMS LIKE THIS BEING MARKETED AS FUEL FILTERS?

A. YES.

Q. ALL RIGHT. AND DESPITE THEM BEING MARKETED AS FUEL FILTERS, DO THEY HAVE THAT FUNCTION?

A. NO.

Q. AND DO YOU HAVE AN OPINION ON WHY THEY WOULD BE MARKETED AS FUEL FILTERS WITHOUT THAT FUNCTION?

A. I BELIEVE IT IS SO THAT THEY CAN MARKET, COMMUNICATE BETWEEN SELLER AND BUYER, WITHOUT STATING A FUNCTION THAT IS REGULATED.

Q. AND HAVE YOU WORKED ANY CASES WHERE AN ITEM WAS RECOVERED MARKETED AS A FUEL FILTER AND WAS USED AS A SILENCER?

A. I'VE WORKED CASES WITH DEVICES OF THIS GENERAL TYPE. I DON'T KNOW SPECIFICALLY HOW THEY WERE MARKETED, BUT THE CONFIGURATION OF THE DEVICES I'VE OBSERVED. I'VE OBSERVED THEM BEING MARKETED ONLINE UNDER A SOLVENT TRAP OR FUEL FILTER MONIKER INTERCHANGEABLY.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: THANK YOU.

CROSS-EXAMINATION

BY MR. SEKI:

Q. MR. BIRAIMAH, HOW MANY GUNS THAT DETECTIVE

WALDEN OWNED WOULD FIT THAT? DID YOU EVER DO A COMPARISON?

A. NO. I WAS ASSIGNED THE EXAMINATION OF ITEMS 2 THROUGH 9. MY REQUEST DID NOT INCLUDE ANY FIREARMS.

Q. AND AS I UNDERSTAND IT, IN ORDER FOR IT TO WORK, YOU HAVE TO HAVE A THREADED BARREL, CORRECT?

A. IN ORDER TO ATTACH IT TO A GUN AND TO OPERATE THE SUPPRESSOR, YES, YOU WOULD NEED A THREADED BARREL MOUNTED ON A FIREARM.

Q. WERE YOU EVER TOLD THAT ANY THREADED BARRELS WERE FOUND AS PART OF A SEARCH OF DETECTIVE WALDEN'S FIREARMS OR HIS HOME?

A. NO. THE INFORMATION I RECEIVED WAS ABOUT THESE PARTICULAR ITEMS AND WAS EXTREMELY BRIEF.

Q. SO IN THIS PARTICULAR CASE, THAT ITEM YOU HAVE IN FRONT OF YOU IS ABOUT SIX INCHES OR SO; IS THAT CORRECT? I THINK YOU MAY HAVE MEASURED IT. WOULD THAT BE ACCURATE?

A. YES. IT'S JUST OVER SIX INCHES WHEN FULLY ASSEMBLED.

Q. AND WOULD YOU BE ABLE TO USE REGULAR AMMUNITION FOR IT TO BE EFFECTIVE OR WOULD YOU HAVE TO HAVE SUBSONIC AMMUNITION FOR IT TO BE EFFECTIVE?

A. IT IS MORE EFFECTIVE WITH SUBSONIC

AMMUNITION. I'VE EXPERIENCED THIS MYSELF. THERE ARE DIFFERENT COMPONENTS TO THE SOUND. SUBSONIC AMMUNITION SIMPLY MEANS THAT IT'S A HEAVIER BULLET. IT IS MOVING SLOWER WHILE STILL REMAINING EFFECTIVE ON THE TARGET. SUBSONIC AMMUNITION REDUCES THE SOUND BY ELIMINATING PART OF THAT WE CALL A SONIC CRACK. AND IT DOES FURTHER REDUCE THE PERCEIVED SOUND AND IMPROVES THE FUNCTIONALITY OF THE DEVICE.

Q. SO AS YOU INDICATED IN THIS PARTICULAR CASE, IT WOULD ONLY -- IT COULD POSSIBLY FIT A THREADED BARREL THAT WOULD BE ASSOCIATED WITH A 9-MILLIMETER 223, .22 RIMFIRE, OR 5.7 BY 28, CORRECT?

A. THOSE ARE THE CALIBERS THAT I'M AWARE OF, MANUFACTURERS CHOOSING TO THREAD BARRELS IN THOSE CALIBERS COMPATIBLE WITH A DEVICE SUCH AS THE MARKINGS HERE. THIS IS UP TO THE WILL OF THE MANUFACTURER. IT'S NOT CONTROLLED HOW THEY THREAD THEIR GUNS. THEY JUST TEND TO ADHERE TO TRADITIONS TO MAKE MARKETING EASIER.

Q. HAVE YOU EVER ACTUALLY UTILIZED ONE OF THOSE TO TEST IT?

A. YES.

Q. OKAY. AND WAS --

A. I'M SORRY. NOT THIS DEVICE.

Q. YEAH, THAT PARTICULAR DEVICE.

A. NOT THIS DEVICE, NO.

Q. HAD YOU EVER SEEN ANY TESTING OF IT, ANY RESULTS OF TESTING TO SEE IF IT'S EFFECTIVE?

A. THIS DEVICE?

Q. YEAH.

A. OPERATION ISN'T REQUIRED FOR IT TO BE COVERED UNDER THE REGULATION. IT'S NOT PART OF OUR NECESSARY ANALYSIS. NO, I HAVE NOT OBSERVED ANY TESTING OF THIS DEVICE WITHIN ACTUAL FIREARMS.

Q. KNOWING WHAT YOU KNOW ABOUT GUNS, KNOWING WHAT YOU KNOW ABOUT WHAT'S EXPELLED WHEN A GUN IS FIRED, KNOWING WHAT YOU KNOW ABOUT SOUND, BULLETS, SPEED, ET CETERA, THE SIZE OF THAT IN THE CONSTRUCTION, DO YOU HAVE AN OPINION ON WHETHER OR NOT IT WOULD BE AN EFFECTIVE SUPPRESSOR?

A. I DON'T HAVE AN OPINION ABOUT HOW EFFECTIVE IT WOULD BE. ITS STRUCTURES, I EXPECT IT TO HAVE A DISCERNIBLE EFFECT. I CAN'T WEIGH THAT EFFECT VERSUS SUPPRESSORS OF OTHER DESIGNS.

Q. ON THE TECHNICAL BULLETIN THAT'S MARKED AS DEPARTMENT'S 3, SO THAT'S THE ONE DEALING WITH THE INLINE FILTER FIREARM SILENCERS?

A. YES, I HAVE THAT.

Q. OKAY. CAN I HAVE YOU TURN TO PAGE 3?

A. YES.

Q. SO THE BOTTOM ITEM SAYS, "INLINE FILTER MARKETED AS NAPA 4003." THIS APPARENTLY IS NOT A FIREARM -- OR THIS APPARENTLY IS A SILENCER ACCORDING TO A.T.F., CORRECT?

A. CORRECT.

Q. AND ONE OF THE THINGS IT SAYS IS THAT "THE FILTER ELEMENT IS TOO SHORT FOR HOUSING AND WILL ALLOW FLUIDS TO BYPASS WITHOUT FILTERING."

A. I SEE THAT.

Q. HAVE YOU SEEN SOMETHING LIKE THIS OR ENCOUNTERED ANYTHING LIKE THIS?

A. I HAVE NOT ENCOUNTERED A DEVICE THAT ACTUALLY HAD FILTRATION MEDIA. THAT TUBE WITHIN A TUBE PART I WAS TALKING ABOUT, THAT'S WHAT WE'RE SEEING AT THE BOTTOM OF THIS EXHIBIT IN THAT YELLOW COMPONENT (INDICATING). NONE OF DEVICES I EXAMINED ACTUALLY HAD THAT COMPONENT, WHICH IS ACTUALLY MORE CHARACTERISTIC OF SOMETHING THAT IS MANUFACTURED TO FILTER FUEL.

Q. SO IF YOU WERE TO LOOK AT THIS, YOU WOULD THINK IT WOULD BE A FUEL FILTER?

A. WHICH PICTURE?

Q. THE ONE ON THE BOTTOM.

A. IT HAS A FILTRATION ELEMENT. HOWEVER, IT ALSO HAS THAT HOLE DRILLED THROUGH THE CENTER. SO

THIS IS THE PROBLEM AREA. THAT HOLE IS ALSO MARKED WITH THE THREAD CONFIGURATION OF MUZZLE ATTACHMENTS. SO ON THE BASIS OF THAT, THIS WOULD APPEAR TO BE AN AMATEUR ALTERATION OF A PRODUCT THAT WAS MADE FOR A DIFFERENT USE, AS OPPOSED TO A PRODUCT ON THE TABLE IS NOT REPURPOSED. IT WAS MANUFACTURED FOR A PARTICULAR USE.

Q. COULD YOU TURN PAGE 5 OF 6 IN DEPARTMENT'S 3.

A. YES.

Q. SO THERE APPEARS TO BE A TABLE HERE (INDICATING). AND AMERICAN STANDARD THREAD SAYS, "THE FOLLOWING LIST OF KNOWN FIREARM BARREL THREADS SIZES IS NOT ALL-INCLUSIVE AN INTENDED AS A GENERAL REFERENCE."

YOU REFERRED TO 1/2 BY 28 WITH A RIGHT HAND TWIST AS SOMETHING THAT COULD BE ATTACHED TO MOST 223'S, .22 CALIBERS, 9 MILLIMETERS, RUGER 10/22'S, CORRECT?

A. I DIDN'T SPECIFY RUGER 10/22.

Q. OKAY. 5 BY 7. I'M SORRY. 5.7 CALIBER BY 28, CORRECT? IS THAT --

A. GUNS OF THOSE CALIBERS ARE ADVERTISED TO HAVE THIS THREAD CONFIGURATION ON THE MUZZLE END.

Q. OKAY. IF THERE IS A THREADED BARREL?

A. CORRECT. THESE ARE TYPICALLY AFTERMARKET PARTS THAT DO NOT COME FROM THE FACTORY WITH YOUR ACTUAL NAME-BRAND PISTOL WITH A THREADED BARREL. YOU NEED TO PURCHASE IT AND INSTALL IT BY THAT FIELD-STRIPPING PROCESS I DESCRIBED EARLIER.

Q. OKAY. AND YOU CAN SEE THIS CHART WHERE IT LISTS 1/2 BY 28 RH, OR RIGHT HAND -- RIGHT-HANDED TWIST, IT KIND OF LISTS THE DIFFERENT FIREARMS THAT YOU TALKED ABOUT, CORRECT? THE CALIBER OF FIREARMS THAT YOU TALKED ABOUT?

A. YES. IT DOES LIST THE CALIBERS THAT I MENTIONED.

Q. SO WHAT YOU HAVE IN FRONT OF YOU, YOU SAID WAS 1/2 BY 28, THAT WOULD NOT FIT A GUN THAT WOULD BE THREADED FOR 5/8 BY 24 WITH A RIGHT-HAND TWIST, CORRECT?

A. A 1/2 INCH BY 28 THREAD CONFIGURATION SOCKET THAT'S THE FEMALE END SHOULD NOT BE ABLE TO PROPERLY AFFIX TO THAT OTHER THREAD CONFIGURATION THAT YOU MENTIONED, WHICH I BELIEVE IS 5/8 BY 24.

Q. OKAY. JUST TO CLARIFY, AT NO TIME WERE YOU EVER ASKED TO COMPARE WHETHER THAT DEVICE IN FRONT OF YOU WOULD FIT ANY OTHER WEAPONS OWNED BY DETECTIVE WALDEN; IS THAT CORRECT?

A. CORRECT.

Q. THANK YOU.

I HAVE NOTHING FURTHER.

MS. AMIN: DEPARTMENT?

REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. CAN I DIRECT YOU, AGAIN, SIR, TO BOARD 1, PAGES 4 AND 5?

A. YES.

Q. I JUST WANT TO BE CLEAR, SPECIFICALLY ON PAGE 4, THIS WOULD BE AN EXAMPLE OF A BARREL THAT IF YOU SWITCHED IT OUT, WOULD ACCEPT A THREADED ATTACHMENT, CORRECT (INDICATING)?

A. CORRECT. SO THIS BARREL HAS THE THREADED PORTION ON THE BARREL. SO YOU CAN SEE AT THE RIGHT SIDE OF THIS SILVERY OBJECT, THERE'S A DARKER PORTION THERE. THIS IS THE PART THAT WOULD BE THREADED LIKE THE OUTSIDE OF A SCREW. IT APPEARS TO HAVE WHAT'S CALLED A THREAD PROTECTOR SCREWED ON TO IT. SO THIS BARREL HAS THE EXTERNALLY PLACED THREADS, THE MALE THREAD CONFIGURATION, WHICH CAN ACCEPT MUZZLE ATTACHMENTS SUCH AS THE DEVICE -- SUCH AS THE DEVICE IN THE PROPER USE.

Q. AND DIRECTING YOU TO PAGE 5 OF THAT SAME EXHIBIT, SIR --

A. SORRY.

Q. -- IS THAT AN EXAMPLE OF A THREADED BARREL FOR A DIFFERENT CALIBER?

A. YES.

Q. DO YOU KNOW OR DID THE A.T.F. TECHNICAL BULLETIN ADVISE WHAT THE THREAD FOR A .45 CALIBER WOULD BE?

A. I BELIEVE IT DID. I DON'T KNOW IT OFF THE TOP OF MY HEAD, BUT IT'S A LARGER IN DIAMETER THAN THE 1/2 INCH THAT WE'RE TALKING ABOUT.

Q. CAN I REFER YOU TO PAGE 5 OF THE A.T.F. TECHNICAL BULLETIN IN FRONT OF YOU?

A. YES.

Q. IS .45 CALIBER LISTED ON THERE ANYWHERE?

A. YES, IT IS.

Q. AND WHAT SIZE THREAD WOULD THAT NEED?

A. I SEE IT IN TWO POSITIONS. THE FIRST IS .578 BY 28 RIGHT HAND. THE OTHER IS 7/8-INCH BY 9 RIGHT HAND (INDICATING).

Q. THANK YOU.

NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NOTHING.

EXAMINATION

BY MS. AMIN:

Q. EARLIER YOU STATED THAT YOU NEVER -- YOU DID NOT TEST THIS PARTICULAR ITEM THAT'S ON THE DESK. HAVE YOU TESTED ANY SIMILAR NAPA 40- -- WHATEVER THE NUMBER IS -- ON A GUN, A FIREARM?

A. YES. I'VE TEST-FIRED THAT TYPE OF DEVICE.

Q. AND IT WORKS? IT WORK AS A SUPPRESSOR?

A. YES. IT WAS A SLIGHTLY DIFFERENT DESIGN. THIS WAS AN EXTENSIVE CASE SO WE ACTUALLY HAD R.H.D. ORDER THE PARTS. I DRILLED THROUGH ALL THE INDEX HOLES CREATING THAT CENTRAL PASSAGE. WE AFFIXED IT TO A PISTOL. FIRED AMMUNITION THROUGH THAT, BOTH SUBSONIC AND STANDARD AMMUNITION. IT MADE A SUBSTANTIAL CHANGE TO THE REPORT OF THE GUN -- THE SOUND OF THE GUN. I WOULD SAY THAT IT SOUNDED MORE LIKE HITTING A GOLF BALL RATHER THAN AN ACTUAL GUNSHOT.

Q. OKAY. AND DEPARTMENT'S 10 TO YOUR LEFT STACK THERE, IT'S A THICK PACKAGE --

A. YES.

Q. IF YOU --

A. I HAVE DEPARTMENT 10.

Q. IF YOU CAN FLIP TO THE BACK A FEW PAGES, A LIST OF FIREARMS THAT WERE PURCHASE AND SOLD BY THE

DETECTIVE. DO YOU SEE FIREARMS ON THAT LIST THAT WOULD ACCOMMODATE THIS NAPA 4003 THAT COULD BE ATTACHED TO THEM?

A. I'M LOOKING AT PAGE 19 OF 20. AM I LOOKING AT THE RIGHT PAGE?

Q. YES.

A. YES. NOTABLY HERE I SEE GLOCK .9 MILLIMETER. THE GLOCK PATTERN FIREARMS, THESE -- THIS IS THE TYPE OF GUN THAT I USED IN MY PREVIOUS CASE. THEY SELL A LOT OF AFTERMARKET BARRELS, INCLUDING THREADED BARRELS, INCLUDING THE 1/2 BY 28 CONFIGURATION THREADED BARRELS. THOSE WOULD BE COMPATIBLE WITH THE CONFIGURATION OF THE DEVICE AS IT IS MARKED ON THE PACKAGING.

Q. SO JUST THE GLOCK .9 MILLIMETER, NOTHING ELSE?

A. NOT ONLY. THERE ARE AFTERMARKET BARRELS FOR OTHER BRANDS. I KNOW OF BARRELS FOR SMITH & WESSON, BARRELS FOR SIG SAUER. THAT IS BY NO MEANS ALL-INCLUSIVE. THEY CAN BE -- THEY'RE MANUFACTURED BY SMALL COMPANIES. THEY DON'T HAVE TO BE MANUFACTURED BY THE ACTUAL MAKER THEMSELVES OF THE ACTUAL FIREARM.

Q. SO IS THIS THE SMITH & WESSON .9 MILLIMETER OR 357 OR SOMETHING ELSE -- OR COLT .45 OR SOMETHING ELSE?

A. ABOUT THE ONE THAT I INITIALLY SAW, I SEE A SMITH & WESSON .9 MILLIMETER MP9L. FURTHER DOWN THERE'S ANOTHER SMITH & WESSON .9 MILLIMETER MP9L. I WOULD NOT EXPECT -- YOU MENTIONED 357. I'M NOT SURE ABOUT THE MODEL NUMBER. IF WE'RE TALKING ABOUT A 357 MAGNUM REVOLVER, THEN, NO, THEY ARE TYPICALLY NOT FITTED WITH SUPPRESSORS. IF THIS IS A 357 SIG, THAT'S A PISTOL CALIBER, THEN IT IS POSSIBLE THAT IT WOULD BE COMPATIBLE.

Q. OKAY. THANK YOU.

ANYBODY HAVE ANY QUESTIONS? MR. ORTEGA?

MR. ORTEGA: YEAH. I HAVE A COUPLE.

EXAMINATION

BY MR. ORTEGA:

Q. FOR SOMEBODY WHO HANDLES THIS QUANTITY OF WEAPONS WHO SEES THAT ITEM, IS THAT -- SHOULD THAT ITEM BE RECOGNIZABLE AS A SILENCER TO A GUN ENTHUSIAST?

A. YES.

MR. SEKI: I'M GOING TO OBJECT. I THINK THAT CALLS FOR SPECULATION.

MS. AMIN: YOU'RE GOING TO OBJECT TO A BOARD MEMBER?

MR. SEKI: I DO IT ALL THE TIME, AND I THINK

A COURT OF APPEALS WOULD REQUIRE ME TO DO THAT.

MS. AMIN: OKAY. ALL RIGHT. SO SPECULATION --

CAN YOU EXPAND ON YOUR QUESTION?

MR. ORTEGA: NO. IT WAS A SIMPLE QUESTION. I THINK I GOT MY RESPONSE.

MR. SEKI: WELL, SHE DIDN'T RULE ON MY OBJECTION.

MS. AMIN: OKAY. OVERRULED, OVERRULED.

ALL RIGHT. DO YOU HAVE ANY QUESTIONS?

MS. STRONG-FARGAS: NO.

MS. AMIN: OKAY.

MR. SEKI: I HAVE TO CLARIFY.

SERGEANT SLATER: THE DEPARTMENT ALSO WOULD LIKE TO CLARIFY SOME THINGS.

MS. AMIN: GO AHEAD.

FURTHER REDIRECT EXAMINATION

BY SERGEANT SLATER:

Q. SIR, SINCE IT'S BEEN BROUGHT UP, I'M GOING TO DIRECT SIMULTANEOUSLY TO BOTH DEPARTMENT 3 AND DEPARTMENT 10. FOR DEPARTMENT 3 I'D LIKE TO DIRECT YOU TO PAGE 5. FOR DEPARTMENT 10 I'D LIKE YOU TO START ON PAGE 19, PLEASE.

A. OKAY. I HAVE THOSE PAGES IN FRONT OF ME.

Q. THANK YOU.

IN YOUR TESTIMONY TODAY YOU SAID THERE WERE A NUMBER OF IDENTIFIED COMMON THREADED 1/2 BY 28 CALIBER STYLE FIREARMS, CORRECT?

A. BARRELS WITH THAT THREAD CONFIGURATION ARE COMMON IN A NUMBER OF CALIBERS, YES.

Q. THANK YOU.

SO USING THIS REFERENCE IN DEPARTMENT 3, AR-15, M-16, AND AR-180'S WOULD BE COMPATIBLE WITH 1/2 BY 28, CORRECT?

MR. SEKI: I'M GOING TO OBJECT BECAUSE I THINK THE QUESTION OR HYPOTHETICAL LACKS THE FACT THAT YOU NEED A THREADED BARREL ON ALL OF THOSE.

MS. AMIN: WELL, YOU CAN BRING IT UP ON CROSS.

MR. SEKI: WELL, IF HE'S GOING TO ASK IT -- BECAUSE IT GOES TO THE QUESTION THAT YOU ASKED, AS WELL. IF YOU BUY A GUN IN THE STATE OF CALIFORNIA, THE BARRELS ARE NOT THREADED. SO UNLESS THERE'S SOME SORT OF EVIDENCE THAT THE DEPARTMENT HAS THAT ANY OF THESE GUNS HAVE THREADED BARRELS, THE QUESTION REALLY IS IRRELEVANT.

SERGEANT SLATER: THE DEPARTMENT DISAGREES. THE DEPARTMENT IS NOT IMPLYING ANY ONE OF THE GUNS I WILL OR HAVE ASKED ABOUT HAS A THREADED BARREL. BUT

AS WE'VE DEMONSTRATED THROUGH THE TESTIMONY OF MULTIPLE WITNESSES, THE SWAPPING OF A BARREL IS AT BEST EASILY ACCOMPLISHED WITHOUT TOOLS. AND I JUST WANT TO KNOW IF CERTAIN ITEMS ON THIS LIST COULD HAVE THEIR BARRELS SWAPPED. AGAIN, I'M NO IMPLYING THAT ANYBODY HAS A THREADED BARREL.

MS. AMIN: OVERRULED.

BY SERGEANT SLATER:

Q. SO WOULD AN AR-15, M-16, OR AR-180 BE COMPATIBLE WITH A THREADED BARREL IF THEY HAD A THREADED BARREL? SORRY. LET ME REPHRASE THAT.

WOULD AN AR-15, M-16, OR AR-180 STYLE WITH A THREADED BARREL MOST COMMONLY BE THREADED 1/2 BY 28 RIGHT HAND?

A. THEY ARE KNOWN TO BE THREADED IN THAT CONFIGURATION. IT DOES NOT MEAN IT'S THE ONLY ONE, BUT IT IS A WELL-KNOWN CONFIGURATION FOR THOSE FIREARMS.

Q. ARE ANY AR-15, M-16, OR AR-180 STYLE RIFLES ON THE -- LISTED ON EITHER 19 OR 20 OF DEPARTMENT 10?

A. YES. I DO SEE SOME THAT ARE ACTUALLY MARKED 556. THAT'S AN MMP 15. THAT IS A -- THAT'S AN AR-STYLE RIFLE. ALSO THE ONE BELOW IT, STAR-15 --

MR. ORTEGA: WHAT PAGE ARE WE ON?

MR. BIRAIMAH: SORRY. PAGE 20. IT IS IN

THE BLOCK OF HIGHLIGHTED FIREARMS AT THE BOTTOM THERE (INDICATING).

SO 556 IS A SORT OF A MILITARY ANALOGUE FOR THE 223 REMMINGTON CIVILIAN CARTRIDGE. THEY ARE PHYSICALLY INTERCHANGEABLE. SO, YES, MP-15, THAT IS A RIFLE I'M AWARE OF. I WOULD ANTICIPATE THE STAR-15 VERY COMMONLY WHEN THEY NAME IT THAT WAY, IT IS AN AR-15 PATTERN RIFLE, AND IT IS OF THE PROPER CALIBER. 556, PHYSICALLY INTERCHANGEABLE WITH THE CALIBER 223 THAT WE'VE BEEN SPEAKING ABOUT.

Q. DID PAGE 5 OF DEPARTMENT 3 IDENTIFY RUGER 10/22 AS A RIFLE THAT WOULD COMMONLY HAVE A 1/2 BY 28 RIGHT HAND TWIST?

MR. SEKI: I'M GOING TO OBJECT TO THE QUESTION AS PHRASED. "COMMONLY HAVE" MEANS AFTERMARKET BARREL ATTACHED TO IT, NOT AS IT IS SOLD. SO AS A PHRASED THE IMPLICATION IS IT'S SOLD THAT WAY.

SERGEANT SLATER: I CAN REPHRASE.

MS. AMIN: PLEASE. THANK YOU.

BY SERGEANT SLATER:

Q. WOULD A RUGER 10/22 WITH A THREADED BARREL MOST COMMONLY BE THREADED IN 1/2 BY 28 RIGHT HAND?

A. IT IS KNOWN TO BE THREADED IN THAT CONFIGURATION.

Q. DO YOU SEE ANY RUGER 10/22'S ON THIS LIST,

REFERRING TO DEPARTMENT 10, PAGES 19 AND 20.

A. I DO. I SEE ONE RIGHT AWAY HIGHLIGHTED ON PAGE 19, THE THIRD HIGHLIGHTED FIREARM, RUGER .22 IS THE REFERENCE SHORTHAND REFERRING TO CALIBER. 10/22 IS A VERY COMMON SEMI-AUTOMATIC RIFLE.

Q. YOU MENTIONED MOST THREADED .9 MILLIMETERS WOULD BE THREADED IN A 1/2 BY 28 RIGHT HAND TWIST. AND IF I UNDERSTAND YOU CORRECTLY, TO CHANGE A .9 MILLIMETER TO A THREADED BARREL WOULD BE A SIMPLE FIELD-STRIPPING PROCESS, CORRECT?

A. CORRECT. ONE, THE LITERATURE ADVERTISES THAT IT'S THE MOST COMMON CONFIGURATION BASED ON THE MANUFACTURERS THAT PUT OUT. YES, THE SWAPPING OF THAT BARREL CAN BE DONE WITHIN A MATTER OF SECONDS TO MINUTES.

Q. AND WOULD THE .9 MILLIMETERS LISTED ON PAGES 19 AND 20 OF DEPARTMENT 10 BE CAPABLE OF ACCEPTING A THREADED BARREL WITH THAT FIELD-STRIPPING PROCESS?

A. YES. SOME I'VE DONE MYSELF. OTHERS ARE CONSISTENT WITH THAT CAPABILITY, YES.

Q. AND FINALLY, SIR, COMING BACK TO YOUR TRAINING AND CONTINUING EDUCATION ON SILENCERS, HAVE YOU SEEN VIDEOS OF THIS ITEM, THE PHYSICAL ITEM, BEING USED AS A SILENCER?

A. THIS ITEM IN FRONT OF ME?

Q. NOT THE ACTUAL ITEM THAT WAS RECOVERED, BUT ITEMS MARKETED OR SOLD WITH THAT DESIGN AND LOOK.

A. I BELIEVE SO. I'VE SEEN VIDEOS ONLINE OF PEOPLE DISCHARGING DEVICES. IT'S USUALLY DIFFICULT TO TELL PRECISELY WHAT INTERNAL CONFIGURATION THAT DEVICE IS WHEN THEY'RE SHOOTING IT. BUT I'VE SEEN VIDEOS OF, YES, PEOPLE POSTING FIREARMS WITH ATTACHMENTS OF THIS GENERAL TYPE.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

RECROSS EXAMINATION

BY MR. SEKI:

Q. TWO THINGS. DEPARTMENT'S 3, THE TECHNICAL BULLETIN -- I THINK IT'S THAT SAME ONE.

A. YES.

Q. PAGE 4?

A. YES.

Q. YOU TALKED ABOUT DRILLING A NUMBER OF HOLES -- THE DEVICE THAT'S DEPICTED AT THE TOP OF PAGE, WAS WHAT SIMILAR TO WHAT YOU ENDED UP SHOOTING OR WORKING ON, TESTING?

A. YES.

Q. OKAY. SO IT WASN'T THE CHAMBER TYPE. IT

WAS BASICALLY SEVERAL DIFFERENT PIECES WITHIN THAT AND YOU HAD TO REPLACE OR SLIDE IN? IS THAT IT? HOW DID THAT WORK?

A. IT'S NOT A MONOCORE COMPONENT. IT USES THE SEVERAL METAL CAPS. THEY STACK LIKE CUPS. SO ESSENTIALLY IF YOU LOOK AT AN X-RAY OF THE FINISHED ITEM, IT WOULD APPROXIMATE THIS CONFIGURATION; BUT IT'S CONSTRUCTED OF SEPARATE COMPONENTS, AS OPPOSED TO THIS ONE MACHINED COMPONENT.

Q. AND IN THIS PARTICULAR DIAGRAM OR PICTURE HERE ON THE LEFTHAND SIDE, YOU CAN KIND OF SEE THE INTERNAL STACKED PIECES; IS THAT CORRECT?

A. SO THE TOP HALF OF THE PAGE, THE BOTTOM LEFT PHOTO WITH THE SILVERY OBJECTS, YES, YOU CAN SEE THOSE BAFFLES STACKED UP ONE ON TOP OF THE OTHER SORT OF LIKE A STACK OF COFFEE CUPS BELOW THE ACTUAL CYLINDER.

Q. I WANT TO MAKE THIS CLEAR. THREADED BARRELS IN PISTOLS ARE ILLEGAL IN CALIFORNIA, CORRECT?

A. ON PISTOLS WITH DETACHABLE MAGAZINES, THAT WOULD BE AN OFFENDED FEATURE MAKING IT A CALIFORNIA ASSAULT WEAPON.

Q. AND GUNS THAT ARE SOLD IN CALIFORNIA CANNOT HAVE THREADED BARRELS; IS THAT CORRECT?

A. THE THREADED BARRELS ARE NOT A FIREARM. THAT'S -- IT'S A REPLACEMENT PART. SO MY

UNDERSTANDING IS YOU DON'T NEED ANY SORT OF CLEARANCE TO PURCHASE IT. ESSENTIALLY WHETHER YOU PURCHASE THE SCREW THAT GOES ON A GUN, THE BARREL ITSELF IS NOT CONSIDERED THE FIREARM. IT'S THE FRAME THAT'S CONSIDERED THE FIREARM.

SO MY UNDERSTANDING, TO COMPLY WITH THE LAW, IF YOU SOLD A FIREARM WITH THE THREADED BARREL, THAT FIREARM WOULD BE ILLEGAL. THE BARREL ITSELF, I DON'T BELIEVE FOLLOWS UNDER THE SAME REGULATION BECAUSE IT'S A PART.

Q. SO MAYBE I MISPHRASED MY QUESTION. MAYBE IT WAS POORLY PHRASED. BUT BASED UPON YOUR KNOWLEDGE, FIREARMS THAT ARE SOLD IN CALIFORNIA THAT HAVE AN ATTACHED BARREL, THE BARRELS ARE NOT THREADED; IS THAT CORRECT?

A. LEGALLY SOLD. THAT'S MY BELIEF.

Q. AND AS FAR AS YOU KNOW, NONE OF THE BARRELS THAT WERE ATTACHED OR POSSESSED BY -- NONE OF THE FIREARMS POSSESSED BY DETECTIVE WALDEN HAVE THREADED BARRELS?

A. ALL I KNOW ABOUT THE FIREARMS IS THE LIST THAT I JUST REVIEWED. IT DOES NOT HAVE ANY INDICATION THAT I WAS AWARE OF ABOUT THE BARREL CONDITION.

Q. WOULD YOU ASSUME THAT IF A GUN HAD A THREADED BARREL THAT SOMEBODY WOULD BE PROSECUTED FOR

POSSESSING AN ASSAULT WEAPON, IF YOU KNOW?

A. NO, NOT NECESSARILY.

MR. SEKI: I DON'T HAVE ANYTHING ELSE. THANK YOU.

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: OKAY.

MS. STRONG-FARGAS: NO.

MS. AMIN: NO FURTHER QUESTIONS.

EXAMINATION

BY MR. ORTEGA:

Q. ACTUALLY, I DO HAVE A QUESTION AND IT'S NOT ANECDOTAL. BUT IN EVERY PICTURE THAT I'VE SEEN OF THIS ASSEMBLY EXIT, THEY SHOW A PIPE. SOMETIMES THIS IS BLUE, SOMETIMES -- IN THIS CASE IT'S RED (INDICATING). IS THAT JUST FOR SUBTERFUGE -- IS THERE ANY PURPOSE FOR THIS DEVICE OR IS IT JUST TO MAKE IT LOOK LIKE IT'S PART OF A FILTERED SYSTEM WHERE FLUID GOES THROUGH IT?

A. RIGHT. THIS IS -- THE REPRESENTATION OF THE DEVICE THAT YOU'RE TALKING ABOUT, YES. IT'S VERY COMMON. THE MONOCORE STACK IS SO DISTINCTIVE. I SUPPOSE THAT THEY ARE INCORPORATING THIS AS SUBTERFUGE, AS YOU SAID. THIS ACTUAL TUBE DOES NOT

FIT ANY PART OF THE OTHER COMPONENTS WHATSOEVER. AND SO IT'S NEARLY COMICAL, IN MY VIEW. IT'S KIND OF LIKE PUTTING A FAKE MUSTACHE ON AND EXPECTING YOU TO BELIEVE I'M A DIFFERENT PERSON. THAT'S MY VIEW OF WHAT THIS IS. I HAVEN'T HAD MANY CONVERSATIONS ABOUT IT, BUT, YOU KNOW, IT'S A JOKE.

Q. OKAY. THANK YOU.

(MR. BIRAIMAH LEAVES THE BOARDROOM.)

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: OKAY. NOW WE'RE DONE. THANK YOU VERY MUCH. YOU'RE EXCUSED.

MR. BIRAIMAH: THANK YOU.

SERGEANT SLATER: TWO MATTERS BEFORE WE MOVE ON. ONE, DOES THE HEARING REPORTER NEED A BREAK?

THE REPORTER: YES. THANK YOU.

SERGEANT SLATER: MAY I REQUEST A BREAK?

MS. AMIN: YES.

OFF THE RECORD.

(DISCUSSION HELD OFF THE RECORD.)

(BRIEF RECESS WAS TAKEN.)

(LIEUTENANT BIXLER JOINS THE PROCEEDINGS.)

MS. AMIN: WE'RE ALL HERE. BACK ON THE RECORD.

DOES THE DEPARTMENT HAVE ANY BUSINESS TO DISCUSS BEFORE WE CONTINUE WITH THE WITNESS?

SERGEANT SLATER: NO. THE DEPARTMENT SEES THAT THE DEFENSE HAS CALLED A WITNESS. THE DEPARTMENT WOULD LIKE AN OFFER OF PROOF AS TO RELEVANCE AND WHAT HE'S GOING TO TESTIFY TO BEFORE WE BEGIN.

MS. AMIN: OKAY.

MR. SEKI: SO THIS IS LIEUTENANT BIXLER, WHO WAS A SUPERVISOR OF OFFICER WALDEN WHEN HE WAS IN THE GUN UNIT OR G.N.D. RATHER. HE CAN DESCRIBE HIS DUTIES, TRAINING REGARDING SILENCERS OR LACK THEREOF, RECEIVING TECHNICAL BULLETINS. IN ADDITION, HE REVIEWED THE INVESTIGATION. HE WILL TESTIFY THAT NO THREADED BARRELS WERE RECOVERED AS A RESULT OF THE SEARCH WARRANT.

SERGEANT SLATER: THAT'S FINE. THE DEPARTMENT'S FINE WITH THAT.

MS. AMIN: BEFORE WE GO ON, ARE YOU -- IS THE DEPARTMENT RESTING OR DO YOU HAVE --

SERGEANT SLATER: YES, MA'AM.

MS. AMIN: YOU ARE?

MS. STRONG-FARGAS: OH, YOU'RE RESTING?

SERGEANT SLATER: THE DEPARTMENT RESTS.

MS. AMIN: OKAY. ALL RIGHT.

STATE YOUR NAME, PLEASE, AND SPELL IT.

LIEUTENANT BIXLER: ERIC BIXLER, E-R-I-C, B-I-X-L-E-R.

MS. AMIN: OKAY. AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE IN THE HEARING BEFORE THE BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

LIEUTENANT BIXLER: YES, I DO.

MS. AMIN: THANK YOU. HAVE A SEAT.

OKAY. MR. SEKI?

LIEUTENANT ERIC BIXLER,
WAS CALLED AS A WITNESS BY THE
ACCUSED, HAVING BEEN FIRST DULY
SWORN, WAS EXAMINED AND TESTIFIED
AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. SIR, LET'S START WITH WHAT IS YOUR CURRENT RANK AND ASSIGNMENT?

A. I'M A LIEUTENANT. I'M CURRENTLY ASSIGNED TO GANG AND NARCOTICS DIVISION, THE UNITED STATES MARSHALL'S APPREHENSION TASK FORCE, F.B.I. GANG TASK FORCE, AND THE F.B.I. VIOLENT TRANSNATIONAL ORGANIZED

CRIME TASK FORCE.

Q. HOW LONG HAVE YOU BEEN A MEMBER OF LAPD?

A. 28 YEARS.

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. SINCE 2002.

Q. HOW LONG HAVE YOU BEEN TO ASSIGNED TO G.N.D.?

A. FIVE YEARS.

Q. AND WHILE YOU WERE THERE, HAVE YOU SUPERVISED DETECTIVE LUKE WALDEN?

A. YES, I HAVE.

Q. CAN YOU TELL US WHAT HE WAS DOING, WHAT HIS DUTIES WERE AT THE TIME YOU WERE SUPERVISING?

A. IN 2018 UNTIL 2019 HE WAS IN THAT GUN UNIT, AND THEN I MOVED HIM OVER TO MY F.B.I. GANG TASK FORCE IN 2019, 2020, RIGHT IN THERE.

Q. WHEN HE WAS IN THE GUN UNIT, DID HE HAVE SPECIFIC DUTIES?

A. YES.

Q. CAN YOU DESCRIBE THOSE FOR THE BOARD, PLEASE?

A. HIS DUTIES AT THAT TIME WERE GOING THROUGH [redacted]

[redacted]

Q. WHAT TRAINING, IF ANY, ARE YOU AWARE OF THAT -- WELL, LET ME REPHRASE THIS. ARE YOU AWARE OF DETECTIVE WALDEN HAVING ANY TRAINING RELATED TO SILENCERS OR IDENTIFICATION OF SILENCERS?

A. OFFICIAL TRAINING, NO. JUST ON-THE-JOB TRAINING.

Q. WHAT DO YOU MEAN BY ON-THE-JOB TRAINING?

A. HE WAS -- OUR DETECTIVE III IN CHARGE OF THE UNIT, HE WOULD PROVIDE TRAINING AND GUIDANCE, AS WELL AS OTHER SEASONED DETECTIVES AND INVESTIGATORS.

Q. IN FRONT OF YOU YOU HAVE -- THERE'S -- NOT THAT (INDICATING), BUT THE PAPERWORK IN FRONT OF YOU. YOU HAVE ITEMS THAT ARE MARKED DEPARTMENT'S 2 AND 3. THEY'RE THE A.T.F. TECHNICAL BULLETINS. SO THERE'S ONE AT THE FAR RIGHT AND THEN -- THAT ONE (INDICATING).

A. NO. 2 AND NO. 3 HERE, YES.

Q. ARE YOU FAMILIAR WITH THOSE?

A. I HAVE SEEN THEM, YES.

Q. ARE THOSE ROUTINELY DISTRIBUTED TO MEMBERS OF G.N.D.?

A. WE PULL MOST OF THEM AND REVIEW ALMOST ALL OF THEM AND RECEIVE PROBABLY HUNDREDS OF THEM A YEAR.

Q. AND IS THAT PART OF A REGULAR LAPD TRAINING OR NOT?

A. REGULAR TRAINING, NO. WE JUST HAPPEN TO RESEARCH WHAT'S GOING ON; AND IF IT'S RELEVANT TO WHAT WE'RE DOING AT THE TIME, THEN WE LOOK THEM UP. IF IT'S NOT, THEN WE DON'T.

Q. SO IT'S MORE OF A RESEARCH RESOURCE AS OPPOSED TO MANDATORY TRAINING?

A. CORRECT.

Q. OKAY. AS A LIEUTENANT OF G.N.D., WERE YOU AWARE OF THE INVESTIGATION THAT WAS DONE IN THIS MANNER?

A. YES.

Q. AND HOW IS THAT?

A. WHEN THE INVESTIGATION WAS DONE, I WAS PRESENTED WITH THE WRITTEN INVESTIGATION FROM INTERNAL AFFAIRS. AND I REVIEWED IT TO COMPLETE A LETTER OF TRANSMITTAL, WHICH IS AFTER I SEE THE INVESTIGATION, I RECOMMEND WHAT I WOULD SEE IN THE INVESTIGATION, WHAT THE PENALTY SHOULD BE AND THEN SUBMIT IT TO MY CAPTAIN. BUT IN THIS CASE, ONCE I RECEIVED IT, THERE WAS A BUNCH OF INACCURACIES IN THE INVESTIGATION. SO I KICKED IT BACK TO INTERNAL AFFAIRS, AND THEN IT CAME

BACK. AT ANOTHER TIME IT WAS COMPLETE AND MY CAPTAIN JUST HANDLED IT AT THAT POINT.

Q. BASED UPON YOUR REVIEW OF THE INVESTIGATION, WERE ANY WEAPONS THAT WERE POSSESSED BY DETECTIVE WALDEN, DID THEY HAVE THREADED BARRELS?

A. NO.

Q. THANK YOU.

I HAVE NOTHING ADDITIONAL.

MS. AMIN: JUST FOR THE RECORD, I NOTICE THAT WE HAVE AN ADDITIONAL PERSON OBSERVING. LET'S JUST PUT ON THE RECORD WHO THAT PERSON IS.

MR. PARK: GOOD AFTERNOON. ADVOCATE CITY ATTORNEY HOWARD PARK.

MS. AMIN: NICE TO SEE YOU. THANK YOU.

ALL RIGHT. GO AHEAD, DEPARTMENT. CROSS?

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. GOOD AFTERNOON, LIEUTENANT.

A. GOOD AFTERNOON.

Q. I'LL KEEP THIS QUICK. I KNOW YOU HAVE PLACES TO BE.

TO BE CLEAR, DID YOU SAY THAT THE A.T.F. TECHNICAL BULLETINS WERE REVIEWED BY MEMBERS OF THE GUN UNIT?

A. THEY COULD HAVE BEEN.

Q. OKAY.

A. I HAVE SEEN THEM SINCE BECAUSE -- LET'S GO BACK. THE REASON I KNOW ABOUT THESE IS ABOUT 2022, WE STARTED SEEING A LOT OF THE -- SUPPRESSORS STARTED COMING IN THROUGH THE INTERNATIONAL MAIL FACILITY, WHICH IS CUSTOMS AND BORDER PROTECTION. THEY BECAME AWARE OF THOSE AND THEY WOULD SEIZE THOSE. SO THAT'S ABOUT WHEN THEY CAME IN. PRIOR TO THAT WE WERE DOING GLOCK SWITCHES SO THEN WE'D REVIEW THE TECHNICAL BULLETINS AS THINGS BECOME RELEVANT.

ABOUT 2021 IS -- 2022 IS WHEN THE SILENCERS STARTED COMING IN TO THE I.M.F. BEFORE THAT IT WAS GLOCK SWITCHES WERE THE NUMBER ONE THING BECAUSE THEY WERE IN SEVERAL OFFICER-INVOLVED SHOOTINGS WHERE THE SUSPECTS WERE --

THE REPORTER: SIR, YOU HAVE TO SLOW DOWN.

LIEUTENANT BIXLER: OKAY. SORRY.

THE REPORTER: ARE YOU SAYING "GLOCK SWITCHES"?

LIEUTENANT BIXLER: GLOCK SWITCHES. THEY'RE LITTLE SWITCHES YOU PUT IN THE BACK OF ANY STANDARD GLOCK, IT WILL MAKE IT A FULLY AUTOMATIC WEAPON. SO WE WERE DEALING WITH THOSE BECAUSE THERE HAD BEEN SEVERAL OFFICER-INVOLVED SHOOTINGS WHERE THEY SHOT THE

POLICE. SO THAT WAS A PRIORITY WITH US, A.T.F., C.B.P., AND H.S.I. AT THE TIME.

BY SERGEANT SLATER:

Q. BUT TO BE CLEAR, TECHNICAL BULLETINS ARE AVAILABLE AND ARE VIEWED BY MEMBERS OF THE GUN UNIT -- YOU SAID HUNDREDS OF THEM ARE VIEWED. SO AS THEY BECOME AVAILABLE, THEY ARE VIEWABLE.

A. YES.

Q. OKAY. AND THE DATE ON THOSE TECHNICAL BULLETINS?

A. OCTOBER 30TH OF 2019.

Q. WAS THAT THE TIME FRAME WHICH LUKE WALDEN WAS IN THE GUN UNIT?

A. YES.

Q. OKAY. NOW, YOU MENTIONED YOU WERE RESPONSIBLE FOR SUPERVISING LUKE WALDEN IN THE GUN UNIT. WERE ONE OF HIS RESPONSIBILITIES TO IDENTIFY ASSAULT WEAPONS?

A. YES.

Q. AND WAS ONE OF THOSE RESPONSIBILITIES TO IDENTIFY SILENCERS OR, AS THEY'RE COMMONLY KNOWN, SUPPRESSORS, IF THEY WERE PART OF AN ASSAULT WEAPON?

A. YES.

Q. WHAT ON-THE-JOB TRAINING DID MEMBERS OF THE GUN UNIT HAVE TO IDENTIFY SILENCERS AND FIREARMS?

A. AS I SAID BEFORE, WE JUST -- OTHER DETECTIVES WILL TRAIN YOU WHAT WE SAW; AND, BASICALLY, AT THE TIME IT WAS FAIRLY SIMPLE. SOMETIMES THERE IS A -- WHEN YOU HAVE A WEAPON WITH A THREAD BARREL, YOU CAN THREAD ON A SILENCER. AND SOMETIMES IT'S ALSO A BARREL SHROUD BECAUSE A LOT TIMES THEY HAVE BARREL SHROUDS THAT MAKE THEM LOOK NEAT. SO THEY HAVE -- THEY HAVE WHAT LOOKS LIKE A SILENCER, BUT IT'S JUST SOMETHING TO THREAD ON. BUT THERE'S NOTHING THERE TO TRAP THE GASES OR DIMINISH THE SOUND OF A FIREARM REPORT. SO IT'S REALLY A BARREL EXTENDER. AND THEN IF IT HAD BAFFLING OR A MONOLITHIC CORE INSIDE OF IT, THEN THAT WOULD A SUPPRESSOR. SO WE DIDN'T NEED TO GO OFF OF LIKE FEDERAL STANDARDS WHERE IT HAS TO REDUCE BY A CERTAIN DECIBEL AMOUNT. IT WAS JUST A SILENCER OR IT'S NOT.

Q. IF I HEARD YOU CORRECTLY, YOU SAID IF IT HAD A MONOCORE BAFFLE?

A. MONOLITHIC.

Q. MONOLITHIC CORE? WHAT IS A MONOLITHIC CORE?

A. MONOLITHIC CORE IS A PIECE OF METAL INSIDE A SINGLE PIECE OF METAL, AND THAT'S GOING TO HAVE NO TUNNELS FOR GAS AND SOUND TO GO UP THERE, AND THAT WOULD HELP DIMINISH THE REPORT; OR YOU HAVE BAFFLING, WHICH IS LIKE WASHERS OF DIFFERENT SIZES OR A PACKING

OF LIKE FIBERGLASS INSIDE TO HELP ABSORB THE SOUND.

Q. DO YOU SEE A MONOLITHIC CORE ON THAT TABLE?

A. THIS APPEARS TO BE ONE RIGHT HERE ONE OF MY LEFT (INDICATING).

Q. AND WAS THAT SOMETHING THAT LUKE WALDEN WOULD HAVE BEEN FAMILIAR WITH IN HIS TIME IN THE GUN UNIT?

A. 'CAUSE IT'S UP HERE, I THINK IT'S THE SAME ONE I REVIEWED ONCE THIS CASE WAS GOING ON AND I CAME TO LOOK IT, AND THIS IS A SUPPRESSOR.

Q. WOULD IT --

A. IT'S APART RIGHT NOW, BUT TOGETHER IT'S A SUPPRESSOR.

Q. OKAY. AND SO IN YOUR OPINION, THAT'S A SUPPRESSOR?

A. YES, IF YOU PUT IT TOGETHER.

MR. SEKI: IT'S NONRESPONSIVE. HE DIDN'T ANSWER THE QUESTION. THE QUESTION WAS WHETHER OR NOT LUKE WOULD HAVE BEEN AWARE OF THAT, IF YOU KNOW.

LIEUTENANT BIXLER: OH, THAT, I DON'T KNOW.

MS. AMIN: SUSTAINED.

LIEUTENANT BIXLER: AS FAR AS THIS, HE NEVER SAW IT SO HE WOULDN'T KNOW IF IT WAS --

BY SERGEANT SLATER:

Q. LET ME REPHRASE MY QUESTION THEN. WOULD THE

FEATURE OF MONOLITHIC CORE BE SOMETHING THAT LUKE WALDEN WAS FAMILIAR WITH FROM HIS TIME IN THE GUN UNIT?

A. YES.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: MR. SEKI?

MR. SEKI: YEAH, BRIEFLY.

REDIRECT EXAMINATION

BY MR. SEKI:

Q. ONE OF THE THINGS YOU TALKED ABOUT, YOU SAID IN 2022 IS WHEN SILENCERS BECAME A BIGGER ISSUE AT -- AND YOU DESCRIBED THE AIRPORT WITH CUSTOMS, BORDER PATROL, CORRECT?

A. C.B.P. AT THE INTERNATIONAL MAIL FACILITY.

Q. OKAY. AND HOW WOULD ALL BECOME INVOLVED IN THAT OR BE NOTIFIED ABOUT IT?

A. HOW IT WORKS IS C.B.- -- CUSTOMS AND BORDER PROTECTION, THEY'RE THE ONES WHO OPERATE THE INTERNATIONAL MAIL FACILITY. SO ALL MAIL COMES IN THROUGH THERE, WHETHER IT'S PRIVATE, U.P.S., WHATEVER, IT DOESN'T MATTER. IT COMES IN. THEY GO THROUGH -- THE MAIL COMES IN. A CERTAIN PERCENTAGE OF PACKAGES THEY GO THROUGH. THEN WHEN THEY COME ACROSS SOMETHING THEY THINK IS ILLEGAL, LIKE IN THIS CASE, EITHER THE

GLOCK SWITCHES OR THE SILENCERS, THEY WOULD RUN A --

[redacted]

Q. OKAY. YOU ENDED UP -- AND I DON'T HAVE THE YEARS IN MY MIND RIGHT NOW, BUT YOU SAID THAT DETECTIVE WALDEN WORKED IN THE GUN UNIT FROM 2018 TO 2019. AND THEN SOMEWHERE IN 2019 HE WAS MOVED TO THE TASK FORCE.

A. YES. THE F.B.I. GANG TASK FORCE.

Q. OKAY. AND THE F.B.I. TASK FORCE, WHAT WAS THE FOCUS THERE?

A. WE FOCUSED PRIMARILY ON WORK -- THERE'S TWO SECTIONS. CRIMINAL ENTERPRISE 5, WHICH IS WHAT WE DO. AND THAT IS INVESTIGATING THE MEXICAN MAFIA AND THEN

GANGS UNDERNEATH THAT, SUBSET OF THE MEXICAN MAFIA.

Q. SO IN TERMS OF DEALING WITH SILENCERS OR GUNS AT THAT TIME, WOULD HE HAVE DEALT WITH THAT ON A REGULAR BASIS?

A. THEY CARRY FIREARMS AND AMMUNITION SO WE DO IT IN THAT CAPACITY TO GO AFTER THE GANGS. SO WE DON'T DO IT JUST LIKE AN INDIVIDUAL TAKE-DOWN USUALLY. IT'S WE PUT OUR RICO CASE TOGETHER. SO SOMETIMES WE DO INDIVIDUAL CASES WITH FIREARMS, AND THEN WE WOULD USE THOSE, DISMISS THE CASE IN A STATE FILING. AND THEN WE WOULD PUT IT ALL TOGETHER FOR A FEDERAL FILING SO WE COULD DO A RICO ON THEM.

Q. THANK YOU.

NOTHING ADDITIONAL.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FROM THE DEPARTMENT.

MS. AMIN: MR. ORTEGA, QUESTIONS?

EXAMINATION

BY MR. ORTEGA:

Q. DID I UNDERSTAND YOU CORRECTLY -- OR MAYBE I NEED YOU TO CLARIFY FOR ME -- I REMEMBER THAT WHEN YOU BEGAN YOUR TESTIMONY, YOU MENTIONED DEFICIENCIES IN THE REPORT THAT YOU SENT BACK TO I THINK INTERNAL

AFFAIRS?

A. YES.

Q. WAS THAT THE INVESTIGATION ON OFFICER -- ON OFFICER BIXBY (SIC) -- OR ON THE DEFENDANT HERE?

A. YES, IT WAS.

Q. OKAY. WHAT WAS THE NATURE OF THE INACCURACIES?

A. I KNOW THAT FOR SURE, 'CAUSE THEY WERE SAYING HE WAS IN POSSESSION OF A BUNCH OF ASSAULT PISTOLS. HE SAID THAT A LOT OF PISTOLS HE POSSESSED HAD THREAD BARRELS ON THEM. BUT THEY WENT AND RAN THEM ONLINE. THEY DIDN'T ACTUALLY -- THEY WEREN'T PERTAINING TO THE FIREARMS HE HAD IN HIS POSSESSION, BECAUSE -- LIKE SO MY PISTOL ON MY SIDE, I CAN ORDER IT FROM A COMPANY IN A DIFFERENT STATE WITH A THREADED BARREL, WHICH IN CALIFORNIA, THAT THREADED BARREL WOULD MAKE IT AN ASSAULT PISTOL. CALIFORNIA, YOU CAN'T BUY THEM HERE. SO EVERYTHING WAS SHIPPED IN THAT WAS PURCHASED WITH A CALIFORNIA-COMPLIANT PISTOL; SO, THEREFORE, THEY WERE NOT ASSAULT PISTOLS. AND THE REPORT -- IN THE REPORT IT SAID THEY WERE ASSAULT PISTOLS, AND THEY WEREN'T. THEY WERE JUST NORMAL PISTOLS. SO THAT WAS A BIG HUGE MISNOMER ON HOW THEY CLASSIFIED THE PISTOLS.

Q. THANK YOU FOR CLARIFYING THAT. I THOUGHT

THAT'S WHAT I HEARD. THANK YOU.

MS. STRONG-FARGAS: THAT WAS MY QUESTION.

EXAMINATION

BY MS. AMIN:

Q. BUT THE ITEMS ON THE DESK THERE TO YOU ARE CLEARLY NOT -- ARE USED FOR A SILENCER?

A. THIS ONE PUT TOGETHER IS A SILENCER, YES.

Q. AND ANY OTHER PURPOSE THAT YOU KNOW OF.

A. NO.

Q. CAN'T BE A FUEL FILTER?

A. THE WAY THIS IS RIGHT HERE, IT WOULD NOT BE. IT'S GOING TO BE JUST A SILENCER.

MS. AMIN: OKAY.

EXAMINATION

BY MR. ORTEGA:

Q. I HAVE -- AND MAYBE YOU'VE ALREADY SAID THIS, BUT AN INDIVIDUAL THAT BELONGS TO THE GUN UNIT FOR LAPD WOULD BE ABLE TO DISCERN THAT, RIGHT?

A. YES.

Q. A SILENCER IF THEY SAW IT?

A. YES.

Q. OKAY.

A. IF THEY SAW IT, YES.

MS. AMIN: OKAY. ANY OTHER QUESTIONS? MR. SEKI?

MR. SEKI: NO.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER.

MS. AMIN: YOU SURE?

SERGEANT SLATER: I'M SURE THIS TIME.

MS. AMIN: ALL RIGHT. THANK YOU VERY MUCH. YOU'RE EXCUSED.

LIEUTENANT BIXLER: THANK YOU.

MR. SEKI: DO YOU NEED PARKING?

LIEUTENANT BIXLER: YES.

MS. AMIN: SO WE'RE GOING TO BREAK FOR LUNCH?

MR. SEKI: WE'LL REST, AND THEN WE CAN TAKE A LUNCH BREAK AND COME BACK AND DO CLOSINGS.

MS. AMIN: SURE. ONE HOUR. BACK AS 1:15. THANK YOU.

(LUNCH RECESS WAS TAKEN FROM 1216 HOURS UNTIL 1316 HOURS.)

MS. AMIN: LOOKS LIKE WE'RE ALL HERE, AND I UNDERSTAND THAT THE DEPARTMENT AND THE DEFENSE HAVE NOW RESTED. READY FOR CLOSING STATEMENTS?

SERGEANT SLATER: YES, MA'AM.

MR. SEKI: YES.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: GOOD AFTERNOON. DETECTIVE WALDEN WOULD HAVE YOU BELIEVE THIS IS A MATTER OF CONVENIENCE. HE WANTS YOU TO BELIEVE THE FACTS THAT ARE CONVENIENT FOR HIM, BUT THERE ARE POINTS I WOULD LIKE TO EMPHASIZE. DETECTIVE WALDEN IS A DEPARTMENT AND COURT-CERTIFIED GUN EXPERT. YET WHEN ASKED BEFORE THIS BOARD, HE CONTINUALLY DOWNPLAYED HIS KNOWLEDGE. THIS WAS REFUTED BY HIS VERY SUPERVISOR, LIEUTENANT BIXLER, WHO EXPLAINED THAT AS A MEMBER OF THE GUN UNIT, DETECTIVE WALDEN HAD RECEIVED ON-THE-JOB TRAINING AND HAD ACCESS TO THE A.T.F. TECHNICAL BULLETINS THAT DESCRIBED THE SPECIFIC FEATURES OF A SILENCER AND HOW A SILENCER WORKS AND ATTACHES TO A FIREARM. LIEUTENANT BIXLER STATED THAT AT THE TIME WALDEN WAS IN THE UNIT, HE WOULD HAVE BEEN FAMILIAR WITH THE DISTINCTIVE MONOCORE FEATURES OF A FIREARM SILENCER, AND THAT THE ITEM RECOVERED EN ROUTE TO WALDEN COULD BE NOTHING BUT A SILENCER.

ADDITIONALLY, WALDEN HAS DOWNPLAYED THE FACT THAT OVER FOUR-PLUS MONTHS, HE WAS VIEWING AND RESEARCHING SILENCERS AS PART OF HIS WORK. AND AS REFERENCED IN BOARD EXHIBIT 1, WE HAVE FROZEN SOME WEB PAGES VIEWED BY DETECTIVE WALDEN. THESE ITEMS CLEARLY DEPICT THE DISTINCTIVE FEATURES THAT LIEUTENANT BIXLER

IDENTIFIED AS PART OF A SILENCER. THE DESCRIPTION ON THE ACTUAL ITEM ORDERED AS INDICATED IN DETECTIVE WALDEN'S PAYPAL IS WORDED EXACTLY AS THE WEB PAGES FROZEN AND VIEWED BY DETECTIVE WALDEN.

ADDITIONALLY, DETECTIVE WALDEN HAS PURCHASED WHAT WAS LABELED AND IDENTIFIED AS A SOLVENT TRAP FUEL FILTER ALSO IDENTIFIED IN THOSE SAME FROZEN WEB PAGES. YOU HEARD FROM CRIMINALIST BIRAIMAH. THE SOLVENT TRAP AND FUEL FILTER ARE NOT INTERCHANGEABLE ITEMS, AND THEY LITERALLY DO THE OPPOSITE ACTIONS.

DETECTIVE WALDEN HAS EMPHASIZED THAT HE HAD AN EXTENSIVE KNOWLEDGE OF REBUILDING FUEL SYSTEMS, AND CERTAINLY SOMEONE WITH THE AMOUNT OF EXPERIENCE WALDEN HAS WHO IS CAPABLE OF REBUILDING THE ENTIRE FUEL LINE AND CHANGING THE ENGINE IN A VEHICLE, WOULD KNOW IF SOMETHING HAD TWO OPPOSING CONTRADICTING WORDS IN ITS TITLE THAT IT PROBABLY WAS NOT WHAT IT WAS MARKETED AS. EVEN IF DETECTIVE WALDEN WANTED TO CONVERT THAT RECOVERED ITEM TO USE IN HIS VEHICLE, WE HAVE HEARD FROM MR. FIELD THAT THERE WERE MULTIPLE -- AND I'M GOING TO GET THREE SPECIFIC REASONS WHY THIS WOULD BE IMPRACTICAL. ONE, THE AMOUNT OF LABOR TO USE THIS ITEM IN A VEHICLE WOULD BE IMPRACTICAL AND IS NOT TIME-EFFICIENT, ESPECIALLY FOR SOMEONE, AS DETECTIVE WALDEN CLAIMED, WHO WAS TOO BUSY TO EVEN SWAP OUT THE

FUEL FILTER WHEN HE RECEIVED IT.

SECONDLY, IT WAS NOT COST-EFFECTIVE TO USE THIS ITEM IN A VEHICLE. THERE WERE SPECIFIC CHANGES THAT WOULD NEED TO BE DONE AND ADDITIONAL ITEMS THAT WOULD NEED TO BE PURCHASED.

LASTLY, AS MR. FIELD POINTED OUT, THE FILTER THAT WALDEN ORDERED LATER IN AUGUST CAME WITH INSTRUCTIONS. HOWEVER, AS THE PROPERTY REPORT IN YOUR EXHIBITS WILL INDICATE, THERE WERE NO INSTRUCTIONS INCLUDED WITH THE INTERCEPTED ITEM THAT MR. WALDEN HAD ORDERED.

DETECTIVE WALDEN HAS TRIED TO MISLEAD BOTH THE INVESTIGATORS IN THIS BOARD BY CLAIMING THAT HE ORDERED THE PART AS A FUEL FILTER FOR HIS VEHICLE. DETECTIVE WALDEN WOULD LIKE TO EMPHASIZE HE REBUILDS CARS AND FUEL SYSTEMS, BUT IS CONVENIENTLY NOT AWARE OF WHAT ITEM HE PURCHASED, DESPITE THE FACT THAT HE VIEWED AN ITEM WITH THE SAME NAME THAT HAD THE SAME DISTINCTIVE FEATURES.

FINALLY, I WOULD LIKE TO EMPHASIZE THAT THIS MATTER WAS PRESENTED CRIMINALLY, AND THAT PRELIMINARY HEARING DETERMINED THERE WAS ENOUGH EVIDENCE TO HOLD WALDEN TO ANSWER, AND THAT ONLY AFTER BEING HELD TO ANSWER AND HIS MOTION TO DISMISS WAS DENIED DID HE THEN PLEA OUT. THANK YOU.

MS. AMIN: MR. SEKI:

MR. SEKI: THANK YOU.

GOOD AFTERNOON. BEFORE I GET INTO OTHER COMMENTS, LET ME JUST MENTION THAT THE LAST PART MENTIONED BY SERGEANT SLATER IS INAPPROPRIATE UNDER THE BOARD OF RIGHTS MANUAL. YOU'RE NOT SUPPOSED TO GIVE CONSIDERATION TO ANY CRIMINAL ASPECT.

AS WE STARTED OFF IN THE BEGINNING, BIASED POLICING. AND YOU HEARD IT TODAY FROM LIEUTENANT BIXLER. THEY WOULD RUN PEOPLE TO DETERMINE WHETHER OR NOT THEY HAD FELONIES; AND IF THEY DID, THERE WOULD BE SOME SORT OF CRIMINAL INVESTIGATION THAT WOULD BE ONGOING. BUT IF THEY HAD NOTHING, WHAT WOULD HAPPEN? H.I.S., CUSTOMS AND BORDER PATROL WOULD SEND A LETTER SAYING "YOU MAY BE DOING SOMETHING WRONG." I CAN RELATE TO THAT. I'VE ACTUALLY HAD A LETTER LIKE THAT. I HAVE A HABIT, NOT A GREAT HABIT, BUT I LOVE CIGARS. I LOVE CUBAN CIGARS. ABOUT 20 YEARS AGO, I FOUND A SITE WHERE I CAN ORDER CUBAN CIGARS FROM HONG KONG. NOW, I HAD ORDERED A NUMBER OF CIGARS WITHOUT ANY PROBLEMS. AND ONE DAY I GET A LETTER OF ALL PLACES TO MY OFFICE, WHICH WAS OPENED BY OUR MAIL PERSON AND WAS FROM U.S. TREASURY SAYING, "YOU MAY BE IN VIOLATION OF THE U.S/CUBAN EMBARGO." OKAY. I'VE BEEN FOUND, BUT I WASN'T A CRIMINAL, AT LEAST I DIDN'T THINK I WAS, AND

I GOT A LETTER.

HERE, WHAT HAPPENED TO HIM WAS COMPLETELY DIFFERENT. IT WAS "WE'RE GOING TO FIND YOU, AND YOU'RE THE BOOGYMAN." AND ONE OF THE OTHER THINGS I TOLD YOU WAS THERE'S BEEN COMPLETE NEGLECT OF THE FACTS IN THIS CASE. LET'S START WITH THIS. DID HE ORDER A SILENCER? THE SHORT ANSWER IS GOING TO BE "YES" BECAUSE THAT'S WHAT IT WAS DETERMINED TO BE, A SILENCER. BUT AS YOU SEE ON GOOGLE, IT'S MARKETED AS EVERYTHING BUT. AND IT'S NOT JUST ONE SITE. THERE ARE PROBABLY THOUSANDS OF SITES. IN THE SHORT TIME THAT WE LOOKED AT IT ONLINE, YOU CAN SEE ALL THE THINGS THAT POPPED UP, "FUEL FILTER," "FUEL FILTER," "FUEL FILTER." WHAT ABOUT THE 12 OTHER FUEL FILTERS THAT WERE CONFISCATED BY CUSTOMS AND BORDER PATROL? YOU DIDN'T HEAR ANYTHING ABOUT THOSE. THEY IDENTIFIED ONE PERSON, LUKE WALDEN; AND THE INVESTIGATION STARTED.

BUT WE HAVE, AGAIN, ABOUT FACTS THAT ARE BEING IGNORED, THEY HAVE ALL OF THESE WEBSITES, AND THEY WANT TO SAY, "OH, HE KNEW EVERYTHING ABOUT IT. HE SHOULD HAVE KNOWN. HE HAD THE KNOWLEDGE." HE HAD THE ABILITY TO KNOW. THE QUESTION IS DID HE TRULY KNOW OR NOT?

HE WAS WORKING ON SOMETHING, A CAR,

REBUILDING IT. I SHOULDN'T EVEN SAY "REBUILDING" IT; CREATING A NEW CAR. TAKING AN OLD ENGINE OUT, PUTTING A NEW ENGINE IN, PUTTING A NEW FUEL TANK, HAVING TO CREATE A FUEL SYSTEM AND LOOKING FOR WHAT'S KNOWN AS A HIGH-FLOW OR HIGH-VOLUME FUEL FILTER. AND, AGAIN, WHEN HE RAN IT AND YOU SAW IT, HIGH-VOLUME OR HIGH-FLOW FUEL FILTER, YOU SEE ALL THE THINGS THAT CAME UP, INCLUDING THIS PARTICULAR ITEM. I THINK A COMMENT WAS, "WELL, MAYBE THIS IS FALSE ADVERTISING." IT IS. BUT THINK ABOUT IT. FACTS. IF HE WAS GOING TO ORDER A SILENCER, WOULDN'T HE HAVE TO HAVE SOMETHING TO PUT IT ON?

NOW, ONE OF THE THINGS THAT THE DEPARTMENT -- AND THEY TALK ABOUT INTEGRITY IN ALL WE SAY AND DO -- DID NOT PRESENT TO YOU WAS THAT THE GUNS THAT HE HAD, NONE OF THEM HAD A THREADED BARREL. THEY WERE TRYING TO GIVE YOU AN ASSUMPTION, TRY TO BAMBOOZLE YOU, THE WAY THIS WHOLE INVESTIGATION HAS BEEN. "OH, YEAH. IT WILL FIT THIS GUN; IT WILL FIT THIS GUN." BUT IT WOULDN'T BECAUSE NONE OF THEM HAD THREADED BARRELS. IN FACT, NO THREADED BARRELS WERE FOUND. AND HAD THEY BEEN, YOU WOULD HAVE KNOWN ABOUT IT. INTEGRITY IN ALL WE SAY AND DO, AND YET THEY TELL YOU THAT? THIS IS COMPLETELY CONTRARY TO WHAT YOU'RE REQUIRED TO DO IN THE BOARD OF RIGHTS MANUAL. 363.70

TALKS ABOUT THE EVIDENCE THAT'S SUFFICIENT. IT SAYS, "EVIDENCE MUST BE REASONABLE IN NATURE, CREDIBLE, AND OF SOLID VALUE." I READ THIS TO YOU AT THE BEGINNING. "INFERENCES BASED ONLY ON MERE POSSIBILITY, SUSPICION, SPECULATION, IMAGINATION, GUESSWORK, SUPPOSITION, CONJECTURE, OR SURMISE MUST BE REJECTED." THEY WANT YOU TO ASSUME, JUST LIKE THEY DID IGNORING THE FACTS. THERE ARE NO GUNS WHICH WOULD ATTACH TO IT. AND THINK ABOUT THIS. IF HE REALLY WANTED TO ORDER A SILENCER AND HE DIDN'T GET THIS ONE, WHY WOULD HE ORDER ANOTHER ONE? HE DIDN'T KNOW THAT HIS PACKAGE HAD BEEN CONFISCATED. REMEMBER, THIS WAS ALL SECRET. HE DIDN'T FIND OUT THAT HE WAS UNDER INVESTIGATION UNTIL SEPTEMBER. HE HAD NO IDEA. AND YET WHAT DOES HE DO? IN AUGUST OF '21 HE ORDERS A FUEL FILTER FROM AMAZON, ONE THAT LOOKS LIKE SOME OF THE FUEL FILTERS IN THE TECHNICAL BULLETINS. BUT THE TESTIMONY WE HEARD TODAY IS "EH, APPEARS TO BE A FUEL FILTER," 'CAUSE IT HAS THESE FITTINGS AND IT HAS A BRACKET AND ALL OF THAT. WELL, HE DECIDED HE WAS GOING TO ORDER IT BECAUSE HE KNEW IF IT DIDN'T COME, HE COULD GET A REFUND. DOES THAT MAKE SENSE?

I GOT YOU TELL YOU, PREPARING FOR THIS CASE, I REALIZED, DECEMBER YOU BUY ALL THESE PRESENTS FOR PEOPLE, I HAD ORDERED AN ITEM. IT WAS LIKE A LITTLE

TRAIN SET. IT WAS SOMETHING THAT WAS KIND OF COOL. IT HAD A TRACK. IT CAN GO ALL AROUND. IN FACT, THE CAR THAT WENT ON IT COULD GO UPSIDE DOWN. I THOUGHT THIS WAS PERFECT FOR MY ASSOCIATE'S KIDS. IT POPPED UP ON MY PHONE ON INSTAGRAM, AND I ORDERED IT. IT SAID I WOULD GET IT BEFORE CHRISTMAS, AND CHRISTMASTIME CAME. AND I DIDN'T THINK MUCH ABOUT IT BECAUSE THERE WERE A COUPLE OF OTHER THINGS THAT I HAD ORDERED THAT I HADN'T RECEIVED. YOU KNOW WHAT, IT'S FEBRUARY 14TH TODAY AND I STILL DON'T HAVE IT. YOU MIGHT SAY TO YOURSELF, WELL, CAN'T YOU LOOK IT UP? I DON'T KNOW HOW. I DON'T EVEN KNOW WHAT SITE I GOT IT FROM. I HAVE DIFFERENT PAY THINGS, PAYPAL, SHOPIFY, SOME OTHER THINGS. I HAVE NO IDEA WHAT ACCOUNT I USED. AND THE EASIEST THING FOR ME TO DO AT THIS POINT IN TIME -- IT'S FEBRUARY, BUT THEY'RE GETTING A DIFFERENT CHRISTMAS PRESENT. IT'S EASY FOR US TO SAY, YEAH, GO BACK, SEE WHERE YOU ORDERED IT FROM, WHATEVER ELSE, ALL OF THIS STUFF. HE DID WHAT MADE SENSE. HE WAS OUT 40 BUCKS. WHAT DID HE DO? HE WENT TO A SITE THAT HE KNEW WAS RELIABLE AND ORDERED SOMETHING THAT HE COULD USE. FACTS. HE WAS WORKING ON CARS. FACTS. YOU HAVE ALL OF THAT IN FRONT OF YOU. SHOWED YOU PICTURES OF ALL THE DIFFERENT VEHICLES HE'S WORKING ON IN DIFFERENT STATES OF DISREPAIR OR REPAIR, WHATEVER

IT MAY BE. BUT THESE ARE THE FACTS. THE FACTS ARE HE ORDERED SOMETHING THAT WAS IDENTIFIED AS A FUEL FILTER. SHOULD HE HAVE KNOWN BETTER? MAYBE. IT'S EASY FOR US TO SAY, YEAH, WE ASSUME THAT HE WOULD HAVE KNOWN ALL OF THAT. BUT, AGAIN, IT'S AN ASSUMPTION. WE DON'T KNOW FOR SURE. AND HE ORDERS WHAT HE BELIEVES IS GOING TO BE A HIGH-FLOW OR A HIGH-VOLUME FUEL FILTER FOR THE FUEL SYSTEM HE IS CREATING WHEN HE'S PUTTING A V-8 ENGINE IN HIS CAR. NEVER GETS IT. HE ORDERS SOMETHING ELSE, WHICH CAN BE USED. YOU HAVE TO ASK YOURSELF, WHY WOULD HE ORDER THAT WHEN HE DIDN'T KNOW THE ORIGINAL PACKAGE HAD BEEN CONFISCATED. HE HAD NEVER BEEN TOLD ABOUT THAT, INSTEAD OF JUST ORDERING ANOTHER ITEM EXACTLY THE SAME IF HE REALLY WANTED A SILENCER. THOSE ARE REALLY THE KEY FACTS TO THIS CASE. THE KEY THINGS THAT THEY IGNORED.

IF YOU THINK ABOUT THE INVESTIGATION, WE HAVE SERGEANT JIZMEJIAN UP HERE. WHAT DID HE TELL YOU WHEN HE HAD ASKED FOR THESE PHOTOGRAPHS OF SOMETHING THAT HAD BEEN PURCHASED? WHAT DID HE DO WITH IT? ABSOLUTELY NOTHING. I MEAN, HE GOT THE TECHNICAL BULLETINS, AND YOU LOOK AT THE TECHNICAL BULLETINS, AND THIS LOOKS SIMILAR TO THE ITEMS THAT ARE IN THERE THAT ARE SUPPOSED TO BE SILENCERS. AND YET HE NEVER PRESENTED THIS TO ANYBODY TO DETERMINE WHETHER OR NOT

IT WAS A SILENCER. HE NEVER CHECKED TO SEE WHETHER OR NOT THERE WERE ANY GUNS THAT HAD THREADED BARRELS. IN FACT, HE WAS THERE DURING THE SEARCH. HE HAD THIS, AND HE COULD HAVE LOOKED FOR THIS OR COULD HAVE LOOKED FOR OTHER ITEMS, BUT HE DIDN'T.

ASSUMPTIONS WERE MADE THROUGHOUT. BECAUSE HE'S A POLICE OFFICER, BECAUSE HE'S IN THE GUN UNIT, HE SHOULD KNOW. AND YET WHERE ARE THE FACTS TO PROVE THAT? WHAT HAVE THEY GIVEN YOU? A LOT OF SPECULATION, A LOT OF THINGS THAT, "OH, YEAH, I GUESS SO. MAYBE." BUT THEY NEVER GAVE YOU PROOF THAT HE VIEWED ANY OF THOSE TECHNICAL BULLETINS OR THAT HE HAD A NEED TO. THE BEST THEY GAVE YOU IS THAT HE ENDED UP VIEWING THESE THINGS. AND WHAT DID HE TELL YOU? I'M HOLDING UP WHAT'S BEEN MARKED AS DEPARTMENT'S -- OR EXCUSE ME -- BOARD 1, THESE PAGES (INDICATING), AND HE VIEWED THEM; BUT WE DON'T KNOW WHAT ELSE WAS AROUND IT OR SURROUNDED IT. WE HAVE THESE SCREENSHOTS.

THE WAY THAT DETECTIVE WALDEN DESCRIBED TO YOU THAT HE DID SEARCHES IS THE WAY THAT MOST OF US DO IT. GET PICTURES. YOU PUNCH ON IT, YOU PUNCH ON IT, YOU PUNCH ON IT. THINGS POP UP. YOU COULD GO DEEPER IF YOU NEED TO; BUT, FOR THE MOST PART, HE'S DOING THAT. WHAT DOES THIS TELL YOU? HE WAS LOOKING FOR A FUEL FILTER. OKAY. THAT'S PROBABLY IT. WE DON'T

HAVE ANYTHING MORE.

THE TECHNICAL BULLETINS THAT YOU WERE GIVEN, AGAIN, A LOT OF ASSUMPTIONS IN HERE, THAT HE SHOULD HAVE SEEN THIS OR SHOULD HAVE KNOWN ABOUT IT, BUT WE HAVE NO PROOF THAT HE DID. BUT ONE OF THE INTERESTING THINGS THAT YOU LEARN FROM ALL OF THIS IS ANYTHING CAN BE A SILENCER, RIGHT? A FRAM OIL FILTER COULD BE RIGGED TO BE A SILENCER. THAT'S SOMETHING YOU SEE IN ALL OF OUR CARS, FUEL FILTERS, UNLESS YOU HAVE A CUSTOM WHERE YOU DON'T NEED IT. BUT, TYPICALLY, AN OIL FILTER, YOU CAN USE A POTATO; YOU CAN USE A PILLOW LIKE THEY DO IN THE MOVIES. ANYTHING CAN BE USED. WE'VE HEARD ABOUT FLASHLIGHTS BEING USED. SO IF SOMEBODY ORDERS A FRAM FILTER AND THEY KNOW THAT IT'S LISTED IN HERE AS SOMETHING THAT CAN BE USED AS A SILENCER AND IT COMES FROM CHINA, DOES THAT NECESSARILY MEAN THEY'RE ORDERING A SILENCER? NO. THEY COULD BE ORDERING A FILTER.

THE INTERNET HAS THINGS SO ACCESSIBLE TO EACH AND EVERY ONE OF US, AND SOMETIMES YOU GET PRODUCTS THAT ARE EXACTLY WHAT THEY'RE SUPPOSED TO BE. SOMETIMES YOU GET THINGS THAT DON'T EVEN FIT. I GOT SOMETHING THE OTHER DAY -- AGAIN, TELLING ABOUT MY SHOPPING HABITS, PROBABLY SHOPPING TOO MUCH. AS MY DAUGHTER WOULD SAY, I'VE GOT A SHOPPING PROBLEM. BUT

I ORDERED THESE THINGS THAT ARE SUPPOSED TO GO AROUND YOUR NECK AND THEY'RE SUPPOSED TO BE LIKE NECK WARMERS. THEY HAVE A HEATING ELEMENT IN THEM. AND I LOOK AT THE PICTURE, AND THERE'S A BATTERY THAT'S SUPPOSED TO BE PART OF IT. AND WHAT I GOT, THERE WAS NO BATTERY. WHEN I TRIED TO FIGURE OUT IF I COULD RETURN THAT, THERE WAS NO RETURN ADDRESS. I DIDN'T KNOW HOW TO GO BACK AND GET -- AND, AGAIN, I DIDN'T ORDER IT FROM AMAZON. I ORDERED IT FROM SOMETHING THAT POPPED UP ON MY INSTAGRAM. AND, AGAIN, I'VE GOT TO STOP DOING THAT BECAUSE I'M ORDERING FROM PLACES THAT THE PRODUCTS EITHER AREN'T COMING OR THEY'RE NOT GOOD. BUT SOMETIMES YOU GET STUFF, AND IT'S NOT WHAT YOU EXPECT IT TO BE. AND UNTIL YOU ACTUALLY GET IT, YOU DON'T KNOW.

DID LUKE WALDEN GET THE ITEM TO EXAMINE IT, TO SEE IT, TO KNOW EXACTLY HOW IT WAS GOING TO WORK OR IF IT WAS GOING TO WORK OR IF HE HAD TO, I DON'T KNOW, FABRICATE SOMETHING TO HELP IT WORK? I MEAN, HE HAS THAT ABILITY? NO, HE DIDN'T EVEN GET THAT.

THE QUESTION CAME UP FROM MR. ORTEGA, "HEY, COULD YOU FABRICATE A SILENCER?" HE'S LIKE, "WELL, IF I LEARNED HOW AND HAD THE RIGHT SPECS, I HAVE THE ABILITY TO PROBABLY DO THAT."

SOMEBODY WHO KNOWS GUNS, WHY WOULD -- AND,

AGAIN, IT'S A LITTLE DIFFERENT. YOU KNOW A GUN. YOU'RE SPENDING MONEY, HUNDREDS, MAYBE EVEN THOUSANDS OF DOLLARS ON BUYING A WEAPON, AND YOU'RE GOING TO GET THIS $40 THING FROM CHINA THAT YOU'RE GOING TO PUT ON AS A, QUOTE, UNQUOTE, "SILENCER"? STRUCTURALLY, YOU DON'T KNOW WHAT IT'S LIKE. YOU DON'T KNOW WHETHER IT'S GOING TO WITHSTAND IT. AND, AGAIN, THE MOST IMPORTANT THING, YOU DON'T EVEN HAVE ANYTHING IT'S GOING TO FIT ON. BUT LET'S SAY YOU DID, WHY WOULD YOU DO THAT? WHY NOT FABRICATE SOMETHING? WHY NOT MAKE IT SO THAT YOU KNOW IT'S GOING TO WORK SO THAT YOU KNOW IT'S GOING TO WORK SO THAT YOU HAVE ALL THE TECHNICAL ASPECTS FOR IT?

COULD HE HAVE BEEN KNOWINGLY ORDERING A SILENCER? THE ANSWER IS "YES." BUT IS THAT EQUALLY PLAUSIBLE THAT HE KNOWINGLY BELIEVED HE WAS ORDERING A FUEL FILTER? AGAIN, LOOKING AT ALL THE FACTS THAT ARE IN FRONT OF YOU, NOT THE ASSUMPTIONS THE DEPARTMENT'S GIVING YOU, BUT THE FACTS; NO GUNS THAT WOULD FIT; NO THREADED BARRELS; THE FACT THAT HE ORDERED A FUEL FILTER; THE FACT THAT HE DIDN'T ORDER ANOTHER, QUOTE, UNQUOTE, SILENCER; THAT HE'S GOT ALL THESE CARS THAT ARE THERE; THAT HE DIDN'T KNOW THAT HIS PACKAGE HAD BEEN CONFISCATED; THAT HE HAD NO KNOWLEDGE THAT HE WAS EVEN THE SUBJECT OF A COMPLAINT UNTIL SEPTEMBER OF

'21; THAT HE GAVE HIS INTERVIEW AND YOU READ HIS INTERVIEW AND LISTENED TO HIS INTERVIEW AND YOU WILL HEAR THE SINCERITY IN HIS VOICE THAT HE DIDN'T KNOW. AND HE WOULDN'T DO THIS AND JEOPARDIZE HIS CAREER FOR SOMETHING HE KNEW WAS ILLEGAL. THOSE ARE THE FACTS, AND THE FACTS LEAD YOU TO ONLY ONE CONCLUSION, THAT HE IS NOT GUILTY OF THE ALLEGATION. THANK YOU.

MS. AMIN: DOES THE DEPARTMENT HAVE A REPLY?

SERGEANT SLATER: THE DEPARTMENT HAS A QUICK REPLY.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: MR. SEKI IS EMPHASIZING THAT THIS IS A CASE BUILT ON ASSUMPTIONS. BUT THIS IS NOT A CASE BUILT ON ASSUMPTIONS. THIS HAS FAR MORE THAN ASSUMPTIONS. WE HAVE DEMONSTRATED FACTS THROUGHOUT THIS CASE. THOUGH MR. WALDEN HIMSELF DENIES KNOWING WHAT A FIREARM IS, HE ADMITS HE WAS A FIREARMS EXPERT. HE ADMITS HE KNEW HOW SILENCERS WORK AND HAD HAD AT LEAST SOME TRAINING IN SILENCERS AND CONTINUED TO RESEARCH THE TOPIC. HIS OWN SUPERVISOR CAME IN AND SAID THE MEMBERS OF HIS UNIT WOULD KNOW AND HAD RECEIVED TRAINING. THAT IS NOT AN ASSUMPTION. THAT IS THE HEAD OF THE UNIT COMING IN AND SAYING THIS IS WHAT THAT UNIT KNEW AND WHAT THEY WERE EXPECTED TO KNOW TO DO THEIR DUTIES AND THEIR JOBS. YOU DON'T

WANDER INTO THAT UNIT. YOU'RE SELECTED AND YOU'RE SUPPOSED TO KNOW AND YOU'RE EXPECTED TO KNOW WHAT YOUR DUTIES ARE.

HOW IS IT PLAUSIBLE THAT SOMEONE WITH THE LEVEL OF KNOWLEDGE DEMONSTRATED BY MR. WALDEN WOULD NOT KNOW WHAT A MONOCORE BAFFLING IS WHEN IT WAS EMPHASIZED THROUGH FACTUAL EVIDENCE AND THROUGH THE TESTIMONY OF MULTIPLE EXPERTS THAT IT ONLY HAS A SINGLE USE AS A SILENCER. THAT IS NOT AN ASSUMPTION. THAT IS A FACT, A FACT THAT MR. WALDEN IN THE GUN UNIT WAS TRAINED ON AND WAS EXPERIENCED ON AS TESTIFIED BY HIS COMMAND, BY HIS RATINGS, AND BY HIS EXPERIENCES TESTIFYING AS AN EXPERT.

MR. SEKI HAS EMPHASIZED THAT THIS IS A CASE OF BIASED POLICING. THAT IS A MISINTERPRETATION OF THE FACTS. POLICE OFFICERS ARE HELD TO THE HIGHEST STANDARD. WALDEN HIMSELF HAS TESTIFIED THAT HE TOOK AN OATH TO UPHOLD THE CONSTITUTION OF THIS NATION AND THIS STATE. AND AS A LAW ENFORCEMENT OFFICER, THERE IS A CODE OF ETHICS THAT WE ALL MUST ABIDE BY. AND PART OF THAT IS -- AND I'M GOING TO QUOTE HERE, QUOTE, "I WILL BE EXEMPLARY IN OBEYING THE LAWS OF THE LAND AND THE REGULATIONS OF MY DEPARTMENT," END QUOTE.

YES, SOME PEOPLE WHO ORDERED THESE ITEMS RECEIVED A LETTER. MR. WALDEN DID NOT RECEIVE A

LETTER. MR. WALDEN IS A LAW ENFORCEMENT OFFICER WITH KNOWLEDGE, TRAINING, AND EXPERIENCE AND HELD TO THE HIGHEST STANDARD THAT SOCIETY EXPECTS OF OUR CITIZENS. SOCIETY DOES NOT WANT TO HEAR AND DOES NOT DESERVE TO BE TOLD THAT LAW ENFORCEMENT OFFICERS ARE USING THEIR POSITION TO CIRCUMVENT THE LAW AND USING THEIR KNOWLEDGE TO ATTEMPT TO GET AROUND THE STOP MEASURES IN PLACE.

FINALLY, MR. SEKI HAS EMPHASIZED REPEATEDLY THROUGHOUT THIS TESTIMONY THAT THERE ARE NO THREADED BARRELS RECOVERED. THE COUNT IS NOT THAT HE ATTACHED A SILENCER TO A THREADED BARREL. THE COUNT IS NOT THAT HE HAD A THREADED BARREL. BUT IT IS IMPORTANT TO EMPHASIZE THAT MR. WALDEN WAS RESEARCHING THREADED BARRELS THAT WOULD HAVE BEEN COMPATIBLE WITH THIS ITEM THAT MR. SEKI HAS ADMITTED IS A SILENCER.

THANK YOU. NO FURTHER.

MS. AMIN: ALL RIGHT. THE BOARD WILL NOW DELIBERATE, AND WE'LL GO OFF THE RECORD.

(BOARD DELIBERATES.)

MS. AMIN: LOOKS LIKE WE'RE ALL HERE. LET'S GO BACK ON THE RECORD.

SERGEANT SLATER: MA'AM, BEFORE WE PROCEED, A QUICK MATTER OF BUSINESS.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: REGARDING THE IMAGES WE HAD SCREEN-SHOTTED, I JUST WANTED TO OFFICIALLY GET THEM MARKED AND ENTERED.

MS. AMIN: OKAY. IS THAT MR. SEKI'S PICTURES?

MR. SEKI: YES.

SERGEANT SLATER: YES.

MR. SEKI: THANK YOU.

MS. AMIN: ARE THEY GOING TO BE ACCUSED EXHIBITS?

MR. SEKI: I GUESS SO WE'LL MAKE IT "D" AND "E," PLEASE.

MR. SLATER: SO FOR "D" WE'LL DO THE --

MR. SEKI: BLUE SCREEN?

SERGEANT SLATER: YOU WANT TO DO THIS ONE?

MR. SEKI: THAT ONE IS "D." THANK YOU.

SERGEANT SLATER: OKAY. THE OTHER ONE IS "E."

MR. SEKI: THANK YOU.

SERGEANT SLATER: COPY OF "D," MA'AM.

MR. ORTEGA: THANK YOU.

MS. STRONG-FARGAS: THANK YOU. AND LIKEWISE "E."

MR. ORTEGA: THANK YOU.

(ACCUSED'S EXHIBITS D AND E
WERE MARKED FOR IDENTIFICATION AND
ENTERED INTO EVIDENCE.)

MS. AMIN: SO NOW THE BOARD IS NOW READY IN THE MATTER OF LUKE WALDEN, BOX 31674. THE BOARD WILL NOW PROVIDE THE RATIONALE ON ITS FINDINGS.

THIS CASE WAS HEARD DURING TWO HEARING DATES AND INCLUDES THE TESTIMONY FROM THE FOLLOWING FIVE WITNESSES: JOHN JIZMEJIAN, LUKE WALDEN, GREG FIELD, FADIL BIRAIMAH, AND ERIC BIXLER. THE BOARD ADMITTED INTO EVIDENCE DEPARTMENT'S EXHIBITS 1 THROUGH 18, ACCUSED EXHIBITS A THROUGH E, AND BOARD EXHIBIT NO. 1.

THE BOARD HAS CONSIDERED AND CAREFULLY REVIEWED AND WEIGHED ALL OF THE EVIDENCE INTRODUCED. ALTHOUGH OUR RATIONALE INCLUDES CITATIONS TO THE RECORD TO HIGHLIGHT PARTICULAR TESTIMONY OR EXHIBITS, THE BOARD'S FINDINGS AND CONCLUSIONS ARE NOT BASED SOLELY ON THOSE SPECIFIC RECORD CITATIONS BUT RATHER ON THE BOARD'S REVIEW OF THE ENTIRE RECORD OF THIS CASE.

FURTHER, THE BOARD NOTES THAT ITS FINDINGS OF FACT ENCOMPASS THE CREDIBLE TESTIMONY AND EVIDENCE PRESENTED AT THE HEARING, AS WELL AS LOGICAL INFERENCES DRAWN THEREFROM. A CREDIBILITY DETERMINATION MAY RELY ON A VARIETY OFF FACTORS,

INCLUDING THE CONTEXT OF THE WITNESS' TESTIMONY, THE WITNESS' DEMEANOR, THE WEIGHT OF THE RESPECTIVE EVIDENCE, ESTABLISHED OR ADMITTED FACTS, INHERENT PROBABILITIES, AND REASONABLE INFERENCES THAT MAY BE DRAWN FROM THE RECORD AS A WHOLE. CREDIBILITY FINDINGS NEED NOT BE AN ALL-OR-NOTHING PROPOSITION. INDEED, NOTHING IS MORE COMMON IN ALL KINDS OF ADJUDICATORY DECISIONS THAN TO BELIEVE SOME, BUT NOT ALL, OF A WITNESS' TESTIMONY.

THE DEPARTMENT HAS THE BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE FOR COUNT 1 THAT "ON OR ABOUT MARCH 17, 2021, YOU, WHILE OFF DUTY, ATTEMPTED TO OBTAIN A FIREARM SILENCER."

THE ESSENCE OF THE PARTIES' POSITION IS THAT, ON THE ONE HAND, THE DEPARTMENT ALLEGES THAT WALDEN ATTEMPTED TO PURCHASE A FIREARM SILENCER, WHEREAS DETECTIVE WALDEN MAINTAINED THAT HE INTENDED TO PURCHASE A HIGH-PERFORMANCE FUEL FILTER. DETECTIVE WALDEN EXPLAINED THAT HE IS A CAR ENTHUSIAST, WHO REBUILDS CARS AND HAS A NUMBER OF PENDING AND INCOMPLETE PROJECTS. AMONG OTHER THINGS, HE IS ALSO A WELDER AND HAS BEEN QUALIFIED AS A GUN EXPERT FOR THE PURPOSES OF TESTIFYING IN STATE COURT PROCEEDINGS.

GREG FIELD, A SENIOR AUTOMOTIVE SUPERVISOR, TESTIFIED THAT THE ITEM CONFISCATED BY CBP CANNOT BE

USED AS A FUEL FILTER BECAUSE IT HAS NO FILTRATION COMPONENT INSIDE IT. HE BELIEVED THAT, ACCORDING TO THE ONLINE SEARCHES, THE ITEM PURCHASED, WHICH WAS A NAPA 4003, INTENDED USE IS AS A FIREARM SILENCER.

BOARD EXHIBIT 1 DEPICTS A FEW OF THE URL WEBSITES DETECTIVE WALDEN SEARCHED PRIOR TO THE SUBJECT PURCHASE. MR. FIELD BELIEVED THEM NOT TO BE FUEL FILTERS.

MR. BIRAIMAH, THE FIREARM ANALYST, EXPLAINED THAT THE NAPA 4003 IS A CODE WORD FOR SUPPRESSORS KNOWN TO FIREARM BUYERS. HE FURTHER EXPLAINED THAT FUEL FILTERS AND SOLVENT TRAPS CANNOT BE INTERCHANGEABLY USED. MR. BIRAIMAH EXAMINED THE CONFISCATED ITEM AND DETERMINED IT TO BE A FIREARM SUPPRESSOR COMPATIBLE WITH A NUMBER OF FIREARMS. AND UPON EXAMINING DETECTIVE WALDEN'S LIST OF PURCHASED FIREARMS, MR. BIRAIMAH FOUND A NUMBER OF THOSE FIREARMS COULD BE USED IF MODIFIED.

ERIC BIXLER TESTIFIED THAT ONE OF DETECTIVE WALDEN'S RESPONSIBILITIES WAS TO IDENTIFY SUPPRESSORS, AND THAT DETECTIVE WALDEN WOULD HAVE BEEN AWARE OF THE CONFISCATED ITEM'S PURPOSE AS A SUPPRESSOR.

IN CONCLUSION, THE BOARD FINDS YOU UNANIMOUSLY GUILTY ON COUNT 1.

THIS CONCLUDES THE RATIONALE FOR THE

FINDINGS PHASE OF THIS BOR CASE.

IS THIS DEPARTMENT READY WITH THE EMPLOYMENT PACKAGE TO CONTINUE WITH THE PENALTY PHASE?

SERGEANT SLATER: THE DEPARTMENT IS READY. I JUST NEED A MOMENT TO GRAB THOSE ITEMS.

MS. AMIN: OKAY.

(SERGEANT SLATER RETRIEVES PACKAGES.)

SERGEANT SLATER: FOR THE RECORD, THE DEPARTMENT IS PROVIDING ONE PERSONNEL PACKAGE, THREE DIVISIONAL PERSONNEL PACKAGES, AND A COPY FOR EACH BOARD MEMBER OF DETECTIVE WALDEN'S COMMENDATIONS AND HIS REDACTED COMPLAINT HISTORY.

MS. AMIN: ALL RIGHT.

SERGEANT SLATER: STARTING IN THE MIDDLE.

MS. AMIN: THANKS.

(BOARD REVIEWS PACKAGES.)

MS. AMIN: DID SOMEBODY COUNT ALL OF THESE (INDICATING)?

MR. SEKI: YES.

MS. AMIN: OKAY. WHAT DO YOU HAVE?

MR. SEKI: 155.

SERGEANT SLATER: AND THE DEPARTMENT STIPULATES TO THAT.

MS. AMIN: WHICH IS INCLUDING MINOR FROM BUREAU, OTHER --

MR. ORTEGA: THESE ARE ALL COMMENDATIONS?

MR. SEKI: CORRECT.

MS. AMIN: YEAH. CITIZEN BUSINESS, AREA, AND TWO MAJOR --

MR. SEKI: YES.

MS. AMIN: -- FROM THE DEPARTMENT.

IS THERE ANYTHING, DETECTIVE WALDEN, THAT YOU WANT TO DRAW OUR ATTENTION TO SPECIFICALLY IN YOUR LENGTHY RECORD HERE?

DETECTIVE WALDEN: I GUESS THE MAJORS. MERITORIOUS SERVICE AWARD AND --

MS. AMIN: THE STAR?

DETECTIVE WALDEN: AND A POLICE STAR.

MS. AMIN: IS THAT THE POLICE STAR?

DETECTIVE WALDEN: YES, MA'AM. WE SAVED A GUY FROM BEING SHOT TO DEATH, AND WE PULLED HIM OUT OF THE LINE OF FIRE BECAUSE HE HAD BEEN SHOT ABOUT EIGHT TIMES. AND I COVERED ALL THE GUYS WITH MY RIFLE AS THEY PULLED HIM TO SAFETY.

MS. AMIN: OKAY.

MR. ORTEGA: IF THERE WERE ANY PREVIOUS BOARDS, WOULD THAT INFORMATION BE ON HERE?

MR. SEKI: HE HAS NO OTHER -- HE HAS THE ONE SUSTAINED COMPLAINT ONLY, WHICH IS FOR THE TRAFFIC. THAT'S IT.

MR. ORTEGA: YEAH, I GOT THAT.

MR. SEKI: THAT'S IT.

MS. STRONG-FARGAS: JUST LOOKING AT YOUR WORK IN NARCOTICS AND IT'S VERY GOOD, VERY GOOD.

DETECTIVE WALDEN: THANK YOU, MA'AM.

MS. STRONG-FARGAS: THANK YOU.

DETECTIVE WALDEN: IT WAS A PLEASURE. I REALLY LIKED WORKING WITH THE CITY ATTORNEYS IN THE ABATEMENT OFFICE. THAT WAS THE MOST EFFECTIVE JOB THAT I'VE HAD. I'VE WORKED GANGS. I'VE WORKED UNDERCOVER. BUT WORKING ABATEMENTS WITH THE CITY ATTORNEY, YOU CAN ACTUALLY DO SOMETHING FOR QUALITY OF LIFE WITH THE PEOPLE THAT LIVE IN THAT NEIGHBORHOOD. I MEAN, WE HAD A CASE WHERE AN ELDERLY WOMAN WAS BEING TAKEN ADVANTAGE OF BY HER FAMILY MEMBERS, AND THEY WERE STEALING HER CHECKS. AND SHE WAS EMACIATED. SHE DIDN'T HAVE FOOD. WE ULTIMATELY DID THE INVESTIGATION AND MADE THE ARREST. AND WITH THAT, THE CITY ATTORNEY WAS ABLE TO SEIZE THE RESIDENCE, SELL IT, AND TAKE THE MONEY THAT THEY MADE FROM THE SALE OF THE HOUSE AND PUT HER IN ASSISTED LIVING. SO WE DID A LOT OF THAT WITHIN THE COMMUNITY AS FAR AS DEALING WITH PROBLEM LOCATIONS WITH THE CITY ATTORNEY. I DID THAT FOR SEVEN YEARS. YEAH. IT WAS A GOOD JOB.

MS. STRONG-FARGAS: GOOD JOB.

DETECTIVE WALDEN: THANK YOU.

MS. AMIN: CAN I JUST POINT OUT THE LAST MINOR COMMENDATION ON THE LAST PAGE, IT SAYS "1967."

MR. SEKI: HE WASN'T BORN.

MS. AMIN: I DON'T THINK THAT'S RIGHT.

DETECTIVE WALDEN: TIME MACHINE.

SERGEANT SLATER: FROM TIME TO TIME THE DEPARTMENT HAS BEEN KNOWN TO MAKE AN ENTRY INCORRECTLY.

MS. AMIN: OKAY. ALL RIGHT. AND WE HAVE FINISHED REVIEWING PACKAGES AND RETURNING BOTH DIVISIONAL AND ALL THE STUFF. EVERYTHING BACK.

SERGEANT SLATER: THANK YOU.

MR. ORTEGA: DOES THAT GO BACK TO YOU?

SERGEANT SLATER: THEY'RE COPIES.

MR. ORTEGA: OKAY.

SERGEANT SLATER: SO WE DON'T NEED TO TAKE THEM, BUT WE CAN TAKE THEM.

MR. ORTEGA: OKAY.

MS. AMIN: ALL RIGHT. DO YOU INTEND TO CALL ANY WITNESSES?

SERGEANT SLATER: THE DEPARTMENT DOES HAVE A RISK MANAGER, BUT THEY ARE NOT AVAILABLE UNTIL TOMORROW.

MS. AMIN: OKAY.

MR. SEKI: AND WE HAVE ABOUT SIX WITNESSES. THREE WOULD BE TELEPHONIC. I HADN'T ANTICIPATED THEM YET, BUT I CAN TRY AND REACH OUT IF YOU CAN GIVE ME A MOMENT AND SEE IF WE CAN --

MS. AMIN: IT'S UP TO YOU IF YOU WANT TO DO IT NOW. IT'S FINE.

MR. SEKI: OR WE CAN DO IT TOMORROW. TOMORROW -- IF WE CAN GO OFF THE RECORD.

MS. AMIN: LET'S GO OFF THE RECORD.

(DISCUSSION HELD OFF THE RECORD.)

(BRIEF RECESS TAKEN.)

MS. AMIN: LET'S GO BACK ON THE RECORD.

WE'RE READY TO HEAR FROM CHARACTER WITNESSES, MR. SEKI.

MR. SEKI: WE HAVE THREE CHARACTER WITNESSES. I'M GOING TO CALL RETIRED DETECTIVE JAMES MCSORLEY FIRST.

(TELEPHONIC WITNESS.)

MR. SEKI: HEY, SIR. BILL SEKI HERE.

MR. MCSORLEY: YES, SIR.

MR. SEKI: OKAY. I HAVE YOU ON SPEAKERPHONE IN THE BOARDROOM. LET ME GO AROUND ROOM SO YOU KNOW WHO'S HERE. WE HAVE OUR CIVILIAN BOARD. THE CHAIRPERSON IS MS. AMIN; WE HAVE PASTOR STRONG; AND WE HAVE MR. ORTEGA. REPRESENTED BY THE DEPARTMENT, WE

HAVE SERGEANT SLATER. WE HAVE A COURT REPORTER HERE. SO YOU'RE GOING TO HAVE TO GO SLOW. BE CLEAR. AND ALSO DETECTIVE WALDEN IS PRESENT.

AND BEFORE YOU TESTIFY, MS. AMIN IS GOING TO SWEAR YOU IN, SIR.

MR. MCSORLEY: YES, SIR.

MS. AMIN: CAN YOU GIVE US YOUR FULL NAME AND SPELL IT, PLEASE?

MR. MCSORLEY: MY NAME IS JAMES MCSORLEY, J-A-M-E-S, M-C-S-O-R-L-E-Y.

MS. AMIN: ALL RIGHT. AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOU SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. MCSORLEY: I DO.

MS. AMIN: THANK YOU FOR THAT, AND THANK YOU FOR PARTICIPATING TODAY.

SO WE'LL TURN YOU OVER TO MR. SEKI.

MR. JAMES MCSORLEY,

WAS CALLED AS A CHARACTER WITNESS

BY THE ACCUSED, HAVING BEEN FIRST

DULY SWORN, WAS EXAMINED AND TESTIFIED

AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. THANK YOU, SIR. BILL SEKI AGAIN.

LET'S START OUT WITH THIS. ARE YOU CURRENTLY EMPLOYED?

A. I AM, SIR.

Q. WHAT DO YOU DO?

A. I JUST STARTED THIS WEEK WITH THE EL SEGUNDO POLICE DEPARTMENT AS A LATERAL AFTER 25 YEARS OF SERVICE WITH THE LOS ANGELES POLICE DEPARTMENT.

Q. WHEN DID YOU LEAVE LAPD?

A. ON FEBRUARY 1ST.

Q. WHAT WAS YOUR RANK AND ASSIGNMENT WHEN YOU LEFT LAPD?

A. I WAS A DETECTIVE II SUPERVISOR IN THE GANG AND NARCOTICS DIVISION GUN UNIT.

Q. AND YOU SAID THAT YOU HAD WORKED FOR 25 YEARS IN LAPD?

A. I HAVE, WITH PREVIOUS SERVICE IN THE NEW YORK CITY POLICE DEPARTMENT, AS WELL.

Q. OKAY. HOW MUCH TIME TOTAL IN LAW ENFORCEMENT THEN?

A. I'VE BEEN DOING THAT THREE DECADES NOW AND GROWING.

Q. THANK YOU, SIR. APPRECIATE THAT.

HOW LONG HAVE YOU BEEN A SUPERVISOR OR WERE YOU A SUPERVISOR IN LAPD?

A. I BECAME A SUPERVISOR IN -- I WOULD SAY IN 2012. SOMEWHERE IN THAT VICINITY. IT'S BEEN SO LONG AND SO MUCH FUN, I LOSE TRACK.

Q. AND THEN HOW LONG WERE YOU IN G.N.D.?

A. I WAS THERE FROM -- I LANDED THERE IN ABOUT 2015.

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU HAVE AN OPPORTUNITY TO COME TO WORK WITH OR KNOW LUKE WALDEN?

A. I DID.

Q. AND CAN YOU EXPLAIN TO THE BOARD HOW IT IS YOU KNOW HIM?

A. WHEN I FIRST ARRIVED AT G.N.D., I WAS ASSIGNED TO THE NARCOTICS ABATEMENT UNIT WHERE I WAS CO-SUPERVISORS WITH LUKE.

Q. OKAY. AND TELL US ABOUT YOUR OBSERVATIONS OF LUKE AS A CO-WORKER, AS A SUPERVISOR, ET CETERA?

A. WELL, COMING TO A DIVISION WHERE I PRETTY MUCH KNEW NO ONE, IT WAS LIKE A BREATH OF FRESH AIR BEING PARTNERED UP WITH LUKE AND BEING IN A TIGHT UNIT WITH HIM. HE WAS ONE OF THE MOST FORTHCOMING, HELPFUL, ENERGETIC, AND FUN PEOPLE TO BE AROUND AND TOOK ME UNDER HIS WING AND SHOWED ME WHAT G.N.D. WAS

ABOUT AND WHAT THE UNIT WAS ABOUT AND JUST WAS EXTREMELY HELPFUL IN EVERY AREA POSSIBLE OFF DUTY AND ON DUTY. I CONSIDERED HIM -- WE INSTANTLY BECAME FRIENDS. I WAS AN ADMIRER OF HIM AND JUST A HUGE FAN. HE WAS VERY HELPFUL OF MAKING A SMOOTH TRANSITION COMING FROM ONE DIVISION TO ANOTHER.

Q. SO YOU TALKED ABOUT SOME OF THE THINGS. LET ME SEE IF I CAN GET MORE SPECIFIC. AS A SUPERVISOR -- HE WAS A SUPERVISOR AT THAT UNIT. HOW WAS HE AS A SUPERVISOR?

A. HE LED BY EXAMPLE. HE WAS A TRUE LEADER IN TRYING TO HELP OTHERS IN EVERY WAY POSSIBLE. AND BY -- AND IN OTHER WAYS OF SHOWING IF HE SCREWED UP IN SOME AREAS, HE WAS THE FIRST ONE TO OWN UP AND, YOU KNOW, REPENT FOR HIS SINS OR WHATEVER THINGS THAT WENT WRONG. HE WAS THE FIRST ONE TO SAY "I SCREWED UP" AND THIS IS HOW -- "IT WON'T HAPPEN AGAIN AND THIS IS WHAT I'LL DO TO CORRECT THAT IN THE FUTURE." SO IT WAS A VERY INSPIRING TO SEE. AND, YEAH, I'LL USE THAT IN MY METHODOLOGY, IN MY MINDSET OF TRYING TO LEAD OTHERS, AS WELL, INSTEAD OF JUST PUTTING EGO ASIDE AND JUST SAYING, "HEY, WE COULD HAVE DONE THIS BETTER. THAT'S MY FAULT." AND, "YEAH, LET'S BECOME BETTER BY, YOU KNOW, JUST EMBRACING OUR FAILURES AND MAKING OURSELVES STRONGER."

SO JUST VERY REFRESHING AND HUMBLING AND INSPIRING AT THE SAME TIME. SO, YEAH, I THINK IT JUST RAISED EVERYONE ELSE TO A NEW LEVEL.

Q. AND YOU KIND OF TOUCHED ON THIS, BUT MAYBE YOU CAN BE A LITTLE MORE SPECIFIC. HOW WAS HE RECEIVED BY HIS SUBORDINATES?

A. BY SUBORDINATES? REALLY WELL, BECAUSE WHEN YOU'RE WORKING WITH SOMEONE, AROUND SOMEONE THAT'S FREE OF HUBRIS AND FILLED WITH GOOD HUMOR AND GOOD NATURE AND JUST REALLY GOOD QUALITIES THAT YOU WANT TO ASPIRE TO YOURSELF, IT KIND OF BECOMES CONTAGIOUS. AND IT ENABLED EVERYONE TO WORK FREELY AND RAISE MORALE AND MADE WORK -- COMING TO WORK SOMETHING THAT YOU REALLY LOOKED FORWARD TO INSTEAD OF SOMETHING THAT WAS NOT LOOKING FORWARD TO. SO IT WAS ALMOST, YOU KNOW, TO THAT POINT WHERE YOU -- WHEN YOU WERE OFF DUTY, YOU WISH YOU WERE ON DUTY. IT WAS SO MUCH FUN AND YOU GOT SO MUCH WORK DONE AND YOU WERE EFFICIENT AND HAPPY. SO IT WAS REALLY A POSITIVE WORKPLACE. WHEN HE WASN'T AROUND, YOU COULD FEEL THE ENERGY GO DOWN. WHEN HE WAS AROUND, THE ENERGY WENT UP.

Q. GREAT. THANK YOU SO MUCH FOR THAT.

YOU KNOW, WE'RE HERE IN THIS BOARD OF RIGHTS. HE WAS CHARGED WITH ATTEMPTING TO POSSESS A SILENCER. HE WAS FOUND GUILTY BY THE BOARD. KNOWING

THAT, DOES THAT IN ANY WAY CHANGE ANY OF YOUR VIEWS OR OPINIONS OF HIM?

A. NOT AT ALL. NOT AT ALL. WE ALL MAKE MISTAKES, AND I THINK -- MISTAKES ARE ALMOST LIKE A -- AND I KNOW IT'S LUKE'S MINDSET -- THEY'RE ALMOST LIKE GIFTS IN DISGUISE. THEY'RE GOING TO MAKE US BETTER FOR IT. AND BY SOMEONE HAVING A MISTAKE AND STAYING ON THE JOB, THEY CAN BE -- THEY CAN WARN OTHERS, AND THEY CAN JUST BE A FORCE MULTIPLIER, WHAT NOT TO DO OR HOW TO HANDLE YOUR FAILURES OR PERCEIVED FAILURES AND MISTAKES, AND WE NEED THAT. WE NEED PEOPLE TO SHOW THAT THINGS COULD GO WRONG AND YOU CAN COME OUT BETTER FOR IT AND SHOW OTHERS HOW TO PERSEVERE AND PUSH THROUGH THOSE HARDSHIPS.

SO I THINK IT'S A GOOD THING WHEN WE FAIL. IT'S TOUGH GOING THROUGH IT, BUT WE BECOME BETTER FOR IT AND WE CAN BE A GOOD EXAMPLE ON HOW TO HANDLE THAT IN THE FUTURE. SO I HAVE NO MISGIVINGS OR NO RESOLUTIONS (SIC) WITH SHOWING SOMEONE LIKE LUKE COMING BACK ON THE JOB AND MEETING OTHERS. I THINK IT WILL BE BETTER FOR EVERYONE, BETTER FOR HIM. AND NO PROBLEMS WHATSOEVER. AND DOING THESE TYPE OF THINGS, CHARACTER REFERENCES, I DON'T TAKE IT LIGHTLY. I DON'T DO IT FOR EVERYONE. THERE'S ONLY A FEW SELECT PEOPLE ON THIS JOB THAT I CALL FRIENDS. AND MY

FRIENDSHIP, TO EARN THAT TITLE, IS VERY HARD FOR ME TO CALL SOMEONE A FRIEND. THEY HAVE TO -- EVERYONE ELSE ARE ASSOCIATES AND THERE'S NOTHING WRONG WITH THAT, BUT IN ORDER TO EARN THE TITLE OF FRIENDSHIP, YOU HAVE TO JUMP THROUGH A LOT OF HOOPS AND YOU HAVE TO GO THROUGH RESISTANCE. SO BY THAT, I MEAN, YOU HAVE TO EARN THAT. IT'S JUST NOT GIVEN OUT. AND LUKE HAS ACHIEVED THAT. I CONSIDER HIM A BROTHER. AND HE -- WHEN I WAS GOING THROUGH A DIVORCE ON THE JOB AND A HARD TIME, HE WAS THERE FOR ME. HE WAS ABLE TO GET ME THROUGH THAT BY GIVING ME GREAT ADVICE AND BEING A FANTASTIC LEADER AND JUST BEING FRIENDS WITH SOMEONE THAT MAYBE WASN'T SO POPULAR AND FRIENDS HAS REALLY EARNED THAT I THINK THROUGH RESISTANCE, YOU KNOW, BY OVERCOMING SOMETHING. IT'S LIKE YOU'RE NOT A DOCTOR OR A HOMICIDE DETECTIVE AND SO YOU WENT TO TRIAL AND SOLVED A CASE AND WENT THROUGH -- JUMPED THROUGH ALL THESE HOOPS WHERE YOU SAVED THAT PERSON ON THE OPERATING TABLE, AND THEN YOU REALLY EARNED THAT TITLE OF HOMICIDE DETECTIVE, OF FRIEND, OF DOCTOR. SO LUKE HAS EARNED THAT TITLE, YOU KNOW, THAT I'VE BESTOWED UPON HIM OF FRIEND AND BROTHER. AND JUST BECAUSE HE MADE THAT MISTAKE, IT WILL NEVER BE TAKEN AWAY FROM HIM. I THINK IT'S GOING TO MAKE HIM A BETTER PERSON, A BETTER SUPERVISOR, A BETTER COP, A BETTER PERSON

OVERALL. AND I HAVE NO MISGIVINGS ABOUT THAT WHATSOEVER.

Q. THANK YOU VERY MUCH FOR SHARING ALL THIS.

ONE OF THE THINGS I KIND OF CUT OFF ON, YOU SAID YOU WERE LATERALLING OVER TO EL SEGUNDO. ARE YOU STILL IN A SUPERVISORY POSITION OR --

A. NO, NO. I'M STARTING BACK -- STARTING BACK AT THE BOTTOM. AND IT'S NOT REALLY THE BOTTOM. JUST THE BEGINNING, I SHOULD SAY. SO GOING BACK TO THE ROOTS OF BEING A -- WHAT I CAME ON THE JOB TO BE POLICEMAN AND INTERACT WITH COMMUNITY AGAIN AT THE BEST LEVEL I THINK. YOU KNOW, THAT 911, THAT FIRST -- THAT FIRST CALL, THAT FIRST INTERACTION WITH LAW ENFORCEMENT SHOULD BE SUPER IMPORTANT NOWADAYS. SO --

Q. GREAT.

A. -- THAT'S WHERE I'M AT.

Q. THANK YOU SO MUCH.

SO I'M DONE WITH MY QUESTIONS FOR YOU. SERGEANT SLATER MAY HAVE QUESTIONS AND THE BOARD MAY HAVE QUESTIONS. SO PLEASE HANG ON.

A. YES, SIR.

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. OFFICERS MCSORLEY, AM I PRONOUNCING THAT

CORRECT?

A. YES, SIR.

Q. CAN YOU HEAR ME?

A. YEAH, I CAN HEAR YOU A LITTLE -- SOUNDS A LITTLE DISTANCE, BUT I CAN HEAR YOU.

Q. CAN YOU HEAR ME BETTER HERE?

A. A LITTLE BIT BETTER.

Q. ALL RIGHT. YOU MENTIONED ONE OF THE ATTRIBUTES YOU ADMIRED ABOUT DETECTIVE WALDEN WAS THAT HE TAKES ACCOUNTABILITY FOR HIS ACTIONS; IS THAT CORRECT?

A. YES, SIR.

Q. ALL RIGHT. ARE YOU AWARE THAT PRIOR TO THIS PROCEEDING, HE HAD A CRIMINAL MATTER RELATED TO THIS CHARGE?

A. YES.

Q. AND ARE YOU AWARE THAT HE TOOK A PLEA IN THAT MATTER?

A. YES.

Q. DOES THAT RAISE CONCERNS AS A DEPARTMENT SUPERVISOR ABOUT HIS CAPABILITIES AS AN OFFICER?

A. NO. I MEAN, IT SHOWS OWNERSHIP THAT HE'S WILLING TO STEP FORTH AND ACCEPT RESPONSIBILITIES FOR HIS MISTAKES AND, YOU KNOW, THROUGH YOUR MERCY UPON THE COURT OF WHATEVER THEY SENTENCE HIM WITH THAT WAS

GOING TO BE HIS FATE. SO I'M ALL ABOUT OWNERSHIP AND REDEMPTION AND OVERCOMING OBSTACLES. SO, NO, I HAVE NO RESERVATIONS WITH THAT. I THINK IT'S APPLAUDABLE.

Q. OKAY. NOW, WHEN HE GOT IN FRONT OF THIS BOARD, WHEN ASKED WHY HE TOOK A PLEA, HE STATED THAT HE TOOK A PLEA BECAUSE HE COULD NOT FACE THE LEGAL FEES AND HE DENIED THE ALLEGATIONS BEFORE HIM IN FRONT OF THIS BOARD. DOES THAT DEMONSTRATE TAKING OWNERSHIP OF HIS ACTIONS?

A. YOU KNOW WHAT, I THINK AS YOU GO THROUGH THESE LEGAL PROCEEDINGS, THE MINDSET IS YOU CAN GET CLOUDED AT TIMES. I'VE KNOWN SEVERAL GUYS THAT HAVE BEEN THROUGH THESE PROCEEDINGS. AND IT TAKES A TOLL IN YOUR MIND OF -- YOU KNOW, YOU CAN GO THROUGH A WIDE RANGE OF EMOTIONS THAT CHANGE MANY TIMES THROUGH THE PROCESS OF OWNING UP TO IT, OF WANTING TO GET IT OVER WITH AND TO EVERYTHING ELSE IN BETWEEN. SO AT THAT TIME THAT MIGHT HAVE BEEN HIS MINDSET, AND I KNOW IT'S PROBABLY CHANGED MANY DIFFERENT TIMES. IT'S KIND OF LIKE BEING IN A MARRIAGE. FIRST YOU FALL IN LOVE, THEN YOU FALL OUT OF IT, THEN YOU GO BACK AND FORTH. SO IT'S A PART OF THE PROCESS. AND I THINK, YOU KNOW, THOSE THINGS WILL CHANGE IN THE FUTURE AS THEY DO RIGHT NOW IN THE PRESENT.

SO I UNDERSTAND. AT THE TIME IT MIGHT NOT

BE WHAT SOMEONE WANTS TO HEAR, BUT, YOU KNOW, IT'S AN IMPERFECT SYSTEM AND THE MIND AND EVERYTHING ELSE, IT'S VERY FRAGILE. AND THE DISCIPLINARY PROCESS TAKES ITS TOLL ON PEOPLE IN VERY DIFFERENT WAYS. SO I UNDERSTAND BOTH SIDES OF THE COIN.

Q. BUT MY QUESTION TO YOU, SIR, WAS DOES THAT DEMONSTRATE TAKING ACCOUNTABILITY FOR HIS ACTION, TELLING THE BOARD THAT HE DID NOT COMMIT IT AFTER PLEADING GUILTY IN COURT?

MR. SEKI: OBJECTION. HE DIDN'T PLEAD GUILTY IN COURT.

SERGEANT SLATER: PLEADING --

MR. SEKI: NO CONTEST.

BY SERGEANT SLATER:

Q. -- NO CONTEST. I APOLOGIZE. PLEADING NO CONTEST IN COURT.

A. YES. I UNDERSTAND THE PROCESS OF PLEADING NO CONTEST AND ACCEPTING IT. THAT WAS HIS FORM OF ACCEPTANCE AND OWNERSHIP OF IT.

Q. AGAIN, I'M NOT ASKING ABOUT IN THE COURT SETTING, SIR. I'M TRYING TO CLARIFY. BUT WHEN HE GOT TO THE BOARD, DID IT DEMONSTRATE OWNERSHIP BY TELLING THE BOARD THAT HE WAS NOT GUILTY?

A. IF THAT'S WHAT HE FEELS. AND I KNOW LUKE AS A PERSON AND HE'S DEMONSTRATED TO ME IN THE PAST, IF

THAT'S WHAT HE BELIEVES, THAT'S THE WAY HE'S OWNING IT, THAT'S THE WAY -- THAT'S WHAT HE BELIEVES AND SO --

Q. OKAY.

A. -- I UNDERSTAND THAT, YEAH.

Q. THANK YOU.

NO FURTHER.

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: I HAVE NO QUESTIONS.

MS. STRONG-FARGAS: NO.

EXAMINATION

BY MS. AMIN:

Q. DO YOU BELIEVE THAT HE CAN CONTINUE AS A DETECTIVE HAVING BEEN FOUND GUILTY OF ATTEMPTING TO OBTAIN A FIREARM SILENCER?

A. YES, MA'AM.

Q. HE CAN PERFORM HIS JOB? CAN HE TESTIFY IN COURT? BECAUSE HE HAS BEEN QUALIFIED AS A GUN EXPERT PREVIOUSLY, AND HE HAS TESTIFIED, I BELIEVE HE SAID FIVE TIMES IN CRIMINAL PROCEEDINGS. WOULD HE BE ABLE TO STILL CONTINUE IN THAT POSITION, IF YOU KNOW?

A. CONTINUE TO BE A GUN EXPERT IN COURT, YOU'RE SAYING?

Q. YES.

A. YES.

SERGEANT SLATER: I'M GOING TO OBJECT.

MR. MCSORLEY: TO TESTIFY AS AN EXPERT JUST MEANS AN EXPERT IS SOMEONE PER THE L.A. D.A.'S GUIDELINES AS SOMEBODY WHO KNOWS -- HAS MORE KNOWLEDGE OF IT THAN THE AVERAGE LAYPERSON. SO IF THAT COMES TO A PITCHESS MOTION AND IT COMES TO LIGHT, I DON'T THINK THAT WILL TAKE AWAY ANY OF HIS CREDIBILITY AS A GUN EXPERT OR TO TESTIFY. YOU KNOW, IT WILL JUST BE BROUGHT OUT HE HAS A MISDEMEANOR CONVICTION OF A CRIME LIKE MANY OTHER OFFICERS DO THAT ARE STILL ON THE JOB FUNCTIONING AS A FULL-FLEDGED OFFICER. I DON'T THINK THAT WILL TAKE AWAY ANYTHING.

MS. AMIN: OKAY. NOTHING ELSE FROM ME. THANK YOU.

ANYBODY ELSE HAVE ANY QUESTIONS? MR. SEKI?

MR. SEKI: NO.

I THINK THAT PRETTY MUCH DOES IT FOR YOU, SIR. THANK YOU SO MUCH FOR TAKING THE TIME OUT FROM YOUR DAY. WE APPRECIATE IT AND THAT'S ALL.

MS. AMIN: THANK YOU. YOU'RE EXCUSED.

MS. STRONG-FARGAS: THANK YOU.

MR. MCSORLEY: THANK YOU ALL. APPRECIATE IT.

MR. SEKI: BYE-BYE.

MR. MCSORLEY: BYE-BYE.

(END OF TESTIMONY OF MR. MCSORLEY.)

MR. SEKI: NEXT I'M GOING TO CALL RETIRED LIEUTENANT JESSE KANE.

(TELEPHONIC WITNESS.)

HEY, SIR. BILL SEKI HERE.

MR. KANE: HEY, HOW ARE YOU?

MR. SEKI: I'M DOING GREAT. I HAVE YOU ON SPEAKERPHONE AND YOU'RE IN THE BOARDROOM. LET ME GO AROUND THE BOARDROOM SO YOU KNOW WHO'S HERE.

WE HAVE OUR CIVILIAN BOARD MEMBERS. OUR CHAIR IS MS. AMIN. WE HAVE OUR ASSOCIATE MEMBERS, PASTOR STRONG-FARGAS AND ALSO MR. ORTEGA. ON BEHALF OF THE DEPARTMENT IS SERGEANT SLATER, WHO IS AN ASSOCIATE ADVOCATE. WE HAVE A COURT REPORTER PRESENT SO I NEED YOU TO SPEAK CLEARLY AND SLOWLY. AND ALSO PRESENT IS DETECTIVE WALDEN.

AND BEFORE WE GO ANY FURTHER, MS. AMIN WILL SWEAR YOU IN, SIR.

MR. KANE: OKAY.

MS. AMIN: GOOD AFTERNOON. THANK YOU FOR TESTIFYING TODAY.

CAN YOU SPELL YOUR NAME FOR US, PLEASE?

MR. KANE: YOU NEED ME TO SPELL IT?

MR. SEKI: YES.

MR. KANE: THE FIRST IS JESSE, J-E-S-S-E; THE LAST IS KANE, K-A-N-E.

MS. AMIN: ALL RIGHT. AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOUR SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

MR. KANE: YES, I DO.

MS. AMIN: ALL RIGHT. THANK YOU.

MR. JESSE KANE,

WAS CALLED AS A CHARACTER WITNESS BY THE ACCUSED, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. ALL RIGHT. SIR, BILL SEKI AGAIN. LET ME START OFF WITH THIS. ARE YOU CURRENTLY EMPLOYED?

A. NO. I RETIRED FROM THE DEPARTMENT IN AUGUST -- OR JULY 31ST OF '22.

Q. AND WHEN YOU RETIRED, WHAT WAS YOUR RANK AND ASSIGNMENT?

A. I WAS A LIEUTENANT II ASSIGNED TO G.N.D.

Q. HOW MANY YEARS HAD YOU SPENT WITH LAPD

BEFORE RETIRING?

A. I DID -- I'M STILL A RESERVE SO TECHNICALLY STILL WITH THEM; BUT AS FULL-TIME SWORN, I DID 28 YEARS.

Q. THANK YOU, SIR.

HOW LONG WERE YOU A SUPERVISOR?

A. I BECAME A SUPERVISOR IN '05 WHEN I MADE SERGEANT, AND I STAYED EITHER A SERGEANT OR A LIEUTENANT SINCE THEN.

Q. OKAY. YOU SAID YOU WORKED G.N.D. HOW LONG DID YOU WORK G.N.D.?

A. SO I GOT TO G.N.D. IN 2016, AND THEN I -- I GOT THERE AS A LIEUTENANT I IN 2016. I LEFT TO GO TO I.T.D., INFORMATION TECHNOLOGY BUREAU, TO GET MY LIEUTENANT II SPOT 'CAUSE THERE WAS A SPOT OVER THERE. AND THEN I CAME BACK TO G.N.D. IN 2018.

Q. OKAY.

A. SO I LEFT FOR ABOUT -- I WAS GONE ABOUT A YEAR, YEAR-AND-A-HALF BEFORE I CAME BACK LIEUTENANT II.

Q. OKAY. SO DURING YOUR TIME WITH THE DEPARTMENT, HAVE YOU HAD AN OPPORTUNITY TO WORK WITH, OBSERVE, OR SUPERVISE LUKE WALDEN?

A. YES. SO LUKE AND I HAVE PROBABLY KNOWN EACH OTHER I'M GOING TO -- IT'S GOT TO BE OVER 20 YEARS

BECAUSE WE WORKED, IF I RECALL CORRECTLY, IN VAN NUYS TOGETHER. AND SINCE I LEFT VAN NUYS IN '05 WHEN I MADE SERGEANT, IT'S BEEN 24 -- IT HAS TO BE OVER 20 YEARS AGO THAT WE'VE KNOWN EACH OTHER. WE WORKED SOME TIME THERE. I DON'T RECALL US BEING PAIRED UP IN A CAR TOGETHER, BUT WE WORKED AROUND EACH OTHER. AND THEN WHEN I GOT -- AND THEN THROUGH TRAINING, WE HAD INTERACTIONS. AND THEN WHEN I GOT TO G.N.D., I WAS -- HE WAS ALREADY -- IF I'M CORRECT, HE WAS ALREADY A D-II THERE, AND I WAS A LIEUTENANT COMING IN. AND HE WOULD HAVE BEEN -- HE WOULD HAVE REPORTED EITHER TO THE D-III IF THEY HAD ONE, AND THERE WERE TIMES HE WOULD HAVE REPORTED DIRECTLY TO ME. JUST BECAUSE OF THE WAY THINGS WORKED OUT, HE WOULD HAVE BEEN ACTING D-III, AND I WOULD HAVE BEEN OVER AT HIS UNIT AT DIFFERENT TIMES.

Q. OKAY. SO BASED UPON YOUR TIME, IT SOUNDS LIKE YOU GUYS HAD A LOT OF INTERACTION OVER THE YEARS. CAN YOU -- BASED UPON THOSE INTERACTIONS AND OBSERVATIONS, CAN YOU TELL THE BOARD ABOUT THE TYPE OF POLICE OFFICER WE HAVE IN LUKE WALDEN?

A. SO LUKE'S ALWAYS BEEN -- ALWAYS BEEN STAND-UP. HE'S ALWAYS, YOU KNOW, DONE HIS JOB. HE'S NEVER SHIRKED RESPONSIBILITY. HE'S -- HE'S JUST BEEN A GREAT GUY TO HAVE AROUND. YOU KNOW, HE COULD BE

LIGHTHEARTED AT TIMES; BUT WHEN HE'S DOING HIS JOB, HE'S FOCUSED. HE'S BEEN A GO-TO GUY FOR ME WHEN I WOULD -- ESPECIALLY AS A SUPERVISOR, YOU'RE LIKE, "HEY, I NEED SOMEBODY TO DO SOMETHING," OR I NEED -- ESPECIALLY IF HE WAS IN A SUPERVISOR POSITION, AS WELL, WHEN THERE WAS THINGS THAT GOT PUSHED DOWN, DEPARTMENT CHANGES OR WHATEVER, AND WE WOULD HAVE THOSE CONVERSATIONS, "HEY, I NEED YOU TO TALK --" DISCUSS -- WHICHEVER THE TOPIC WAS THAT WAS CHANGING, "I NEED -- YOU KNOW, WE NEED TO PUSH IT DOWN TO THE -- TO THE OTHER EMPLOYEES," HE'D BE LIKE, "YEAH." AND WE WOULD TALK ABOUT WHETHER WE AGREED OR DISAGREED. AT THE END OF THE DAY, THIS WAS THE DIRECTION THE DEPARTMENT'S GOING, AND WE WILL FOLLOW ALONG, AND HE ALWAYS DID THAT. HE STEPPED UP AND SAID, "HEY, THE DEPARTMENT WANTS US TO GO LEFT. WE'RE GOING TO GO LEFT TODAY; AND UNTIL THEY CHANGE IT, WE'RE GOING TO FOLLOW THAT LINE."

AND SO HE WAS A GREAT PERSON TO HAVE AS A SUPERVISOR FOR ME BECAUSE HE WAS -- HE DIDN'T LET HIS PERSONAL EMOTIONS OR ANYTHING GET IN THE WAY. HE JUST DID HIS JOB AND WHATEVER THE DIRECTION WAS -- IF THE DEPARTMENT WANTED SOMETHING, HE DID IT. IF -- YOU KNOW, I WAS TRYING TO THINK OF SOMETHING. AND I REMEMBER A TIME AND I -- I DON'T REMEMBER WHAT

HAPPENED SPECIFICALLY, BUT I KNOW WE DID A SEARCH WARRANT OR SOMETHING, AND I THINK SOMETHING BROKE IN THE RESIDENCE. AND HE PULLED ME ASIDE AND SAID, "I -- YOU KNOW, WE KIND OF BROKE SOMETHING DURING THE SEARCH." YOU KNOW, THEY COULD HAVE EASILY KEPT IT SILENT AND NO ONE WOULD HAVE PROBABLY KNOWN. BUT WE, YOU KNOW, WENT THROUGH, DID THE PAPERWORK AND LEFT HIM WITH IT SAYING, "HEY, IF THEY WANTED IT FOR THE CLAIM FOR THE DAMAGE --" I DON'T REMEMBER WHAT IT WAS. IT WOULD BE MUCH -- I WISH I COULD BECAUSE I JUST REMEMBER THE INCIDENT OF HIM COMING UP TO ME, PULLING ME ASIDE AND SAYING, "HEY, WE HAVE A SMALL ISSUE."

SO AS A SUPERVISOR, HE WAS -- NEVER TRIED TO DISGUISE SOMETHING. IF WE MESSED SOMETHING UP, HE WAS ALWAYS WILLING TO SAY, "HEY, WE MESSED SOMETHING UP." AND IF WE DID THINGS RIGHT, HE WAS ALWAYS RIGHT THERE MAKING SURE THAT EVERYBODY ELSE AROUND US GOT THE AFFIRMATIONS THEY DESERVED FOR DOING A GOOD JOB.

SO I -- YOU KNOW, HE WAS A GREAT PERSON TO HAVE WORKING FOR ME AND AROUND ME.

Q. LET ME ASK YOU THIS. YOU TALKED ABOUT HIM AS A SUPERVISOR. HOW DO YOU -- DO YOU KNOW HOW HE WAS PERCEIVED BY HIS SUBORDINATES?

A. AS YOU KNOW, SOMETIMES PEOPLE WILL GO AROUND SUPERVISION TO GO UP, AND I NEVER HEARD A NEGATIVE

THING ABOUT HIM FROM D-III'S THAT HE WORKED FOR OR FROM THE D-I'S AND EVEN SOME OF THE OFFICERS THAT WERE AROUND HIM. BECAUSE REMEMBER, WE GET -- I ALSO WORKED -- I ALSO WORKED AROUND HIM WHEN WE WERE DOING THE -- WE WOULD GO OUT TO THE DIVISIONS, AND WE WOULD INTERACT WITH MULTIPLE PEOPLE NOT ONLY DURING NARCOTICS DIVISION, BUT WE ALSO HANDLE -- NARCOTICS UNIT, BUT WE WOULD ALSO USE DIVISIONAL PERSONNEL OFFICERS AND STUFF TO COME IN AND -- SUPPORT AND SUPPLEMENT OUR NEED FOR -- PERSONNEL-WISE, AND I NEVER HEARD ANYBODY COME UP TO ME AND SAY THAT THEY EVER HAD ANY ISSUES WITH HIM.

Q. SO WE'RE IN THIS BOARD. THE ALLEGATION WAS THAT HE ATTEMPTED TO PURCHASE OR OBTAIN A FIREARM SILENCER, AND HE WAS FOUND GUILTY OF THAT BY THE BOARD. KNOWING ALL OF THAT, DOES THAT IN ANY WAY CHANGE ANY OF YOUR THOUGHTS OR OPINIONS ON HIM?

A. NO. YOU KNOW WHAT, IF HE MADE A MISTAKE, THAT'S -- YOU KNOW, THAT'S SOMETHING THAT HE HAS TO DEAL WITH. BUT AS FAR AS A PERSON AND AS FAR AS HIM EVER WORKING FOR ME, I WOULD HAVE -- I WOULD HAVE NO PROBLEM WITH HIM WORKING FOR ME. I WOULD HAVE NO PROBLEM WITH HIM COMING OVER ON A PERSONAL BASIS AND HAVING HIM AT MY HOUSE. YOU KNOW, HE'S ALWAYS BEEN A -- HE'S ALWAYS BEEN HONEST AND STRAIGHTFORWARD TO

ME. SO I'VE NEVER HAD AN ISSUE AT ALL. AND TO THIS DAY, I STILL FEEL THAT WAY ABOUT HIM.

Q. ALL RIGHT. YOU'VE BEEN GREAT IN GIVING US A LOT OF INFORMATION ABOUT HIM. THIS IS MY LAST QUESTION TO YOU. IS THERE ANYTHING ELSE YOU THINK THE BOARD NEEDS TO KNOW ABOUT LUKE THAT MAY HELP THEM IN MAKING THEIR DECISION?

A. YOU KNOW, IF HE MADE A MISTAKE, I DON'T THINK THIS IS A HILL THAT'S THAT BIG OF A HILL FOR HIM. YOU KNOW, MISTAKES HAPPEN. AND, YOU KNOW, LET'S HOPE EVERYBODY CAN GET BEYOND THIS. I DON'T KNOW WHAT ELSE TO SAY. I KNOW HE'S BEEN A GREAT PERSON AND, YOU KNOW, WE'VE BECOME FRIENDS SINCE THEN ON A PERSONAL BASIS. SO, YOU KNOW, I'M ROOTING FOR HIM.

Q. OKAY. PERFECT. THANK YOU.

I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU, BUT SERGEANT SLATER OR THE BOARD MAY. SO PLEASE HANG ON.

A. NO PROBLEM.

SERGEANT SLATER: NOTHING FROM THE DEPARTMENT. I HAVE NOTHING.

MR. ORTEGA: I DON'T HAVE ANY.

MS. AMIN: OKAY. NO MORE QUESTIONS FROM ANYONE. THANK YOU VERY MUCH FOR YOUR TIME.

MR. KANE: THANK YOU. HAVE A GREAT DAY.

MR. SEKI: THANK YOU, SIR. TAKE CARE. BYE-BYE.

MR. KANE: THANK YOU. BYE.

(END OF TELEPHONIC WITNESS.)

MR. SEKI: THEN OUR LAST WITNESS FOR TODAY WILL BE DETECTIVE CRAIG MARQUEZ.

LET ME TRY ONE MORE TIME.

DETECTIVE MARQUEZ?

DETECTIVE MARQUEZ: YES. HELLO. SORRY. I PUNCHED THE WRONG BUTTON.

MR. SEKI: ALL RIGHT, SIR. THANK YOU VERY MUCH. I HAVE YOU ON SPEAKERPHONE. LET ME WALK AROUND THE ROOM SO YOU KNOW WHO'S HERE.

DETECTIVE MARQUEZ: OKAY.

MR. SEKI: WE HAVE OUR CIVILIAN BOARD LED BY OUR CHAIR MS. AMIN, AND WE HAVE OUR ASSOCIATE BOARD MEMBERS PASTOR STRONG-FARGAS ALONG WITH MR. ORTEGA. ON BEHALF OF THE DEPARTMENT, WE HAVE SERGEANT SLATER, WHO IS THE ASSOCIATE ADVOCATE. THERE IS A COURT REPORTER IN THE ROOM. SO WE NEED YOU TO SPEAK SLOWLY AND CLEARLY, AND ALSO WE HAVE DETECTIVE WALDEN.

BEFORE WE GO ANY FURTHER, MS. AMIN WILL SWEAR YOU IN.

MS. AMIN: DETECTIVE, BEFORE I DO, SPELL YOUR NAME FOR US.

DETECTIVE MARQUEZ: MY NAME IS CRAIG, C-R-A-I-G; MARQUEZ, M-A-R-Q-U-E-Z.

MS. AMIN: ALL RIGHT. THANK YOU.

AND DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE EVIDENCE YOUR SHALL GIVE IN THE CASE NOW IN HEARING BEFORE THIS BOARD OF RIGHTS SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

DETECTIVE MARQUEZ: I DO.

MS. AMIN: ALL RIGHT. GO AHEAD.

DETECTIVE CRAIG MARQUEZ,

WAS CALLED AS A CHARACTER WITNESS

BY THE ACCUSED, HAVING BEEN FIRST

DULY SWORN, WAS EXAMINED AND TESTIFIED

AS FOLLOWS:

DIRECT EXAMINATION

BY MR. SEKI:

Q. THANK YOU, SIR. BILL SEKI ONCE AGAIN.

LET'S START WITH THIS. WHAT'S YOUR CURRENT RANK AND ASSIGNMENT?

A. CURRENTLY I'M A DETECTIVE SUPERVISOR SERVING IN TRAINING DIVISION. I AM CURRENTLY ALSO THE OFFICER CHARGE OF DETECTIVE TRAINING FOR THE LOS ANGELES POLICE DEPARTMENT.

Q. HOW MUCH TIME DO YOU HAVE WITH THE

DEPARTMENT?

A. 28 YEARS.

Q. HOW LONG HAVE YOU BEEN A SUPERVISOR?

A. I'VE BEEN A SUPERVISOR FOR TWO YEARS.

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU EVER WORK G.N.D.?

A. YES.

Q. HOW LONG DID YOU WORK THERE?

A. APPROXIMATELY FOUR YEARS?

Q. DURING YOUR TIME WITH THE DEPARTMENT, DID YOU HAVE AN OPPORTUNITY TO WORK WITH OR SUPERVISE OR BE SUPERVISED BY DETECTIVE LUKE WALDEN?

A. YES.

Q. EXPLAIN TO THE BOARD HOW IT IS YOU KNOW HIM.

A. SO MYSELF AND LUKE WERE BOTH ASSIGNED TO -- WE WERE BOTH ASSIGNED TO GANG AND NARCOTICS DIVISION. SO WE KNEW EACH OTHER THROUGH THERE BECAUSE WE WORKED DIFFERENT SQUADS, BUT THEN ALSO LATER ON WE WORKED IN THE GUN UNIT TOGETHER.

Q. OKAY. WHAT DID YOU DO IN THE GUN UNIT?

A. WE WORKED CASES WHERE -- WE WORKED CASES WHERE WE HAVE PEOPLE THAT ARE PROHIBITED POSSESSORS. WE WERE IN CHARGE OF DOCUMENTING THE AMMUNITION LAW FOR THOSE VENDORS SELLING AMMUNITION IN THE CITY OF LOS ANGELES. I WAS TASKED WITH ALSO CONDUCTING AND

HANDLING THE APPLICATIONS FOR PEOPLE WHO ARE APPLYING TO GET THEIR CONCEALED CARRY WEAPONS PERMIT.

Q. OKAY. TELL US ABOUT WHAT TYPE OF OFFICER YOU WERE WORKING WITH WHEN YOU WERE WORKING WITH DETECTIVE WALDEN?

A. ONE OF THE THINGS THAT REALLY STRUCK ME -- AND BEFORE I SAY, I JUST WANT TO THANK THE BOARD FOR EVERYTHING YOU DO. WE TRULY APPRECIATE YOU SACRIFICING YOUR TIME AND PUTTING THE EFFORT FOR THIS REALLY IMPORTANT ROLE IN THE DEPARTMENT AND ALSO FOR THE CITY. SO FROM THE BOTTOM OF MY HEART, I THANK YOU FOR TAKING ON THAT ROLE AND STEPPING UP AND FILLING THAT ROLE.

ONE OF THE THINGS THAT REALLY STRUCK ME AS FAR AS LUKE IS THAT -- I'M A RESIDENT OF LOS ANGELES. SO I HAVE A VESTED INTEREST IN THE PEOPLE WHO ARE OFFICERS, SUPERVISORS, DETECTIVES IN THE CITY THAT I LIVE IN. AND ONE OF THE THINGS THAT REALLY STRUCK ME ABOUT LUKE IS, YOU KNOW, HE'S -- HE TREATS -- HE TREATS OUR RESIDENTS JUST -- I MEAN, AS BEST AS YOU CAN EVER ASK OF ANY PUBLIC SERVANT. HE HAS EMPATHY FOR PEOPLE WHO MIGHT HAVE TAKEN THE WRONG TURN, MADE SOME BAD CHOICES IN LIFE, OR EVEN THE PEOPLE WHO ARE OF THE CRIMINAL ELEMENT. HE IS A PERSON THAT TAKES EXTREME CARE ON HOW HE PRESENTS AND HOW HE TREATS

PEOPLE. TO ME THAT MEANS -- TO ME THAT MEANS MORE TO ME AS A RESIDENT THAN JUST AS A DETECTIVE AND AS A POLICE OFFICER BECAUSE IT'S SOMEBODY THAT I CAN TRUST WITH THE PUBLIC. JUST EVEN IN CONVERSATION, YOU KNOW, ONE OF THE THINGS THAT I JUST KNOW IN LIFE AND BEING A PARENT AND BEING INVOLVED IN ORGANIZATIONS, SOMETIMES PEOPLE WHO CHOOSE PUBLIC SERVICE OR CHOOSE A LINE OF WORK, A LOT OF THAT IS NOT REALLY WHO THEY ARE. ONE THING I LIKE ABOUT LUKE OR ONE THING I NOTICE ABOUT LUKE WORKING WITH HIM IS THAT EVEN WHEN WE'RE AWAY, EVEN WHEN WE'RE NOT DEALING WITH THE PUBLIC, HE HAS A -- HE HAS A REALLY KEEN SENSE OF EMPATHY. I DON'T THINK IN ALL THE YEARS THAT I'VE KNOWN HIM, I NEVER HEARD HIM TALK BADLY ABOUT -- EVEN THE -- EVEN THE PEOPLE WHO ARE CRIMINALS WHO WE ARE INVESTIGATING OR ANYTHING ELSE, HE DOESN'T -- HE HAS ENORMOUS CONTROL OF HIS FACULTIES AS FAR AS NEVER SHOWING -- NEVER SHOWING ILL-TEMPER. HE -- A LOT OF THAT HAS TO DO WITH HIS FAITH, AND THAT'S JUST MY OPINION. I THINK IT HAS TO DO WITH HIS FAITH. WE TALK ABOUT -- WE BOTH SHARE A COMMON TRAIT IN THAT WE'RE BOTH SINGLE DADS. WE TALK A LOT ABOUT THAT, AND WE TALK A LOT ABOUT HOW BEING A DAD AFFECTS OUR WORK IN OUR WORK LIFE. AND THAT'S REALLY WHAT I -- I REALLY THINK AND I REALLY ADMIRE ABOUT LUKE. AND HE BRINGS -- HE BRINGS THE

PERSPECTIVE OF BEING A DAD AND MAYBE NOT HAVING THE IDEAL SITUATION IN HIS PERSONAL LIFE, AND HE BRINGS IT OUT, DOESN'T HOLD IT AGAINST ANYBODY. BUT ALSO THERE'S THAT SERVICE. THERE'S THAT SERVICE OF -- NOT JUST TO OFFICERS -- IT'S APPRECIATED, BUT EVEN TO THE PEOPLE THAT WE LIVE -- THAT LIVE IN OUR CITY AND PEOPLE THAT LIVE IN OUR COMMUNITY, IT'S THAT SERVICE, YOU KNOW, THAT'S OUR CORE VALUE IN EVERYTHING THAT -- I MEAN, THAT REALLY DRAWS ME TO LUKE, BUT ALSO SETS HIM APART FROM THE PEERS -- FROM HIS PEERS AND EVEN OTHER PEOPLE IN THIS PROFESSION.

Q. EXCELLENT. LET ME INTERRUPT YOU HERE THEN. THANK YOU FOR SHARING ALL OF THAT WITH US.

WE'RE IN THIS BOARD TODAY AND LUKE WAS CHARGED WITH ATTEMPTING TO POSSESS A FIREARM SILENCER SUPPRESSOR. BASED UPON THE EVIDENCE THAT WAS PRESENTED, THE BOARD FOUND HIM GUILTY. KNOWING ALL OF THAT -- AND YOU KNOW A LITTLE BIT ABOUT FACTS HERE, RIGHT?

A. YES.

Q. OKAY. SO KNOWING WHAT YOU KNOW, DOES THAT IN ANY WAY CHANGE YOUR OPINIONS OR OBSERVATIONS OF LUKE AS A PERSON OR AS A POLICE OFFICER?

A. NO, NO. IN FACT, I HAD A CONVERSATION EVEN WITH OUR CAPTAIN, LIKE I WOULD LOVE TO HAVE HIM COME

AND WORK WITH ME.

Q. WHY?

A. YOU KNOW -- OKAY. SO I'VE ACTUALLY HAD THIS CONVERSATION WITH LUKE, AND MAYBE HE DOESN'T WANT ME TO SHARE IT, BUT I'M GOING TO SHARE IT ANYWAY. YOU KNOW, HERE'S -- ULTIMATELY, AS A SUPERVISOR, YOU'RE RESPONSIBLE FOR YOUR PEOPLE. YOU'RE RESPONSIBLE FOR THE PEOPLE THAT YOU ARE IN CHARGE OF. AND I WANT SOMEBODY THAT'S GOING TO COME AND WORK WITH ME WITH THE RIGHT ATTITUDE. WITH ALL THIS STUFF THAT'S BEEN GOING ON, HE HAS A GREAT ATTITUDE, AND HE NEVER -- YOU KNOW, I DON'T THINK HE'S EVER TALKED ILL OF ANYBODY OR -- ANYBODY ELSE. AND, YOU KNOW, I KNOW A LOT OF OFFICERS THAT HAVE BEEN -- THAT HAVE GOTTEN THEMSELVES IN SITUATIONS AND THEY TURN AND THEY -- AND THEY'RE ANGRY AND THEY'RE BITTER AT EVERYTHING, AND THAT'S NOT LUKE. AND I WOULD WANT HIM -- I SAID THIS JUST THE OTHER DAY TO MY CAPTAIN. I'M LIKE, "HEY, IF LUKE GETS THROUGH THIS AND EVERYTHING ELSE, I WOULD WANT HIM TO COME AND WORK FOR ME." AND I WOULD -- YOU KNOW, AND I TALK TO HIM -- HEY, I WANT HIM 'CAUSE WE NEED -- WE NEED PEOPLE LIKE THAT. AND NOT JUST THAT, BUT I'M -- WE'RE AT THE ACADEMY, AND WE ARE HERE WITH YOUNGER OFFICERS OR RECRUITS AND ALSO YOUNGER DETECTIVES. AND I CAN TEACH THEM A LOT THINGS OR -- I CAN'T TEACH THEM

ATTITUDE. HAVING A POSITIVE ATTITUDE AND HAVING A GOOD OUTLOOK, NOT JUST ON LIFE, BUT SERVING THE LAPD, IT'S -- I MEAN, IT'S SO MUCH EASIER WHEN YOU'RE WIRED LIKE THAT, AND HE IS. HE'S WIRED LIKE THAT, AND I WOULD LOVE HIM COME AND WORK FOR ME.

Q. GREAT. WELL, THANK YOU VERY MUCH FOR SHARING ALL OF THAT.

I DON'T HAVE ANY ADDITIONAL QUESTIONS FOR YOU. SERGEANT SLATER MAY OR THE BOARD MAY SO HANG ON, PLEASE.

A. OKAY.

CROSS-EXAMINATION

BY SERGEANT SLATER:

Q. GOOD AFTERNOON, SIR. THIS IS SERGEANT SLATER.

A. HEY, HOW YOU DOING, SERGEANT.

Q. VERY WELL. HOW ARE YOU?

A. GOOD, GOOD, GOOD.

Q. CAN YOU HEAR ME OKAY?

A. YEAH. IT'S PERFECT.

Q. THANK YOU, SIR. I JUST HAVE A COUPLE QUICK QUESTIONS THEN WE'LL BE ON YOUR WAY.

IN THE ACADEMY DO YOU TEACH RECRUITS TO ACCEPT RESPONSIBILITY FOR THEIR ACTIONS?

A. OH, SURE. YES.

Q. OKAY. AND IS ONE OF OUR CORE VALUES "INTEGRITY IN ALL WE SAY AND DO"?

A. YES.

Q. OKAY. DOES THE FACT THAT DETECTIVE WALDEN, DESPITE PLEADING NO CONTEST IN THE CRIMINAL SIDE OF THIS MATTER, CAME BEFORE THIS BOARD AND DENIED THE ALLEGATIONS BEFORE HIM DEMONSTRATE INTEGRITY?

A. WELL, I WOULD SIT THERE AND I WOULD SAY, YES, BUT IN THE SENSE THAT SOMEBODY ACCEPTED -- REGARDLESS OF THE FACTS OR WHETHER OR NOT YOU AGREE OR NOT, THE INTEGRITY THAT YOU'RE ACTUALLY SITTING THERE AND ACCEPTING RESPONSIBILITY. IT'S NOT WHETHER OR NOT YOU DID IT OR NOT BECAUSE THAT CAN BE VERY SUBJECTIVE. ONE OF THE THINGS -- AND THIS IS WHAT I REALLY LIKE ABOUT -- IN THE END, HE'S A SUPERVISOR, AND HE'S -- YOU MIGHT -- YOU MIGHT NOT BE AT FAULT -- AND THIS IS WHAT I TEACH RECRUITS AND THIS IS WHAT I TEACH OFFICERS. YOU MIGHT NOT BE AT FAULT, BUT IN THE END YOU'RE RESPONSIBLE. AND I THINK FOR LUKE, THAT'S ALL I CAN ASK FOR. HEY, YOU MIGHT NOT BE AT FAULT; BUT IN THE END, YOU'RE RESPONSIBLE. AND HE TOOK RESPONSIBILITY FOR IT, WHICH IS ALL THAT I CAN ASK. I WOULDN'T ASK THAT OF ANY OTHER POLICE OFFICER. I WOULDN'T ASK THAT OF ANYBODY ELSE. AND THIS IS WHAT I

TEACH, AND I TEACH IT TO MY KIDS, TOO. HEY, IT MIGHT NOT BE YOUR FAULT, BUT IN THE END IT'S YOUR RESPONSIBILITY. SO ACCEPT THE RESPONSIBILITY AND THEN WE CAN GO FROM THERE.

Q. OKAY. I MAY HAVE MISSTATED OR YOU MAY HAVE MISUNDERSTOOD WHAT I SAID AND I APOLOGIZE. BUT HOW IS COMING IN FRONT OF THE BOARD AND DENYING THE ALLEGATIONS ACCEPTING RESPONSIBILITY?

A. OH, I'M GLAD YOU ASKED THAT. SO ONE OF THE THINGS IS THAT IF -- OKAY. THERE CAN BE A LOT OF DIFFERENCES OF OPINION. AND THAT'S -- I RESPECT ALL OPINIONS. NOW, HE HAS A -- HE HAS AN OPINION. I RESPECT HIS OPINION. THE BOARD HAS AN OPINION. AND JUST BECAUSE -- LISTEN, JUST BECAUSE YOU -- JUST BECAUSE YOU DISAGREE WITH AN OPINION DOESN'T MAKE IT -- DOESN'T NECESSARILY MAKE IT WRONG. WE ALL COME WITH DIFFERENT OPINIONS AND THAT'S -- YOU KNOW, AND THAT'S PART OF WHAT WE TEACH OTHER PEOPLE. THIS IS WHAT WE TEACH OUR -- THERE CAN BE A LOT OF DIFFERENCES OF OPINIONS. THIS IS -- IN THE END THIS IS -- THIS IS A PART OF POLICE WORK. SO THERE CAN BE A LOT OF DIFFERENCES OF OPINIONS. WHAT YOU'LL FIND, ESPECIALLY IN DETECTIVE WORK, YOU CAN BE OF A STRONG OPINION. THE DISTRICT ATTORNEY CAN HAVE A DIFFERENT OPINION. A JURY, THERE'S GOING TO BE TIMES WHERE A JURY HAS COME

TO A DIFFERENT CONCLUSION THAN I HAVE. THERE'S A PLACE FOR ALL OF THAT. SO THERE MIGHT BE -- TWO THINGS CAN BE RIGHT AT THE SAME TIME.

SO I THINK IN YOUR CASE, WHEN WE TALK ABOUT THE INTEGRITY, WHAT I LOOK AT IS ARE YOU ACCEPTING WHATEVER OUTCOME THAT COMES OUT OF IT, REGARDLESS OF THE OPINIONS. SO -- I MEAN, I HAVE A DIFFERENT -- I, TOO, HAVE AN OPINION. BUT TO ME, IT'S -- OKAY. THERE'S A DIFFERENCE OF OPINION AND ARE YOU ACCEPTING OF OTHER PEOPLE'S OPINIONS, REGARDLESS OF WHETHER OR NOT YOU AGREE WITH IT OR NOT. AND TO ME THAT TALKS TO YOUR INTEGRITY.

Q. THANK YOU, SIR.

ONE LAST QUESTION. YOU MENTIONED THAT YOU HAVE EXPECTATIONS OF THE OFFICERS IN THE CITY YOU LIVE IN. IS ONE OF THOSE EXPECTATIONS FOR THE OFFICERS OF THE CITY YOU LIVE IN TO UPHOLD THE LAW?

A. ABSOLUTELY.

SERGEANT SLATER: NO FURTHER.

MS. AMIN: ANY QUESTIONS?

MR. ORTEGA: YEAH. I HAVE ONE. SHOULD I GET CLOSER TO IT?

MS. AMIN: SURE.

EXAMINATION

BY MR. ORTEGA:

Q. DETECTIVE CRAIG, IS IT?

A. DETECTIVE MARQUEZ.

Q. DETECTIVE MARQUEZ. OKAY. I'M SORRY.

A. YOU CAN CALL ME CRAIG.

Q. MY NAME IS DAN ORTEGA. I'M A CIVILIAN MEMBER. I'VE GOT ONE QUESTION FOR YOU.

A. SURE.

Q. AS A SUPERVISOR WOULD A POLICE OFFICER WHO -- YOU KNOW, WHO HAS PLEADED NO CONTEST TO A MISDEMEANOR RELATED TO GUN PURCHASES -- THIS OFFICER TESTIFIED IN COURT -- OR HAS TESTIFIED REGULARLY. DO YOU THINK THAT THIS -- WOULD YOU SAY THAT THIS WOULD UNDERMINE AN OFFICER'S CREDIBILITY IN COURT TESTIMONY HAVING THIS EXPERIENCE BEHIND HIM?

A. I'M VERY GLAD YOU ASKED THAT QUESTION. SO I ACTUALLY TEACH BRADY AS PART OF -- SO -- YOU KNOW, SO BRADY LAW AND THE BRADY CASE LAW AND THAT -- AS FAR AS THE TESTIMONY AND WHAT EXCLUDES IT. SO THERE'S MISDEMEANORS AND THERE'S CERTAIN TYPES OF MISDEMEANORS. SO THERE'S A LOT OF DIFFERENT THINGS AS FAR HAS SOMEBODY PLEADING OUT. SO WE HAVE OFFICERS THAT HAVE PLED NO CONTEST TO D.U.I. WE HAVE OFFICERS THAT PLEAD NO CONTEST TO -- RIGHT NOW WE'RE IN THE

MIDDLE OF A DISCUSSION IN PUBLIC WHERE WE HAVE PEOPLE WHO WERE DREAMERS AND THEIR CITIZENSHIP IS UNDER QUESTION AND WHETHER OR NOT THEY CAN LEGALLY OWN FIREARMS. SO MY THING IS THAT, OKAY, THERE ARE SOME THINGS I WILL TELL UNEQUIVOCALLY, YOU CANNOT OR SHOULD NOT BE A POLICE OFFICER WITH. IF THIS WAS DOMESTIC VIOLENCE, YOU CAN'T. I'M SORRY. YOU JUST -- I MEAN, YOU CAN'T. ONE, YOU WON'T BE ABLE TO CARRY A GUN, AND I DON'T WANT TO -- I DON'T WANT TO GO DOWN THE RABBIT HOLE SAYING ANY TYPE OF DOMESTIC VIOLENCE IS ACCEPTABLE. IF SOMEBODY COMMITTED A SEXUAL CRIME, THEN I WILL SIT THERE AND I WILL TELL THE BOARD, EVEN IF IT'S A MISDEMEANOR, IT'S SOMETHING OF SEXUAL VIOLENCE OR SEXUAL ASSAULT OR ANY OF THAT SORT, THEN WE CAN'T -- 'CAUSE THERE'S CERTAIN THINGS WE CAN'T HAVE ANY TOLERANCE FOR. I THINK WHEN YOU'RE LOOKING AT THIS IN -- OR YOU'RE LOOKING AT THIS TYPE OF CRIME, IS IT SOMETHING THAT INHERENTLY IS GOING TO STOP SOMEBODY FROM SERVING THE PUBLIC, MAYBE TESTIFYING, OR SOMETHING OF THAT SORT? AND I DON'T SEE IT. I JUST -- AT LEAST IN MY OPINION. THAT'S MY THING. AND I DON'T THINK THAT THE NATURE OF THE CRIME IS CONSISTENT WITH THINGS THAT WE HAVE ZERO TOLERANCE ON. AND I THINK THE BOARD WOULD AGREE WITH ME THAT IF SOMEBODY COMMITTED A SEXUAL CRIME OR SOMETHING OF

DOMESTIC VIOLENCE, THEN THERE WOULD BE NO -- IT WOULD BE NO -- IT WILL BE A "NO" RIGHT ACROSS THE BOARD. AND EVEN IF I HAD THE SAME RELATIONSHIP WITH LUKE AND HE COMMITTED AN ACT OF DOMESTIC VIOLENCE, I WOULD TELL YOU "NO."

Q. OKAY. I UNDERSTAND THAT THOSE ARE YOUR VALUE JUDGMENTS, BUT --

A. YES.

Q. BUT WE'RE TALKING ABOUT AN OFFICER WHO HAS BEEN FOUND GUILTY OF AN OFFENSE THAT IN A CRIMINAL SETTING WOULD BE CONSIDERED A FELONY. YOU'RE TELLING ME --

MR. SEKI: NO, IT'S NOT. I'M SORRY. ARE YOU TALKING ABOUT WHAT HE PLED TO?

MR. ORTEGA: NO. I'M TALKING ABOUT WHAT WE FOUND HIM GUILTY OF. DO YOU UNDERSTAND THE DIFFERENCE? I MEAN, DO YOU SEE WHAT THE QUESTION IS?

MR. SEKI: NO, I UNDERSTAND YOUR QUESTION.

Q. SO MY QUESTION TO YOU IS ARE YOU TELLING ME THAT YOU DO NOT SEE THAT THIS WOULD IMPUGN THIS OFFICERS' WORD IN A COURT OF LAW?

A. NO. BECAUSE WHAT WE'RE TALKING ABOUT IS AN ATTEMPT, RIGHT? SO ATTEMPT POSSESSION. SO POSSESSION IN THE ATTEMPT -- SO IF YOU LOOK AT THE ACTUAL POSSESSION AND POSSESSION OF -- LET'S JUST SAY FOR

LACK OF -- POSSESSION OF A SILENCER, WITH POSSESSION OF A SILENCER, YOU STILL HAVE TO -- YOU STILL HAVE TO GET THE INTENT PART UNDER FEDERAL STATUTE, 935. SO YOU STILL HAVE TO HAVE THE POSSESSION AND THERE STILL HAS TO BE SOME KIND OF --

SERGEANT SLATER: I'M GOING TO OBJECT. HE HASN'T LED ANY FOUNDATION FOR THIS KNOWLEDGE. HE HASN'T DEMONSTRATED KNOWLEDGE --

MR. ORTEGA: AND I THINK WE'RE GETTING OFF TRACK.

BY MR. ORTEGA

Q. I THINK YOU ANSWERED MY QUESTION. WE JUST DISAGREE ON THIS ISSUE, BUT THANK YOU FOR YOUR INPUT. I APPRECIATE IT.

A. THANK YOU.

MR. ORTEGA: I HAVE NO FURTHER QUESTIONS.

MS. AMIN: DEPARTMENT?

SERGEANT SLATER: NOTHING FURTHER FOR THIS WITNESS.

MS. AMIN: MR. SEKI?

MR. SEKI: NO.

MS. AMIN: ALL RIGHT. THANK YOU VERY MUCH, DETECTIVE MARQUEZ. YOU ARE EXCUSED.

MR. SEKI: THANKS, DETECTIVE.

DETECTIVE MARQUEZ: THANK YOU. THANK YOU,

FOLKS.

MR. SEKI: BYE-BYE.

DETECTIVE MARQUEZ: BYE.

(END OF TELEPHONIC WITNESS.)

MS. AMIN: ALL RIGHT. ANY OTHER WITNESSES?

MR. SEKI: NO OTHER WITNESS.

I DO HAVE A DOCUMENT THAT I WANT TO INTRODUCE AND MARK. I DON'T KNOW IF IT NEEDS TO BE MARKED AS AN ACCUSED EXHIBIT. THIS IS FROM THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING. AND IT IS ENTITLED "ORDER WITHDRAWAL OF IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST CERTIFICATE." BASICALLY, IT INDICATES THAT THEY FIND NO REASON FOR HIM TO BE DISQUALIFIED FROM HOLDING OFFICES OR BEING AN EMPLOYED AS A POLICE OFFICER BASED UPON HIS CRIMINAL CONVICTION.

MR. ORTEGA: ARE YOU TALKING ABOUT THIS SPECIFIC CASE HERE?

MR. SEKI: YES.

SERGEANT SLATER: I'M GOING TO REQUEST A MOMENT TO REVIEW THIS.

MS. AMIN: ALL RIGHT. WHAT WAS THE TITLE? ORDER OF WITHDRAWAL --

MR. SEKI: "ORDER OF WITHDRAWAL OF IMMEDIATE TEMPORARY SUSPENSION OF RESPONDENT'S POST

CERTIFICATE." WHAT HAPPENS IS WHEN AN OFFICER'S ARRESTED OR CHARGED WITH CERTAIN CRIMES, POST, WHICH IS RESPONSIBLE FOR LICENSING THEM, WILL TEMPORARY SUSPEND IT UNTIL PROCEEDINGS ARE DONE. HERE, THEY WERE -- WHEN HE WAS INITIALLY CHARGED, BUT SINCE THE CRIMINAL CASE HAS BEEN CONCLUDED, THEY'VE BASICALLY WITHDRAWN THAT AND INDICATED THEY SEE NO NEED FOR THAT -- THEY SEE NO REASON FOR HIM TO BE DISQUALIFIED FROM BEING A POLICE OFFICER.

MS. AMIN: BASED ON A CRIMINAL MISDEMEANOR.

MR. SEKI: RIGHT.

MS. AMIN: DO THEY MAKE ANOTHER DETERMINATION AFTER THIS?

MR. SEKI: NO. 'CAUSE IT'S THE SAME -- IT'S ESSENTIALLY THE SAME SET OF FACTS.

MS. AMIN: OKAY.

MR. SEKI: SO THEY HAVE REVIEWED THIS, AND THAT'S BASICALLY WHAT IT'S GOING TO BE.

MS. AMIN: OKAY. ALL RIGHT. ANY OBJECTION?

SERGEANT SLATER: NO OBJECTION FROM THE DEPARTMENT.

MS. AMIN: OKAY.

MR. SEKI: I DON'T KNOW IF I NEED TO MARK THIS --

MR. ORTEGA: "F."

MR. SEKI: "F"? SURE.

MR. ORTEGA: THIS DOCUMENT IS A DEPARTMENT DOCUMENT?

MR. SEKI: NO. THIS IS A STATE OF CALIFORNIA --

MR. ORTEGA: STATE OF CALIFORNIA.

MR. SEKI: -- COMMISSION ON PEACE OFFICER STANDARDS. SO THEY'RE THE ONES THAT ARE RESPONSIBLE FOR --

MS. AMIN: THANK YOU.

MR. SEKI: -- CERTIFYING POLICE OFFICERS. AND UNDER THE COMMISSION OF CERTAIN CRIMES, OR EVEN, YOU KNOW, DEPENDING IF IT WAS SOMETHING DIFFERENT. SAY HE HADN'T BEEN CHARGED, THEN THEY WOULD BASICALLY END UP REVIEWING THIS LATER. BUT SINCE HE WAS CHARGED AS A RESULT OF ALL THIS, THEY GET IT, THEY REVIEW IT, AND THEY MAKE THEIR DETERMINATION OF WHETHER OR NOT THEY BELIEVE HE CAN CONTINUE BEING A POLICE OFFICER.

(ACCUSED'S EXHIBIT F WAS
MARKED FOR IDENTIFICATION AND
ENTERED INTO EVIDENCE.)

MS. AMIN: DOES THE DEPARTMENT HAVE ANYTHING TO OFFER FOR TODAY?

SERGEANT SLATER: THE DEPARTMENT WILL HAVE A WITNESS TO TESTIFY TO CERTAIN STATEMENTS THAT WERE

JUST MADE REGARDING THIS DOCUMENT TOMORROW.

MS. AMIN: TOMORROW. OKAY.

MR. SEKI, DO YOU HAVE ANYTHING ELSE?

MR. SEKI: NO. WE HAVE THREE WITNESSES FOR TOMORROW, THOUGH.

MS. AMIN: OKAY. AND YOU WANTED TO START AT 10:30; IS THAT CORRECT?

MR. SEKI: PLEASE.

MS. AMIN: OKAY. THAT'S IT FOR TODAY.

WE'RE OFF THE RECORD.

MR. SEKI: THANK YOU.

(THE BOARD OF RIGHTS IN THE ABOVE-ENTITLED MATTER ADJOURNED AT 1550 AND WAS SCHEDULED TO RECONVENE ON FEBRUARY 15, 2024, AT 1030 HOURS.)

--OOO--

REPORTER'S CERTIFICATE

I, DENISE C. RIVERA, CSR NO. 7535, DO HEREBY CERTIFY:

THAT THE FOREGOING PAGES COMPRISE A FULL TRANSCRIPT OF PROCEEDINGS TAKEN BEFORE ME ON WEDNESDAY, FEBRUARY 14, 2024, AT THE TIME AND PLACE THEREIN SET FORTH; AND WAS TAKEN DOWN BY ME IN SHORTHAND AND THEREAFTER TRANSCRIBED INTO TYPEWRITING BY ME TO THE BEST OF MY ABILITY;

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL NOR RELATED TO ANY PARTY TO SAID ACTION, NOR IN ANYWISE INTERESTED IN THE OUTCOME THEREOF.

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 25TH DAY OF JUNE, 2025.

_____
DENISE C. RIVERA
CSR NO. 7535
CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA