

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,	)	
	)	No. 2:26-cr-00084-SHD
Plaintiff,	)	
	)	
vs.	)	
	)	Phoenix, Arizona
Isaac Luis-Azamar,	)	July 14, 2026
	)	2:35 p.m.
Defendant.	)	
_____	)	

BEFORE: THE HONORABLE SHARAD H. DESAI, JUDGE

REPORTER'S EXCERPTED TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF JUSTIN McNEIL

JURY TRIAL - DAY 1

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P R O C E E D I N G S

(Excerpt begins at 2:35 p.m.)

MS. HOOK: Your Honor, the United States calls to the stand Officer Justin McNeil.

THE COURTROOM DEPUTY: Sir, please come forward. Right in front of me is fine. Please raise your right hand.

(Justin McNeil, a witness herein, was duly sworn or affirmed.)

THE COURTROOM DEPUTY: Thank you. If you can walk around this way and approach the witness stand, please.

THE COURT: Please make sure to keep the microphone relatively close to your face when you're answering.

THE WITNESS: All right.

THE COURT: Thank you.

THE WITNESS: How about that?

THE COURT: That's fine.

JUSTIN MCNEIL,
called as a witness herein, having been first duly sworn or affirmed, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. HOOK:

Q. Good afternoon, Officer McNeil.

Could you please introduce yourself to the members of the jury.

A. My name is Justin McNeil. I am a deportation officer for

1 officer -- for Immigration and Customs Enforcement.

2 Q. And when did you start working for ICE?

3 A. In April of 2022.

4 Q. Did you work anywhere before that?

5 A. Yes. I worked for border patrol.

6 Q. How long --

7 A. For -- since 2011.

8 Q. Okay. Now, Officer McNeil, were you working back on
9 January 30th of 2026?

10 A. Yes, I was.

11 Q. And in what capacity were you working?

12 A. As a deportation officer in the field on a -- on one of our
13 field teams. So we were just, you know, working out in the
14 field, looking for targets.

15 Q. Can you describe what a field team is?

16 A. So it's a team of -- of us that are comprised of, you know,
17 anywheres from a few to several officers that are looking for
18 targets, meaning -- "targets" meaning illegal immigrants that
19 are here illegally, and we attempt to locate and apprehend
20 them.

21 Q. Now, on January 30th of 2026, who was a part of your team?

22 A. Earlier in the morning, it would've been our supervisor as
23 well, but then he ended up leaving because he had some admin
24 stuff to do that day.

25 And then at the time, later on it was just

1 Officer Glunt, Officer Easton, and Officer Pekrol and myself.

2 Q. And you mentioned that you were looking for targets that
3 day; is that right?

4 A. Yes, ma'am.

5 Q. Were you -- well, what time did your shift begin on that
6 day?

7 A. I don't remember, but it would've been somewhere in the
8 early morning, around probably 4:00, 5:00 in the morning.

9 Q. And before getting into what happened on January 30th of
10 2026, are you familiar with final orders of removal?

11 A. Yes, ma'am.

12 Q. And could you explain to the jury what that is?

13 A. So a final order could be given by a couple different ways.
14 You could have an administrative final order, which is issued
15 by us as officers in ICE; or you could have a immigration judge
16 final order, which is as it says, it's issued by an immigration
17 judge, and that means that they have a final order of removal
18 to their country.

19 Q. Now, going back to January 30th, what were you wearing that
20 day?

21 A. Most days I wear a polo shirt. This day in particular, I
22 was wearing a black one, a long sleeve one, and then some
23 grayish colored pants, kind of like tacticalish-type pants, I
24 guess, and some -- and some boots. And then obviously my gear,
25 which is my gun belt with all my tools on it, like my weapon,

1 service pistol, baton, handcuffs, flashlight, stuff like that;
2 and then my vest, which has my radio on it and my badge and my
3 placards and stuff.

4 Q. When you say "placards," what do you mean?

5 A. It says police on it front and back and then a badge on the
6 front that says ICE.

7 Q. Now, you mentioned you were looking for targets on
8 January 30th of 2026.

9 But at some point during your shift did you end up at
10 43rd Avenue and Camelback?

11 A. Yes. We ended up at a Home Depot there.

12 Q. Okay. And how did you end up there?

13 A. I don't remember what made us decide to go there. I think
14 we were in the area looking for another target, and then we
15 just ended up getting into the parking lot there and observing
16 people around us there.

17 Q. What did you do exactly when you arrived in the parking
18 lot?

19 A. Drove around just looking for suspicious vehicles and
20 whatnot. You know, typical ones that targets that we usually
21 find.

22 And so, anyway, I ended up running through the parking
23 lot, found several license plates, and started running them
24 through our databases.

25 Q. At some point did you run the license plate of a blue

1 Chevrolet Silverado?

2 A. Yes, I did.

3 Q. What did you learn when you ran that license plate?

4 A. I learned that it did come back to a Hispanic male. And I
5 say Hispanic based off the name, anyway. And so, you know,
6 whenever I do find a name, I usually -- there's certain things
7 that we can look for that there might be missing markers and
8 whatnot on the registration.

9 This one in particular did not have any of those
10 missing markers, but that doesn't necessarily mean that they
11 don't have anything further that we should investigate. So I
12 put the name into our other databases and had found that the
13 subject of the vehicle was actually removed already before and
14 obviously was here again because they had a current registered
15 vehicle in their name.

16 Q. What did you do, then, after learning this information?

17 A. I advised my team that were with me there in the parking
18 lot that I had found one that looked good and I was -- you
19 know, as far as being able to remove and arrest. So I did some
20 further digging on our databases just to confirm and make sure
21 that that subject didn't have any applications pending or any
22 kind of status.

23 Q. And why would you do that?

24 A. Just so we're not arresting people that do have status or
25 that have, you know, things that would prevent us from removing

1 them to their country.

2 Q. And were you able to confirm that the individual registered
3 to this truck did not have any of those pending applications?

4 A. Yes, ma'am.

5 Q. Did you later learn the name of this individual to be Silas
6 Luis-Castro?

7 A. Yes.

8 Q. So once you determined that this individual was removable
9 from the United States, what did you do?

10 A. I advised my team, and in our chat that we use I sent them
11 photos of him, you know, information like his name, date of
12 birth and whatnot, and advised them of his previous immigration
13 history and his final order that he had.

14 Q. And as a result of receiving that information, what did
15 your team do?

16 A. Then we set up to wait for them to come -- we assumed,
17 anyway, that they were in Home Depot as they were parked in the
18 pro parking of the Home Depot parking lot. So we waited for
19 them to come out -- or I should say him because we didn't
20 know -- at that time we didn't know there was any more than one
21 subject in that vehicle.

22 Q. And at some point while you're waiting for someone to enter
23 the truck, does someone in fact enter the truck?

24 A. Yes. They came out, loaded some supplies into the truck,
25 and got into the vehicle and started to pull away.

1 Q. And when you say "they," how many people did you see?

2 A. Two.

3 Q. Now, after you saw two people get into the truck, then what
4 did you do?

5 A. I let my team know that they had entered the vehicle and
6 that they were going to be moving. And as soon as they started
7 moving, then we all proceeded to, you know, follow the vehicle
8 out of the parking lot. And they exited out of the backside,
9 which would be on the west side of the Home Depot.

10 Q. When you say "we," who all went with you to follow the
11 truck?

12 A. It was me and Officer Easton and Officer Pekrol.
13 Officer Glunt didn't -- he was on the other side of the parking
14 lot, so when we finally started to move he didn't realize that
15 we -- where we were at exactly.

16 Q. The vehicle that you were driving, was it unmarked or
17 marked?

18 A. It was unmarked.

19 Q. Did you have lights?

20 A. Yes, I did.

21 Q. What about sirens?

22 A. No siren. But lights, yes, front and rear.

23 Q. And did you have any type of squad camera on your vehicle?

24 A. No, ma'am. We haven't been assigned those yet.

25 Q. Okay. And while talking about cameras, did you have any

1 type of body-worn camera that day?

2 A. Not that either, no.

3 Q. Okay. Now, how soon after leaving the Home Depot parking
4 lot did you activate your lights?

5 A. So we exited the Home Depot, and probably within a quarter
6 mile, I would say it was, down the road, as we were driving
7 south on I believe it's 45th, we activated the lights. And
8 because I don't have sirens, then Easton, Officer Easton, came
9 up on the side and activated his lights and sirens on the
10 vehicle.

11 Q. Did that truck then slow down?

12 A. It did initially. It initially started to slow down. I
13 put my truck in park, went to go exit out of the vehicle. I
14 got, like, one leg out of my vehicle, and then the vehicle took
15 off again on us.

16 Q. And when you say it slowed down, at any point did it stop?

17 A. It came maybe to a brief stop for a -- maybe a brief
18 moment, not long.

19 Q. And you mentioned that you were getting out of your
20 vehicle?

21 A. Yeah.

22 Q. And it took off again?

23 A. Yes.

24 Q. Did you then get back into your vehicle?

25 A. Yes, ma'am. And then we followed it around the corner.

1 And they took the next corner at the intersection wide, so then
2 I was able to go on the inside and pass them up and get in
3 front to keep them from going further down the road.

4 Q. And why were you concerned about him going farther down the
5 road?

6 A. Because they had already stopped once and took off again.

7 Q. Now, you mentioned you were in front.

8 Where did Officer Easton and Officer Pekrol go?

9 A. They were behind the vehicle on either side of it, I
10 believe. I believe Easton was on the back left side of the
11 vehicle and Pekrol was on the back right side.

12 Q. Now, what happened, then, when the truck came to a complete
13 stop?

14 A. It took -- because I was in front and couldn't see right
15 away, it took me a minute -- or a second, I should say, to
16 realize that they actually had stopped. And by the time I
17 realized that, I looked back, and they had already exited the
18 vehicle. So then I exited my vehicle and ran around my
19 vehicle, the target's vehicle, and Officer Easton's vehicle to
20 be able to see where they went.

21 Q. Now, when you ran around the other vehicle, did you come
22 into contact with an individual?

23 A. I did. I -- initially when I came around all the vehicles,
24 I could see all four subjects, the two from the vehicle and
25 then my -- our two officers off in the distance there on the

1 side of the road that they had made contact with the -- with
2 the targets, or subjects. And at that point in time I saw one
3 person running back towards my location, which was towards the
4 truck of the -- of the target, and so I immediately focused on
5 him and ran towards him to apprehend him.

6 Q. And were you able to apprehend this individual?

7 A. Yes. With the help of Officer Pekrol, who assisted me, we
8 were able to apprehend him and restrain him and put him in our
9 vehicle.

10 Q. Did you later learn that this individual was Silas
11 Luis-Castro?

12 A. Yes, ma'am.

13 Q. Now, when you apprehended Mr. Luis-Castro, was he asked if
14 he needed medical treatment?

15 A. Right at the moment, I don't believe so, just because of
16 the -- given the situation of the other -- other suspect
17 running away from us. He may have been asked by somebody else.
18 But I asked him definitely later on, after we were able to get
19 the situation under control.

20 Q. And as a result of asking him later on, did you ever, in
21 fact, request the medical treatment?

22 A. No. He didn't -- he said he didn't need any.

23 MS. GENDREAU: Objection. Hearsay.

24 THE COURT: Sustained.

25 ///

1 BY MS. HOOK:

2 Q. Based on your knowledge, did medical treatment ever arrive
3 on scene?

4 A. No.

5 Q. Now, eventually did you arrest the other occupant of that
6 truck?

7 A. I'm sorry. Say that -- repeat that again.

8 Q. Eventually, did you arrest the other occupant of that
9 truck?

10 A. Yes, ma'am. Yes, we did.

11 Q. And did you later learn the name of that individual?

12 A. Yes, we did eventually as well.

13 Q. And is that Isaac Luis-Azamar?

14 A. Yes.

15 Q. Would you recognize that individual if you saw them again?

16 A. Yes, ma'am.

17 Q. Do you see them in the courtroom today?

18 A. Yes, I do.

19 Q. Could you identify this individual by an item of clothing
20 that they are wearing and where they are in the courtroom?

21 A. Sitting here off to my left in a blue shirt, collared
22 shirt.

23 MS. HOOK: Your Honor, I would ask that the record
24 reflect an in-court identification of the defendant.

25 THE COURT: Yes.

1 BY MS. HOOK:

2 Q. Now, before you arrested the defendant, were you able to
3 see him running?

4 A. Yes, I was.

5 Q. And did he cross any major roadways?

6 A. Yes. He initially -- after we apprehended the -- Silas, I
7 turned around and could see him running off in the distance
8 south on 45th further. At that point in time, Officer --
9 Officer Easton and I actually got back in our vehicles, and
10 I -- I had asked Officer Pekrol to stay behind with the vehicle
11 since it was in the middle of the street.

12 And we drove down 45th and then came onto Indian
13 School, which is a pretty major street -- I think it's two
14 lanes each direction -- and at that point in time we were able
15 to gain visual of the subject again. And then we were able to
16 pull over there and chase after him from there on foot.

17 Q. And approximately how far did the defendant run from when
18 you were initially on scene to when you arrested him?

19 A. If I had to guess, I would say it was between a quarter and
20 a half mile or so.

21 Q. It was enough for you to drive your vehicle to find him?

22 A. Yes, ma'am.

23 Q. Now, when you came into contact with the defendant, was he
24 then ultimately placed into handcuffs?

25 A. Yes, he was.

1 Q. And to your knowledge, was the defendant ever seen by any
2 medical professionals?

3 A. No, he was not.

4 Q. Now, I want to show you what has been marked as
5 Exhibit Number 4.

6 Are you able to see that on the screen?

7 A. No. There's nothing up here except the seal.

8 Okay. Yeah, I see it now.

9 Q. Do you recognize this exhibit?

10 A. Yes, ma'am.

11 Q. What is it?

12 A. That is a picture of me from the front of what I was
13 wearing that day of the incident.

14 Q. Okay. And I also want to show you what has been marked as
15 Exhibit Number 5.

16 Do you recognize this exhibit?

17 A. Yes. That's the backside picture.

18 Q. And do these -- both Exhibit 4 and 5, do they fairly and
19 accurately depict how you looked back on January 30th, 2026?

20 A. Yes. 100 percent.

21 MS. HOOK: Your Honor, at this time I would move to
22 admit Exhibit 4 and 5 into evidence.

23 MS. GENDREAU: No objection.

24 THE COURT: They are admitted. Thank you.

25 (Exhibits 4 and 5 admitted into evidence.)

1 MS. HOOK: And I would move to publish to the jury as
2 well.

3 THE COURT: You may.

4 BY MS. HOOK:

5 Q. Now, Officer McNeil, you mentioned that you had a placard
6 on your vest back on that day; is that correct?

7 A. Yes, ma'am.

8 Q. And do you see it in this photo?

9 A. Yes, I do.

10 Q. And is your ICE badge also in this photo?

11 A. Yes, ma'am.

12 Q. And what other items do you have on your vest?

13 A. So I have my radio. I have -- I have some gloves and I
14 believe a thing that holds extra battery for my flashlight on
15 the -- on the vest. And then I have magazines for my pistol,
16 my pistol, baton, flashlight, and some cuffs that are in the
17 back. And then I also have a pair of cuffs hanging there from
18 my radio, the ones that we were using at the time.

19 Q. And with Exhibit Number 5, you clearly have a placard on
20 your -- the back of your vest as well; is that right?

21 A. Yes, ma'am.

22 As well as a tourniquet; I forgot I have that on there
23 too.

24 Q. Now, I also want to show you what has been marked but not
25 admitted yet as Exhibit 27. I apologize. Exhibit Number 28.

1 Now, Officer McNeil, are you familiar with this
2 exhibit?

3 A. Yes, ma'am.

4 Q. And have you had the opportunity to review this video?

5 A. Yeah, for a little bit of time.

6 Q. And the video identified in Exhibit Number 28, did that
7 occur near the intersection of --

8 MS. HOOK: I apologize. If I can have one moment?

9 BY MS. HOOK:

10 Q. Now, the intersection depicted in this video, did that
11 occur at or near the Monterosa and 45th Avenue?

12 A. Yes.

13 Q. Were you personally able to observe the events that
14 occurred there?

15 A. In the video you're saying?

16 Q. Yes.

17 A. Yes, I was.

18 Q. And did the video fairly and accurately depict the events
19 that you observed on January 30th of 2026?

20 A. Yes, it appears to be consistent with what I -- what I
21 remember from that day.

22 Q. And does it also fairly and accurately show the movement of
23 the vehicles that you observed when you were present at this
24 intersection?

25 A. Yes, it does.

1 MS. HOOK: Your Honor, at this time I would move to
2 admit Exhibit Number 28 into evidence.

3 MS. GENDREAU: No objection.

4 THE COURT: It is admitted.

5 (Exhibit 28 admitted into evidence.)

6 MS. HOOK: And additionally I would move to publish.

7 THE COURT: You may.

8 BY MS. HOOK:

9 Q. Now, Officer East- -- or Officer McNeil, before I start
10 this video, could you direct the jury's attention to where your
11 vehicle was driving at this intersection?

12 A. Yeah. So if you look probably just above that white pickup
13 truck, behind the trees there -- it does kind of conceal it a
14 little bit, plus the wall being there, so you just see the tops
15 of the vehicles. But if you look just behind the -- or just
16 above the white pickup truck, you should be able to see the
17 vehicles come through that area. And I believe you'll see -- I
18 guess it's hard to tell what vehicle is what because you just
19 see the very top of them. But as far as I can tell and what I
20 remember, the first vehicle you'll see is the subject's
21 vehicle, or suspect here, and then mine will be right -- right
22 next to it.

23 Q. Okay. I will play it through and then pause it after.

24 MS. HOOK: And for purposes of the record, I am
25 pausing the video at 45 seconds and playing from the

1 beginning -- or playing from 20 seconds.

2 (Video played in open court with no audio.)

3 BY MS. HOOK:

4 Q. Now, Officer McNeil, can you identify by drawing somewhere
5 on this screen where you will see the vehicles come from
6 initially in this video?

7 A. Yeah. You can briefly see them right here on the very
8 right, right there, for just a brief moment. But you can't
9 tell probably who's who there. But you can briefly see them
10 there in that screen -- or part of the screen before they come
11 above that white truck.

12 Q. Okay. And I am playing the video again.

13 (Video played in open court with no audio.)

14 BY MS. HOOK:

15 Q. Now, Officer McNeil, I know it's hard to see, but are you
16 able to identify where your vehicle is coming from in this?

17 A. If you can go maybe another second to where they're in
18 between this area right here, I can see it better there.

19 So that first truck you'll see right there would be
20 his, and mine's gonna be right there next to it.

21 Q. And how do you know that's your vehicle?

22 A. Because of where I was positioned that day.

23 Q. Okay.

24 A. From my -- from my memory.

25 MS. HOOK: May I have a moment, Your Honor?

1 THE COURT: You may.

2 Ms. Hook, before you continue, how much longer do you
3 have in your direct?

4 MS. HOOK: Your Honor, I do have just a couple
5 questions. But before tendering the witness, I was going to
6 request a sidebar. So if you would like, if that's appropriate
7 to do now, we can.

8 THE COURT: You can ask your questions, and then we'll
9 take a break and we can do the sidebar.

10 MS. HOOK: Okay.

11 BY MS. HOOK:

12 Q. Officer McNeil, are you familiar with United States Code
13 violations for 1326?

14 A. Yes, I am.

15 Q. And could you explain what that is?

16 A. So that is for --

17 MS. GENDREAU: Objection. Relevance.

18 THE COURT: Sustained.

19 MS. HOOK: Your Honor, at this time I would be
20 requesting a sidebar.

21 THE COURT: Okay. Let's take a break and plan to
22 reconvene around 3:20. And, counsel, you can remain in the
23 room and we'll continue at a sidebar. Thank you all.

24 THE COURTROOM DEPUTY: All rise for the jury. And,
25 ladies and gentlemen, you're welcome to proceed back to the

1 jury room. Please leave your notebooks in here.

2 THE COURT: And please remember the admonition.

3 (The Jury exited the courtroom.)

4 (Proceedings held outside the presence of the jury.)

5 THE COURT: All right. Please be seated, and counsel
6 can approach the sidebar.

7 (Sidebar discussion begins on the record.)

8 THE COURT: Before we go any further, do you want to
9 excuse the witness and we can just do this in open court? Or
10 would you all prefer to do this at sidebar?

11 MR. BAUGHER: I think it's better at sidebar.

12 THE COURT: Okay.

13 MR. BAUGHER: Do you understand what he's saying?

14 MS. HOOK: Yes. I was going to ask you to make a
15 ruling on the motion in limine at this time.

16 THE COURT: I was going to do that after you finished
17 your direct.

18 MS. HOOK: So the only request for the sidebar,
19 Your Honor, was I have no further questions of this witness.
20 However, if you do rule that those are admissible, I would just
21 like the opportunity to talk to him about it during my direct.
22 But at this point, I do not have any other factual questions.

23 THE COURT: Got it. You want to draw the sting?

24 MS. HOOK: Correct, Your Honor.

25 THE COURT: Okay. I would like to hear defendant's

1 argument for the Facebook information.

2 Right? That's what we're talking about?

3 MS. HOOK: Correct.

4 THE COURT: Ms. Gendreau?

5 MS. GENDREAU: Yeah. I at this point am not intending
6 to get into it based on what I've heard on direct. However, if
7 he becomes -- if he starts answering questions in a particular
8 way on cross, then -- and puts his credibility at issue, then I
9 believe that it would be appropriate for all of the same
10 reasons that I included in my initial motion.

11 He's got a bias and motive to lie. It's not a matter
12 of whether he opens the door in terms of subject matter -- have
13 you posted this way; are you denying it now -- therefore I get
14 to get into it. Or, you know, even broader, are you -- you
15 know, do you have bias against undocumented immigrants, no, now
16 you're opening the door. It's if he puts his credibility at
17 issue on substantive questions about the case, then -- then I
18 get to -- which he has based off of his involvement in the case
19 and his decisions he made, then I -- then I would be seeking to
20 ask him about those.

21 So it's not a -- I think it's a strategy decision that
22 the government needs to make. It's not an -- at this point
23 it's not a the Court needs to rule on it based on anything that
24 he specifically has said thus far.

25 THE COURT: So, I mean, based on what he's said thus

1 far, it doesn't sound like you're asking me to rule on the
2 motion in limine and to determine whether or not to admit that
3 information.

4 I can tell you right now my general sense of the scope
5 of his testimony is such that he hasn't put his bias at issue
6 thus far.

7 Do you agree or not?

8 MS. GENDREAU: I disagree.

9 THE COURT: Okay.

10 MS. GENDREAU: My position is that he has -- this is
11 different from a situation where we're seeking to impeach a
12 witness with a prior inconsistent statement. I am seeking to
13 potentially impeach his bias that already exists and has
14 existed against a class of individuals that are my client --
15 that my client and his dad are part of.

16 THE COURT: But what testimony --

17 MS. HOOK: But, Your Honor --

18 THE COURT: Stop.

19 What testimony on direct has he given that would make
20 the Facebook page or his bias more probative than unduly
21 prejudicial?

22 MS. GENDREAU: He's testified about the conduct of my
23 client and my client's dad. His -- the jury is evaluating the
24 credible -- his credibility; right now they're doing it as a
25 witness who's testifying about conduct that my client engaged

1 in and that his dad engaged in, both of whom are undocumented
2 immigrants; therefore, his bias against that group of people is
3 always going to be relevant regardless of what he says.

4 Whether anybody chooses to strategically get into it
5 or not is separate from the admissibility argument. It's
6 admissible; it's been admissible ever since he took the stand
7 and testified because he's a witness who's critically involved
8 in this incident, testifying one way about how things occurred.
9 And the jury will be hearing another way about how things
10 occurred, and they're going to be weighing the testimony.

11 THE COURT: So you've possibly addressed my question
12 as to relevance. You have not at all addressed my question as
13 to whether or not the Facebook information is going to confuse
14 the issues, cause undue prejudice.

15 MS. GENDREAU: I can address that.

16 THE COURT: Please.

17 MS. GENDREAU: He had a conversation with the
18 government where these Facebook posts were disclosed; either he
19 disclosed them to the government or the FBI brought them to his
20 attention and felt that it was concerning enough to -- and
21 relevant enough to have a discussion and disclose it to the
22 defense.

23 The posts that we have kept in as possible options are
24 about undocumented immigrants specifically.

25 THE COURT: Which specific posts are you referring to?

1 MS. GENDREAU: The two that Your Honor agreed to not
2 rule on, which is the meme about the Haitians eating the cats
3 and dogs and the post where he talks about the number of
4 people -- number of undocumented immigrants that are on his
5 flight. Those two are the ones that we've -- that we had
6 agreed should be considered by Your Honor for possible
7 admission, and they're about, again, a class of individuals
8 that he's in a job targeting and now testifying about their
9 conduct and their wrongs.

10 THE COURT: So I will correct you in that nothing has
11 come out at trial about Mr. Luis-Azamar's citizenship. Right?
12 The only discussion thus far has been about Mr. Luis-Castro.

13 And I'm still struggling to figure out where he really
14 discussed their conduct. I mean, he mentioned that they got in
15 a vehicle, they drove off, they stopped and then drove off
16 again, none of which I don't think is in dispute. And so I'm
17 trying to figure out --

18 MS. GENDREAU: And then, Your Honor, so there's a
19 flight that has been discussed. There's a second flight that's
20 also been discussed. There's driving mannerisms that are being
21 discussed, and they're at issue, frankly, and --

22 THE COURT: What driving mannerisms? Maybe I didn't
23 catch it.

24 MS. GENDREAU: He was testifying about how he -- my
25 client took a wide turn and he had to go in on the inside of

1 him and --

2 THE COURT: That is -- who cares?

3 MS. GENDREAU: It's reckless -- jurors care. It's
4 reckless driving.

5 THE COURT: I -- I would not ever draw that inference,
6 nor could I imagine that anyone would.

7 Continue. Make whatever argument you want for
8 whatever record you want.

9 MS. GENDREAU: The rules, the case law that I cited is
10 abundantly clear that bias is very relevant to a credibility
11 determination on a witness.

12 Again, this is not an issue of whether he has made
13 statements today that are inconsistent with the posts
14 themselves. He has -- he has -- by participating in this case
15 from the start, investigating it, and now testifying in court,
16 he has put his credibility at issue because the jury
17 instructions provide how the jurors are to weigh an individual
18 who's testifying's credibility. And this is directly on point.
19 Whether or not it has probative value --

20 THE COURT: But that's my evaluation under Rule 403;
21 right? Don't I have to weigh the probative value versus the
22 undue prejudice or confusion of the issues?

23 MS. GENDREAU: And my argument is that there is no
24 confusion of the issues here. He -- he's made these posts, and
25 he's now testifying in trial and he's put his credibility at

1 issue by doing so. Just because it's an ugly thing that's a
2 stain on him, perhaps, if that's the negative inference that
3 people are going to draw from it, doesn't mean that my client
4 should have his defense suffer.

5 Separate from the probative prejudice discussion is
6 whether or not the evidence itself should be given a ton of
7 weight; that's a different discussion. Whether or not we're
8 all sitting here saying, oh, this is stupid, why would you ever
9 go into that, that's -- you know, it's not going to have very
10 much of an impact to the jury is a weight discussion that's
11 more along strategy lines, not an evidentiary standard.

12 THE COURT: Ms. Hook, would you like to argue your
13 position and make your record?

14 MS. HOOK: Yes, Your Honor.

15 THE COURT: Please come closer to the microphone.

16 MS. HOOK: We would stand by the motion that we
17 previously filed. However, in addition, based on the testimony
18 that you heard during direct from Officer McNeil, it's clear
19 that his involvement was extremely limited. Additionally, many
20 of the things that he testified to were ruled on in preliminary
21 motions as far as the basis of the stop, the fact that we
22 cannot get into the defendant's current status. Those were
23 things that he did in fact testify to as far as the basis for
24 the stop. He did not testify to the defendant's status.

25 But that being said, his involvement is so limited

1 that by bringing up these Facebook posts we do hold the
2 position that you would be confusing the issues and it would be
3 more prejudicial given his limited involvement in this case and
4 based on the testimony that you did in fact hear.

5 THE COURT: Okay. Thank you.

6 Do you have any last words you would like to say,
7 Ms. Gendreau?

8 MS. GENDREAU: Yes, Your Honor.

9 If the Court is making a decision at this point in
10 time that this is inadmissible and the Court is effectively
11 limiting me on the questions that I can ask him and what I'm to
12 do when I get a negative response, when I get an incorrect
13 response, my options for impeaching him the Court has
14 dramatically limited because now I can't get into the fact
15 that, oh, you have a motive and bias for lying just now; it's
16 just whatever else. I can't -- I can't -- what is the other
17 reason he might be lying?

18 So I think it's -- I think that I would ask the Court
19 to allow us to get into this, to deny the government's motion.
20 And if the Court is not going to do that, then I would ask the
21 Court to allow me to reraise the issue while I'm crossing him
22 at a sidebar based on his responses to my questions.

23 THE COURT: Thank you, Ms. Gendreau. Thank you,
24 Ms. Hook. I appreciate your arguments.

25 I am going to take a break. Then when we come back,

1 I'll come back on sidebar and we'll get this resolved. Thank
2 you.

3 MS. GENDREAU: Do we -- sorry. We had one other issue
4 that came up.

5 THE COURT: Oh.

6 MS. GENDREAU: The -- or, no?

7 MS. JANG: Are you guys done with your --

8 MS. GENDREAU: You're done with your direct otherwise?

9 MS. HOOK: Yes.

10 MS. GENDREAU: Okay. Sorry. Thank you.

11 THE COURT: Thank you.

12 (End of sidebar discussion.)

13 THE COURT: So I'm going to take a break. Let's plan
14 to reconvene around 3:25. Thank you. We will be at recess.

15 (Proceedings recessed from 3:16 p.m. until 3:32 p.m.)

16 THE COURT: Please be seated.

17 We are back on the record. May the record reflect the
18 presence of the defendant, but we are outside the presence of
19 the jury.

20 And will counsel please approach for a sidebar.

21 (Sidebar discussion begins on the record.)

22 THE COURT: All right. So I've decided what to do. I
23 am not going to definitively rule on the motion in limine at
24 this time. It's very plausible that I might find that the
25 relevance and probative value of this evidence is not

1 substantially outweighed by the danger of unfair prejudice,
2 confusing the issues, misleading the jury, et cetera, during
3 cross.

4 And so that puts you in a precarious position,
5 Ms. Hook. It's your decision to make as to how you want to
6 proceed. I could readily see me allowing this evidence in, but
7 it depends, and it all depends on things that I don't know yet
8 and Ms. Gendreau doesn't know yet given how this witness
9 testifies.

10 What I'll tell you right now is based on the testimony
11 that he's given so far on direct, I would probably make the
12 Rule 403 ruling excluding the evidence. But depending on what
13 happens in cross, I might change my mind. We'll do another one
14 of these sidebars, and you may of course ask.

15 So you can decide what you want to do, and I'll ask
16 you if you have any further questions for the witness when we
17 get the jury back in here.

18 MS. HOOK: Understood. Thank you.

19 THE COURT: Thank you all.

20 MS. JANG: Thank you.

21 (End of sidebar discussion.)

22 THE COURT: Mr. Vasquez, can you please bring in the
23 jury.

24 THE COURTROOM DEPUTY: Yes, Your Honor.

25 All rise for the jury.

1 (The Jury entered the courtroom.)

2 THE COURT: Please be seated. May the record show the
3 presence of the jury with roll call waived and the presence of
4 the defendant.

5 We left off during the government's direct
6 examination. Ms. Hook, does the government have any further
7 questions?

8 MS. HOOK: No, Your Honor.

9 THE COURT: Thank you.

10 Is the defense prepared to move forward with the
11 cross-examination?

12 MS. GENDREAU: Yes, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. GENDREAU:

15 Q. Okay. Good afternoon, Officer McNeil.

16 I want to start off by asking you a bit more about the
17 license plate running that you talked about on direct.

18 A. Yes, ma'am.

19 Q. You were the officer on January 30th that was actually
20 running the license plates; correct?

21 A. Yes, ma'am.

22 Q. And when you run a license plate, you type the license
23 plate number into a database?

24 A. Yes, ma'am.

25 Q. That database tells you a number of things?

1 A. Yes.

2 Would you like me to elaborate on that or no?

3 Q. I'm going to get to it --

4 A. Okay.

5 Q. -- and then I'll give you an opportunity --

6 A. Okay.

7 Q. -- to elaborate.

8 The database tells you -- well, I'll actually ask you,
9 yes, to elaborate. What does the database tell you?

10 A. So when we run a license plate, it initially will tell us,
11 you know, if it's -- if it's current or not registration. It
12 will tell us who it's registered to. Not all the time does it
13 do that 'cause there's sometimes when you have some license
14 plates that get registered that have really funny information
15 or a bunch of missing information.

16 But usually we'll get, like, a registered owner, like
17 an address, gender, driver's license, and I think it usually
18 gives like a history of plates sometimes too, or, like,
19 temporary tags type of thing.

20 Q. Okay. You said that -- oh, does it also provide you with a
21 birth date of the registered owner?

22 A. Oh, yes. Yes, ma'am. Yes. Sorry.

23 Q. Does that same database tell you whether the registered
24 owner is here in the United States illegally, or is that a
25 different database?

1 A. It's a similar system, but you have to just -- you know,
2 you'll run a vehicle under one section and then you'll run the
3 person under a separate section of the same database.

4 Q. Okay. And you said on direct that sometimes the
5 registration database is missing markers.

6 A. Yes, ma'am.

7 Q. You talked -- well, are some of those markers immigration
8 history?

9 A. No, ma'am.

10 Q. That's included always in the database?

11 A. When I'm running the vehicle, you're asking?

12 Q. Yes.

13 A. No, ma'am, it does not include immigration stuff in that.

14 Q. Does it include it in the database where you're running the
15 registered owner's name?

16 A. Yes. This stuff -- like once we run the actual name and
17 date of birth, then it will give us that information.

18 Q. So it gives you these additional -- or this other database
19 gives you the additional markers?

20 A. Yeah. It's like one system that we use is the -- accesses
21 multiple databases.

22 Q. Got it.

23 So when you are running the registered owner's name,
24 you are getting additional markers?

25 A. Yes, ma'am.

1 Q. The person's immigration history?

2 A. Yes, ma'am.

3 Q. And their criminal history?

4 A. If they have it, yes.

5 Q. Okay. And you indicated that there weren't any miss --
6 missing markers here, on direct?

7 A. No, there was not. There was a date of birth, there was --

8 Which, like I said, typically when we find markers
9 missing, it could be missing just a driver's license and a
10 gender; it could be missing a gender, driver's license, and
11 even a date of birth sometimes.

12 Q. Okay. But all of those things were present here for
13 Mr. Luis-Castro?

14 A. Yes, ma'am.

15 Q. And you talked about the fact that he had immigration
16 history on direct; correct?

17 A. Yes.

18 Q. But he had no criminal history?

19 A. I don't recollect. I don't remember.

20 Q. Okay. Officer McNeil, you are a deportation officer;
21 correct?

22 A. Yes, ma'am.

23 Q. Do you know what an I-213 is?

24 A. I do.

25 Q. Okay. So you are a deportation officer with ICE?

1 A. Yes, ma'am.

2 Q. And as a deportation officer, you had to go through the
3 academy with ICE?

4 A. Yes, ma'am.

5 Q. During the academy, you attended classes on -- or classes
6 or training on a variety of topics?

7 A. Yes, ma'am.

8 Q. One of those trainings would have pertained to field work?

9 A. Yes, ma'am.

10 Q. Like the work you were doing on January 30th?

11 A. Yes, ma'am.

12 Q. You also received training in administrative work?

13 A. Yes, ma'am.

14 Q. Like completing specific forms that the Department of
15 Homeland Security uses?

16 A. Yes.

17 Q. One of those forms is a Record of Deportable/Inadmissible
18 Alien form; correct?

19 A. Yes, ma'am.

20 Q. Which internally is referred to as an I-213?

21 A. Yes, ma'am.

22 Q. And the I-213 has a section that includes a narrative?

23 A. Yes, ma'am.

24 Q. About what happened in the field?

25 A. Yes.

1 Q. When the ICE officer was apprehending that particular
2 person?

3 A. Yes.

4 Q. The officer who arrests the suspect in the field writes the
5 narrative?

6 A. I believe for the most part, yes.

7 Q. Okay. A person who has knowledge about what happened in
8 the field?

9 A. No. It may be -- it may be somebody -- it'd definitely be
10 somebody involved in that -- in that particular incident.

11 Q. Okay. And then that narrative is pasted into the I-213
12 narrative section?

13 A. I mean, we put it into our database that then inputs it
14 into the 213, yes.

15 Q. Okay. Have you -- did you write the narrative for Silas
16 Luis-Castro?

17 A. I did write the -- like the overall general narrative for
18 that, yes, I did.

19 Q. Okay. Did you have a chance to review that before you
20 testified today?

21 A. Not recently, no.

22 Q. Okay. Going back to the license plate and registration
23 information, you ultimately ran Silas Luis-Castro's name
24 through the database?

25 A. Yes, ma'am.

1 Q. And that was because you had identified his vehicle as
2 suspicious?

3 A. Yes, ma'am.

4 Q. And you ran his license plate through the database first
5 and found his name that way?

6 A. Yes, ma'am.

7 Q. Silas's registration was up to date?

8 A. I don't remember looking at the -- at the actual
9 registration expiration date, so I couldn't tell you, but...

10 Q. Do you recall using a messaging system to communicate with
11 the other officers on January 30th?

12 A. Yes, I do.

13 Q. And you were communicating information about the vehicle
14 and the registration to the -- your fellow officers?

15 A. Yes, I was.

16 Q. Okay. Would it help for you to see that communication?

17 A. I actually -- that's one thing I did review recently, so
18 I've seen it.

19 Q. Okay.

20 A. I don't know if it was you that sent me the email with the
21 transcript of it.

22 Is that what you're talking about?

23 Q. I'm talking about a screenshot of your communications of
24 your messaging app with your fellow officers.

25 A. Oh, okay. Yeah. You might -- might need to refresh my

1 memory on that one, then.

2 Q. Okay.

3 A. I thought you were talking about the audio.

4 MS. GENDREAU: Okay. Can we please show him

5 Exhibit 151.

6 BY MS. GENDREAU:

7 Q. And I'll give you a chance to review that, and then if you
8 want to look up at me when you're done.

9 A. Okay.

10 Okay.

11 Q. Okay. Did that refresh your recollection?

12 A. Yes.

13 Q. Okay. So on January 30th, 2026, Silas Luis-Castro had an
14 active registration?

15 A. Yes.

16 Q. Silas's date of birth was December 26, 1968?

17 A. Yes.

18 Q. Or is?

19 A. Yeah.

20 Are you able to leave that up there or no?

21 Q. I can't. But if you want to look at it again, I can post
22 it for you again.

23 A. Okay. Yeah. One more time, if you don't mind.

24 Q. Okay. Sure.

25 A. Okay. Yeah. On that particular screen, I can't tell if

1 his registration was current or not. But I do see that his
2 date of birth is what you just said.

3 Q. Okay. This is the same screen that I showed you before.

4 A. Right. I -- I -- I didn't look at that, I guess.

5 Q. Okay. If the information that's coming back to you says
6 registration status active, do you have any reason to dispute
7 that that means that the person has an active vehicle
8 registration?

9 A. No, not necessarily.

10 Q. Okay. And his date of birth is December 26, 1968; is that
11 correct?

12 A. Yes, ma'am.

13 Q. Okay. The additional information is a bit more generic, I
14 promise.

15 Silas had a driver's license?

16 A. Yes, it does show there.

17 Q. And the vehicle was registered to an address in Phoenix,
18 Arizona?

19 A. Yes. Yes.

20 Q. All right.

21 MS. GENDREAU: And that is it on 151. Thank you.

22 BY MS. GENDREAU:

23 Q. I want to talk about the moments after you exited the
24 parking lot at the Home Depot with your fellow officers.

25 So you followed the truck out of the Home Depot

1 parking lot.

2 A. Yes, ma'am.

3 Q. And you were in the number one position?

4 A. Yes, ma'am.

5 Q. And that means that you were directly behind the truck?

6 A. Yes.

7 Q. The truck headed south on 44th Avenue?

8 A. I believe that's the street because -- Home Depot is on

9 43rd. I think the next street over would be 44th, and then the

10 one where we ultimately stopped was 45th.

11 Q. Okay.

12 MS. GENDREAU: Your Honor, may I publish just to the
13 witness Exhibit 148?

14 THE COURT: You may.

15 BY MS. GENDREAU:

16 Q. All right. Officer McNeil, do you recognize this?

17 A. Yes, I do.

18 Q. Okay. Without describing it yet, what is this generally?

19 A. It looks like an aerial view of the area where the incident
20 occurred.

21 Q. Okay. A map?

22 A. Yes.

23 Q. And you just said this is a map depicting the area where
24 the incident occurred?

25 A. Yes, ma'am.

1 Q. On January 30th?

2 A. Yes, ma'am.

3 Q. And you're familiar with this area?

4 A. Yes.

5 Q. Does it accurately depict the area where you were
6 apprehending Silas and Isaac on January 30th?

7 A. Yes, ma'am.

8 MS. GENDREAU: Your Honor, I would request to admit
9 Exhibit 148 into evidence.

10 MS. HOOK: No objection.

11 THE COURT: It's admitted.

12 (Exhibit 148 admitted into evidence.)

13 MS. GENDREAU: And now I would move to publish it to
14 the jury.

15 THE COURT: You may.

16 MS. GENDREAU: Thank you.

17 BY MS. GENDREAU:

18 Q. Okay. So the -- in the top right corner of this map, you
19 can see the address 4848 North 43rd Avenue?

20 A. Yes, ma'am.

21 Q. And that is the address of the Home Depot that you were at
22 on January 30th?

23 A. Yes, it is.

24 Q. Okay. And earlier when we saw the video, you talked about
25 the video depicting a location on 45th Avenue and Monterosa.

1 Is that correct?

2 A. Yes, ma'am.

3 Q. And that was the location where you and the other officers
4 ultimately stopped the truck?

5 A. Just -- just north of that intersection, yes.

6 Q. Okay. I've just marked a yellow X on the map.

7 Do you see that?

8 A. Yes, I do.

9 Q. Does that roughly fall at the location of the 45th Ave. and
10 Monterosa location?

11 A. Yes, it does.

12 Q. Now, going back up to the Home Depot in the top right
13 corner at 4848 North 43rd Avenue, do you see to the left of
14 that a road going north and south labeled 45th Avenue -- I'm
15 sorry, 44th Avenue?

16 A. Yes. 44th, yeah.

17 Q. Okay. And is that the road where you followed -- you and
18 the other agents followed the truck going south out of the Home
19 Depot?

20 A. Yes. They were -- they were parked close to that side of
21 the parking lot, so they exited and went south on 44th.

22 Q. Okay. And you testified on direct that you initially tried
23 to stop the vehicle by activating your emergency lights?

24 A. Yes, ma'am.

25 Q. And you activated your lights near the intersection at

1 44th Avenue and Glenrosa; is that correct?

2 A. Which one is Glenrosa? Is that the next one down here that
3 goes east and west right there?

4 Yeah. Yeah, I believe it was just north of that, but,
5 yes, in that general area.

6 Q. Okay. And so you see that I have marked, just for the
7 record, on the screen a second yellow X?

8 A. Yes, ma'am.

9 Q. And that second X falls roughly in the area of 44th Avenue
10 and Glenrosa?

11 A. Yes, ma'am.

12 Q. And that is the location where you had initially attempted
13 to stop the vehicle by activating your emergency lights?

14 A. Yes, ma'am.

15 Q. At the location -- at the 44th Avenue and Glenrosa location
16 where you initially tried to stop the vehicle, you stated on
17 direct that the truck came to a very, very brief stop.

18 A. Yes, very brief.

19 Q. And you got out of your vehicle quickly?

20 A. I -- like I said, I only got, like, maybe one leg out. And
21 then I saw that they were talking off again, so I just hopped
22 back in and --

23 Q. Okay. And you followed the vehicle south, around the bend
24 in the road there; is that correct?

25 A. Yes, ma'am.

1 Q. And then ultimately the vehicle turned right on 45th Avenue
2 and went north; is that correct?

3 A. Yes, ma'am.

4 Q. Okay. And you were able to position yourself in front of
5 the vehicle?

6 A. Yes. As they came around the corner from, is it --
7 Monterosa, I believe it's called, onto 45th, they had taken
8 that turn really wide, so I was able to get into the inside of
9 them.

10 Q. Okay. And you accelerated so that you could get in front
11 of them?

12 A. Yes, ma'am.

13 Q. And you did this to prevent the truck from going any
14 further?

15 A. Yes, from fleeing.

16 Q. You were trying to get it to stop?

17 A. Yes, ma'am.

18 Q. At the location of the second X on 45th Avenue just north
19 of Monterosa, you are in the -- you are north of the vehicle?

20 A. Yes.

21 Q. And your fellow two officers, Officers Easton and Pekrol,
22 are on either side of the vehicle?

23 A. Yes. I believe they were both located to the -- to the
24 back corners of the vehicle there.

25 Q. Okay. And your vehicles were close enough to the truck so

1 that it couldn't go around you?

2 A. I believe so. I -- and I believe that's why he ultimately
3 stopped.

4 Q. Okay. This maneuver, if you will, is known as boxing a
5 vehicle in?

6 A. Yeah. I mean, you can call it that or pinning or --

7 Q. Sure.

8 A. -- you know, probably a number of terms.

9 Q. Unofficial terms?

10 A. Right. Right.

11 Q. Okay. And so you and your two other officers have
12 effectively boxed the vehicle in?

13 A. Yes, ma'am.

14 Q. And you've done this to make sure that it can't take off
15 again?

16 A. Yes, ma'am.

17 Q. You're at least close enough to the vehicle to the point
18 where it would have had to hit somebody's car to be able to
19 maneuver out of there?

20 A. I couldn't tell you if it was that close, but it was pretty
21 close.

22 Q. And at this point the truck's already fled from you once?

23 A. Yes, ma'am.

24 Q. And you're anticipating then at this point, if you're
25 boxing the vehicle in, that the occupants could jump out of the

1 truck and take off on foot?

2 A. That's a good possibility.

3 Q. So at the second location, you quickly exit your vehicle?

4 A. Yes, ma'am.

5 Q. And you walk back south towards the truck?

6 A. I ran.

7 Q. Ran.

8 A. Yeah.

9 Q. Because you were, again, anticipating that they might be
10 trying to bail out of the truck?

11 A. Well, when I -- when I was in front, I was look -- having
12 to look in both my mirrors, so I couldn't see exactly when they
13 had actually stopped. And then finally when I did see that
14 they had stopped, I didn't see them in the vehicle anymore. So
15 that's why I exited and ran around the other way to get around
16 all the vehicles.

17 Q. Okay. So you're acting with urgency?

18 A. Yes, ma'am.

19 Q. And you just said by the time you get to the truck there's
20 nobody inside of it?

21 A. Right.

22 Q. The occupants had already run from the truck when you got
23 there?

24 A. Yes, ma'am.

25 Q. And they were 20 to 30 yards away from the truck?

1 A. Probably a good estimate.

2 Q. Like the length of half a basketball court?

3 A. I would say probably a full court maybe. I don't know.

4 Q. Okay. Officers Easton and Pekrol had taken off after the
5 two men?

6 A. Yes, I -- I -- when I -- because I was kind of delayed
7 getting around it and stuff, I didn't see, you know, the
8 initial exit of everybody and their vehicles.

9 Q. Okay. But you've quickly gotten out of your vehicle and
10 run back --

11 A. Yes.

12 Q. -- to the location of the other vehicles?

13 A. Yes.

14 Q. And at that point you're able to see Officers Easton and
15 Pekrol following the two men?

16 A. By the time I got around, it looked like they had already
17 made contact with the -- with the suspects, and so -- or
18 subject, whatever. And so, you know, like I say, they're off
19 in the distance. But by the time I got around it, they had
20 already made contact with them.

21 Q. Okay. And when you saw this, you ran after them?

22 A. I started heading -- running in their direction, yes.

23 Q. But very quickly, once you started doing that, one of the
24 men turned around and started running back to you?

25 A. Yes, ma'am.

1 Q. The older gentleman?

2 A. Yes, ma'am.

3 Q. Silas?

4 A. Yes.

5 Q. You grabbed Silas?

6 A. Yes.

7 Q. And when you made contact with him, you were in the road, a
8 little bit off to the side?

9 A. Yeah. We were just barely into the road, yes.

10 Q. Officer Pekrol had run back towards you and Silas?

11 A. Yes.

12 Q. And he also grabbed Silas?

13 A. Yes.

14 Q. And you and Officer Pekrol took Silas down to the ground?

15 A. Yes, ma'am.

16 Q. You and Officer Pekrol handcuffed Silas?

17 A. I handcuffed him.

18 Q. Okay. After Officer Pekrol had assisted in grabbing him?

19 A. Yes, ma'am.

20 Q. And taking him down?

21 A. Yes, ma'am.

22 Q. And you and Officer Pekrol put Silas in the back of the
23 vehicle?

24 A. Officer Easton's vehicle, yes.

25 Q. All of this happened very quickly?

1 A. Yes, within a matter of seconds, maybe to a minute or so.

2 Q. As soon as you put Silas in the back of the vehicle, you
3 and Officer Pekrol turn to where Officer Easton was?

4 A. Yes, we did.

5 Q. He was standing alone?

6 A. At that point in time, yes, he was.

7 Q. You didn't see Officer Easton fighting with anyone?

8 A. No, I did not witness it.

9 Q. At any point?

10 A. I -- again, I didn't see any -- see any of it.

11 Q. So you did not see Officer Easton fighting with anyone?

12 A. No, I did not. Well, I -- like I said, when I first ran
13 around the car, I saw the -- I saw them off in my peripheral.
14 I didn't see exactly what was happening because it was just in
15 my peripheral. Because as soon as I came around, I saw Silas
16 running towards me and I focused on him.

17 Q. Okay. So you didn't see Officer Easton fighting with
18 anyone?

19 A. I saw him con- -- having -- being with somebody, but I
20 didn't see what it -- was actually happening.

21 Q. In the same vicinity?

22 A. No. Like -- like touching, right next to each other.

23 Q. Okay. You didn't see whether Isaac or Silas was the person
24 that was closest to Officer Easton in that immediate moment?

25 A. Well, I could tell that it wasn't -- you know, obviously

1 knowing their names now I could tell it was not Isaac because
2 of the age of the gentleman that was running towards me.

3 Q. Okay. And you -- do you recall sitting for an interview
4 with the FBI directly -- the day after this incident?

5 A. I believe it was real close to it.

6 Q. Do you have any reason to dispute that it happened on
7 January 31st?

8 A. No, I don't. But I don't remember exactly when it was.

9 Q. Okay. But it was close in time?

10 A. Yes, ma'am.

11 Q. And during that interview, you sat and you were asked
12 questions by Agent Capriotti from the FBI, who is seated right
13 here?

14 A. Yes, ma'am.

15 Q. You were asked questions by Agent Capriotti about your
16 encounter with Silas Luis-Castro and Isaac Luis-Azamar?

17 A. Yes, ma'am.

18 Q. You told FBI Agent Capriotti what happened during that
19 encounter?

20 A. Yes, ma'am.

21 Q. From start to finish?

22 A. Yes, ma'am.

23 Q. Then Agent Capriotti asked you follow-up questions about
24 specific moments, sort of went back through and asked you to
25 talk about very specific moments?

1 A. Yes, ma'am. I don't remember all the specifics, but, yes.

2 Q. Sure. But you answered all of her questions?

3 A. Yes, ma'am.

4 Q. And at the end of the interview, FBI Agent Capriotti asked
5 you if there was anything else you could think of that you
6 hadn't yet told her?

7 A. I believe she did ask me that. I don't remember, though.

8 Q. And you told her everything that you knew; you answered all
9 of her questions?

10 A. Yes.

11 Q. And you were truthful in that interview?

12 A. Yes, ma'am.

13 Q. During that interview, Agent Capriotti asked you about this
14 moment in time where you had exited your vehicle and you were
15 approaching the group -- the other group of people?

16 A. Yes, I believe so.

17 Q. And you told her that you didn't really see that scuffle?

18 A. No, I did not. Like I said, I couldn't see the specifics
19 of what was happening. I -- like you know when you see things
20 in your peripheral; you can just see that there's subjects
21 there, you could kind of tell how close they are. But exactly
22 what was transpiring, I couldn't tell you.

23 Q. Okay. So as you were approaching, you didn't see anyone
24 punching Officer Easton?

25 A. I did not witness that.

1 Q. You didn't hear Officer Easton yelling?

2 A. Oh, yeah, I could hear people yelling. Yes, I could.

3 Q. You could hear officers yelling?

4 A. I could hear people, you know, screaming, yes, and saying
5 things. I don't remember what was said, but I could hear that.
6 I mean, I was within distance of it.

7 Q. Officer McNeil, in addition to your interview with the FBI,
8 you also wrote a report in this case; correct?

9 A. Yes, ma'am.

10 Q. The day of the incident?

11 A. Yes, ma'am.

12 Q. Shortly afterwards?

13 A. Yes, ma'am.

14 Q. While the incident was fresh in your mind?

15 A. Yes, ma'am.

16 Q. You also wrote the narrative section for the I-213, the
17 document we just talked about?

18 A. Yes, ma'am.

19 Q. And that document talks about what happened in the field?

20 A. Yes, it does -- it does talk about it, but it doesn't give
21 any of the specifics as far as the altercation, like punches or
22 anything like that, because I wrote it from my perspective and
23 I didn't witness it.

24 Q. Okay. So you didn't witness any altercation; therefore,
25 you didn't put any altercation details into your field

1 narrative?

2 A. Yes. But I -- like I said, I could hear people yelling.

3 Q. You have training in report writing; correct?

4 A. Yes, ma'am.

5 Q. You received that training when you went through the
6 academy at ICE?

7 A. Yes, ma'am.

8 Q. And you might have received some of that training while you
9 worked at border patrol as well?

10 A. Yes, ma'am.

11 Q. You had a chance to review your report before today;
12 correct?

13 A. Like I said, the 213 I have not reviewed recently. But my
14 smaller one that I had written afterwards, I have reviewed that
15 one.

16 Q. And you understand that reports are important, you just
17 said?

18 A. Yes, ma'am.

19 Q. They're so important that officers receive training in
20 their reports?

21 A. Yes, ma'am.

22 Q. On how to write reports, I should say?

23 A. Yes, ma'am.

24 Q. And in these reports, you document important things that
25 happen during a particular incident?

1 A. Yes, ma'am.

2 Q. Especially if that incident ends in an arrest?

3 A. Yes.

4 Q. Or if the incident were to involve any force against a
5 suspect?

6 A. Yes.

7 Q. And especially if the incident were to involve an assault
8 on an officer?

9 A. Yes.

10 Q. And you want to include as much information as possible in
11 that report?

12 A. Yes.

13 Q. You want to include anything that's important that you see?

14 A. Yes, ma'am.

15 Q. That you have a personal observation of?

16 A. Yes, ma'am.

17 Q. You also would include anything important that you hear?

18 A. Certainly.

19 Q. And it's important to get these facts down on paper as soon
20 as possible; right?

21 A. Yes, ma'am.

22 Q. To document what happened and memorialize it?

23 A. Yes.

24 Q. You're testifying approximately six months after this
25 occurred, and so your memory has faded somewhat, at least?

1 A. Maybe a little bit, but I could still remember the events
2 pretty well.

3 Q. Okay. You also must deal with a lot of people in a given
4 week --

5 A. Yes, very many.

6 Q. -- in your job?

7 A. Yes, ma'am.

8 Q. And so your report is important for your own recollection
9 of what happened during a particular encounter?

10 A. Yes, ma'am.

11 Q. And you wrote a report in this case on January 30th?

12 A. Yes.

13 Q. And you were truthful in your report?

14 A. Yes, I was.

15 Q. And you were thorough in your report?

16 A. As thorough as I thought I needed to be, yes.

17 Q. And same thing -- we talked about your field narrative and
18 your interview a lot, but just a few final questions about
19 those.

20 You were thorough in your interview with the FBI?

21 A. Yes, ma'am.

22 Q. And you were thorough in your field narrative?

23 A. Yes, ma'am.

24 Q. And you were truthful in both of those things as well?

25 A. Yes.

1 Q. Nowhere in any of your statements that you have provided in
2 this case did you mention hearing anything that was happening
3 in that other group where there was contact being made?

4 A. I don't remember if I did or not. But it didn't seem
5 relevant to me to mention that part; just the actual actions.

6 I know we did, you know, obviously identify ourselves
7 and, you know, tell them to stop. Those were the kinds of
8 things that I heard.

9 Q. Sorry. Will you repeat that?

10 A. We identified ourselves as to who we were and ordered them
11 to stop. Those are the things that I heard.

12 Q. You heard Officers Easton and Pekrol identifying themselves
13 as officers?

14 A. Yes. All of us did.

15 Q. You also identified yourself as an officer?

16 A. Yes, ma'am, when I came in to contact with Silas.

17 Q. And you also heard Officers Easton and Pekrol saying what?

18 A. I just heard, "Police, stop," you know. I don't -- I
19 couldn't tell you which one said it because it -- like I said,
20 I'm focusing on Silas at that time and -- I could hear it,
21 though.

22 Q. The -- those phrases that you just described you indicated
23 didn't seem relevant; correct?

24 A. Well, like I said, I wrote my report from my perspective.

25 I wrote that I identified myself. I know that they -- they did

1 the same thing as well.

2 Q. You and Officer Pekrol were the officers that were involved
3 in apprehending Silas, you said?

4 A. Yes, ma'am.

5 Q. And all of that contact that you're describing that
6 occurred off in the distance happened before you had physical
7 contact with Silas; correct?

8 A. I -- I believe it did, but I -- again, I don't -- I don't
9 know because I didn't -- I was delayed in getting around my
10 truck, so I couldn't tell you when the -- when the actual
11 altercation happened. I just -- when I came around the truck,
12 I could see them off in the distance and I could see them close
13 to each other.

14 Q. So, Officer McNeil, you were the officer that was the first
15 person to make contact with Silas when he ran back --

16 A. Yes, ma'am.

17 Q. -- towards the vehicles?

18 A. Yes, ma'am.

19 Q. And from there, you had custody of Silas --

20 A. Yes, ma'am.

21 Q. -- until he was put in the back of a car?

22 A. Yes, ma'am.

23 Q. Until you put him in the back of a car?

24 A. Yes, ma'am.

25 Q. So any contact that he had with officers happened before

1 you --

2 A. Oh, yes. I'm sorry. I wasn't -- I wasn't understanding
3 what you were saying.

4 Q. Sorry. We can't talk over each other.

5 A. Oh, I'm sorry.

6 Q. So any contact that you had with Silas -- I'm sorry.

7 Any contact that happened that you didn't see because
8 it was off in your peripheral vision happened before you
9 grabbed Silas; correct?

10 A. Yes.

11 Q. Before you put him on the ground; correct?

12 A. Yes.

13 Q. And before you handcuffed him and put him into the back of
14 a vehicle; correct?

15 A. That you're asking if all of that stuff happened -- the
16 scuffle or whatever happened before that? Or repeat the
17 question, I guess.

18 Q. Sure. You've described some contact, an event that's
19 happening off in your peripheral.

20 A. Yes.

21 Q. You've called it an altercation or a scuffle?

22 A. I don't remember what I called it other than I -- like I
23 said, I know that they were -- there was -- they were off in
24 the distance, and I could see that -- you know, that they were
25 there and they were close to each other. But as far as whether

1 punches were thrown at that time, I couldn't see -- I couldn't
2 tell you if that happened or not because I couldn't -- couldn't
3 see that because it was off to my peripheral.

4 Q. Okay. So that event that you just described happened
5 before you apprehended Silas?

6 A. Yes.

7 Q. Okay.

8 MS. GENDREAU: May I have a moment, Your Honor?

9 THE COURT: Of course.

10 MS. GENDREAU: Your Honor, I'd like to request a brief
11 sidebar.

12 THE COURT: You may.

13 Counsel, please approach.

14 (Sidebar discussion begins on the record.)

15 THE COURT: Ms. Gendreau, I'll let you go in a moment.
16 I assume we're talking about the same issue, or a different
17 one?

18 MS. GENDREAU: Potentially. The first issue would be
19 he's -- he's making statements about hearing things for the
20 first time in his testimony. He didn't say that in any of his
21 reports or in any of his prior statements. He -- he somewhat
22 equivocate -- equivocated that he would need to review those
23 prior statements before making a clear answer on whether he in
24 fact didn't say those things previously. So rather than
25 wasting everyone's time and asking him to go through his entire

1 transcript and his reports on the stand, I don't know if the
2 Court would like to --

3 THE COURT: Would you like --

4 MS. GENDREAU: -- break for the day or --

5 THE COURT: Would you like to publish those to him to
6 refresh his recollection?

7 MS. GENDREAU: Well, that's what I'm suggesting doing.
8 And so it's about a 20-page interview transcript.

9 THE COURT: You don't know where it is?

10 MS. GENDREAU: It doesn't exist in the transcript is
11 my point. So he is making statements --

12 THE COURT: He has to review the whole thing?

13 MS. GENDREAU: He needs to review the whole thing to
14 see that he didn't, in fact, previously state that.

15 THE COURT: We've got 15 minutes. Let's use the rest
16 of the day on this. But I think that's fair game, absolutely.

17 MS. GENDREAU: Okay.

18 THE COURT: Show him the statements and then follow up
19 on your questions.

20 MS. JANG: To clarify, Judge, you are asking us to put
21 the statements up for him to read the whole thing?

22 THE COURT: Or you can allow him -- you all decide how
23 best to proceed in terms of allowing him to look at those
24 documents.

25 MS. GENDREAU: Okay. We'll be sitting here while he

1 does that for I don't know how long it takes him to read a
2 transcript that's 20 pages long and then two 1-page reports.

3 THE COURT: I'm happy to use the time. If you want to
4 recess for the day and allow him to take a look at them, I'm
5 fine proceeding however you all would recommend.

6 Ms. Hook, I should ask --

7 MS. HOOK: And maybe I misunderstood his testimony.
8 But I thought when he was asked that question he indicated I
9 wrote the report based on what I had observed, not that he --
10 he had stated I wrote the report based on what I had observed,
11 not that he did not include it anywhere. So I don't know --

12 THE COURT: Let me recharacterize the testimony as I
13 understood it, and Ms. Gendreau, I think, is on the same page I
14 am. She asked him -- or she asked him to confirm that what he
15 put in his reports were true and accurate; he said yes. She
16 then asked him to confirm that he didn't identify any yelling
17 or screaming in his reports, and that is where Ms. Gendreau
18 indicated that he has equivocated and said I don't remember
19 what's in there. And she wants to follow up on that.

20 Did I characterize that correctly, Ms. Gendreau?

21 MS. GENDREAU: Yes, that's correct.

22 THE COURT: So the question is how do we best allow
23 him to rereview his reports to then allow Ms. Gendreau to
24 follow up and ask him and to confirm that he did not disclose
25 the yelling.

1 MS. HOOK: I think at this point that it -- if you
2 want to show it to him on the stand, and hopefully we can get
3 through this witness today, but...

4 THE COURT: Let's start the process today, and then
5 we'll break at 4:30 and can continue it tomorrow.

6 MS. GENDREAU: Okay.

7 (End of sidebar discussion.)

8 BY MS. GENDREAU:

9 Q. Okay. Officer McNeil, you had indicated on -- previously
10 that you didn't necessarily recall your complete interview with
11 the FBI verbatim. Is that correct?

12 A. Yes.

13 Q. And similar with your report?

14 A. Yeah. I mean, I -- I remember the general, you know,
15 things that were said and asked. But specifics --
16 specifically, no.

17 Q. Would it refresh your recollection if I gave you an
18 opportunity to review those both right now?

19 A. Sure.

20 MS. GENDREAU: Okay. If we can put up for him 121
21 first.

22 Your Honor, I know we're doing things electronically,
23 but for the sake of ease for the witness would it be okay, if
24 the government has no objection, that I hand him a physical
25 copy of his report?

1 THE COURT: I will allow --

2 MS. GENDREAU: Or, sorry, the interview.

3 THE COURT: Yes. And Mr. Vasquez can provide the
4 exhibit to the witness.

5 THE COURTROOM DEPUTY: What is the exhibit number?

6 MS. GENDREAU: 121.

7 THE COURT: Ms. Gendreau, do you want to suggest to
8 the witness what he might be looking for?

9 BY MS. GENDREAU:

10 Q. Officer McNeil, you testified today for the first time in
11 trial -- you've stated for the first time today in trial that
12 you heard Officers Pekrol and Easton yelling. Correct?

13 A. Again, I don't know who exactly was yelling, but I could
14 hear some yelling as far as -- as far as, like, whether it was
15 Pekrol or Easton. But I could hear them, you know, saying
16 things or screaming things.

17 Q. Okay. You didn't indicate that that was the case in any of
18 your prior statements, be it your interview, your report, or
19 your field narrative; correct?

20 A. Again, I didn't know it was -- in my -- in my report
21 writing at the time, I didn't believe it was relevant. But...

22 Q. Okay. So is it your testimony today that you know that
23 that is something that you have not previously stated until
24 today on the stand?

25 A. I'd have to go back and read all my stuff first.

1 Q. Okay. So I'm giving you an opportunity, if you would like
2 to take that chance now, to look through your transcript of
3 your FBI interview, please.

4 A. Is the 213 here also, or no?

5 Q. I'm going to get that one for you next.

6 A. Okay. All right. Thank you.

7 THE COURT: Ms. Gendreau, while the witness is reading
8 Exhibit 121, can you please identify the other exhibits that
9 have been provided to him?

10 MS. GENDREAU: Yes. Exhibit Number 100 is his report,
11 and Exhibit 155 is his field narrative.

12 THE COURT: Thank you.

13 (Pause in the proceedings.)

14 THE COURT: Counsel, would you mind approaching for a
15 very brief sidebar.

16 (Sidebar discussion begins on the record.)

17 THE COURT: So based on me taking a peek at what he's
18 doing, it looks like he'll finish up reviewing in the next
19 couple minutes.

20 Do you want to finish this line of questioning and
21 then break for the day and continue for tomorrow?

22 MS. GENDREAU: Yes. And then we would pick up with
23 redirect in the morning; is that what you're suggesting?

24 THE COURT: Yeah.

25 How much longer do you think you have?

1 MS. GENDREAU: Yeah. I guess my only concern with
2 that is depending on how he answers here, I potentially will be
3 then requesting to do a sidebar and have this discussion about
4 whether I'm getting into the other stuff. It's a bit unclear
5 to me.

6 THE COURT: Sure. So I think the way I can see this
7 playing out is you finish this line of questioning. If you
8 want to argue being able to bring up the Facebook page, we'll
9 do that after we excuse the jury. And then, you know, to the
10 extent I rule in your favor, you continue your cross tomorrow;
11 to the extent I rule against you, then the government picks up
12 with its redirect tomorrow.

13 MS. GENDREAU: Okay.

14 THE COURT: Any concerns with that?

15 MS. HOOK: No, Your Honor.

16 THE COURT: Okay. Thank you all.

17 (End of sidebar discussion.)

18 THE COURT: Has the witness completed reviewing the
19 exhibits that were shared with him?

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: All right. Please go ahead, Ms. Gendreau.

22 MS. GENDREAU: Thank you.

23 BY MS. GENDREAU:

24 Q. Okay. So nowhere in any of the statements that you made
25 prior to your testimony today did you mention hearing your

1 officers yell out commands; correct?

2 A. Correct.

3 Q. In fact, nowhere in any of your prior statements that you
4 made before you testified today did you mention hearing
5 anything at all?

6 A. I -- I've --

7 Q. Sorry. Correct?

8 A. Yes. Sorry. Yes.

9 Q. You testified earlier about the importance of report
10 writing; correct?

11 A. Correct.

12 Q. And you testified earlier about how you were truthful in
13 your report?

14 A. Yes.

15 Q. You testified earlier about how you were truthful in your
16 FBI interview in this case?

17 A. Yes.

18 Q. Today you have testified that you heard your fellow
19 officers yelling out commands?

20 A. Yes.

21 Q. You testified that you heard them yelling out commands as
22 they were having some amount of interaction, physical
23 interaction, with two fleeing suspects?

24 A. Yes.

25 Q. To be clear, this is not an interaction that you were able

1 to see?

2 A. No. But like I said, in my -- my things here, especially
3 the FBI report here, it states that I did see them in a -- in a
4 scuffle. But exactly what was happening in that scuffle, I
5 couldn't tell you. I could definitely tell you they weren't
6 just standing there talking. But I -- but as far as, like, you
7 know, any of the things that we -- that I heard about
8 afterwards, I didn't see any of those things transpire. But I
9 could see that they were scuffling; I just couldn't see exactly
10 what was going on because it was in my peripheral.

11 Q. Okay. So you're testifying today that you saw a scuffle?

12 A. Yes, ma'am.

13 Q. In your periphery?

14 A. Yes.

15 Q. You just read your interview with the FBI?

16 A. Yes.

17 Q. You read a transcript from that?

18 A. Yes, ma'am.

19 Q. We all watched you do it.

20 A. Yes, ma'am.

21 Q. And you -- you stated to officer -- sorry, to Special
22 Agent Capriotti in that interview, "and I didn't really see any
23 of the scuffle"; correct?

24 A. When I was saying that, I was referencing the actual punch
25 throwing and stuff like that. 'Cause if you read in there, it

1 also says that I did see them in a scuffle. But when I was
2 referencing that part of it, I was mentioning that I didn't see
3 the actual fight. The punches is what I was referencing there.
4 'Cause I mention it twice in there that I did see a scuffle --
5 them in a scuffle. But as far as the actual punches is what
6 I'm referencing there.

7 Q. Okay. So you didn't mention any scuffle in your report;
8 correct?

9 A. In which one of those?

10 Q. Either report.

11 For the record, I'm giving you an opportunity to
12 refresh your recollection with these two reports again.

13 A. Yeah. I don't believe so. I just did kind of a generic.
14 I guess more -- not so much a generic, but more of a overall
15 summary, I guess, of the situation is what I was reporting on
16 there.

17 Q. But nowhere in your report do you mention a scuffle, in
18 either report?

19 A. Correct. Just in my interview.

20 Q. But, again, you said to Agent Capriotti, direct quote, "And
21 I didn't really see any of the scuffle at all"?

22 MS. HOOK: Objection, Your Honor. Asked and answered.

23 THE COURT: Sustained.

24 THE WITNESS: I'm trying to find the spot where I did
25 mention that I did see them scuffling.

1 BY MS. GENDREAU:

2 Q. Well, I need to ask you a question first.

3 A. Yes, ma'am. Sorry. Go ahead.

4 Q. No. That's okay.

5 So you are testifying today that you -- that there
6 were two scuffles?

7 A. I'm not testifying there's two scuffles. What I'm saying
8 is that in my -- in my interview with the FBI agent, I did see
9 in my peripheral that they were scuffling. I couldn't --
10 again, like I said, I could tell they weren't just standing
11 there doing nothing 'cause I could see that. But I was focused
12 on Silas, who was running towards me, so all I could see was in
13 the background that, you know, people are moving around.

14 And as far as when I mentioned that I didn't see a
15 scuffle in that one thing, I meant to say that I didn't see the
16 punches being thrown.

17 Q. You meant to say that to Agent Capriotti?

18 A. Yes, ma'am.

19 Q. But you didn't say that to Agent Capriotti?

20 A. I -- apparently not.

21 Q. Okay. The scuffle that you're referencing where you didn't
22 see punches thrown or anything like that, that's something that
23 you heard about later on?

24 A. The punches being thrown?

25 Q. Yes.

1 A. Yes. I heard about that after we talked with my fellow
2 officers.

3 Q. But, again, that's not something that you put in any of
4 your prior statements that you made before you testified today?

5 A. As far as the punches being thrown?

6 Q. Correct.

7 A. I didn't report on it because I didn't witness it.

8 Q. Okay. And as far as the other altercation that you have
9 described as you're getting out of your car, this is something
10 that you have called an altercation and a scuffle?

11 A. Yeah. Those to me seem like kind of the same terms.

12 Q. Sure. Those are the terms that you have used today as you
13 have testified about them?

14 A. Yes, ma'am.

15 Q. They are things that happened, though, in your periphery?

16 A. Yes.

17 Q. If you -- your fellow officers were involved in an
18 altercation or a scuffle and you're working together as a team,
19 and you didn't turn to go to their -- to go to them?

20 A. Like I said, I had one subject running towards me, so I
21 went towards him. There was at least --

22 So when I originally came around, I could see the four
23 of them off in the distance. The one was running towards me.
24 There was two officers with the other subject, so I figured
25 that I would go after the one that was trying to get away.

1 Q. Okay. And that incident that you have described that
2 occurred in your peripheral vision is something that you --
3 sorry. Let me rephrase that question.

4 THE COURT: Ms. Gendreau, I'm going to ask you really
5 quickly before you reformulate your question how much longer
6 you have?

7 MS. GENDREAU: I have about two minutes at most.

8 THE COURT: Okay. Thank you.

9 BY MS. GENDREAU:

10 Q. The incident that occurred in your periphery vision is the
11 incident that you heard your officers yelling out of?

12 A. Like I said, it -- I could hear just verbal stuff being
13 yelled in the distance. Obviously I'm focused on the subject
14 coming towards me.

15 Q. And that interaction involved officer contact with fleeing
16 suspects?

17 A. My interaction you're saying?

18 Q. That interaction --

19 A. Oh.

20 Q. -- in your periphery that we're talking about.

21 A. Okay. Yeah. I could see in the distance there was the
22 three -- the three people over there, two of them being our
23 officers and the one being the other subject. I -- and like I
24 said, I could just see them off in the distance there.

25 Q. And you heard officers yelling from afar. That's been your

1 testimony today?

2 A. That wasn't that far from us.

3 Q. Okay.

4 A. I mean, maybe from here to the back of the courtroom, and
5 that's it.

6 Q. Okay. You heard officers yelling out -- out of that
7 interaction?

8 A. Yes.

9 Q. That was a person who had fled at this point not once but
10 twice from law enforcement?

11 A. Yes, ma'am.

12 Q. And you did not include any of that details of -- the
13 interaction that you're describing now, this altercation that's
14 occurring between an individual and two of your officers, you
15 didn't include any of that information in any of your prior
16 statements. Today is the first time that you have testified,
17 correct --

18 A. No, it's not --

19 Q. -- about that?

20 A. That's not true. Again, referencing the FBI report, the
21 interview that I did, I did reference that they were in a
22 scuffle.

23 Q. I'm going to back up.

24 The scuffle that you have described -- you have stated
25 today on direct in your testimony that that scuffle you didn't

1 really see because it was in your peripheral vision?

2 A. Correct. I mean, I -- when I say I didn't really see, I
3 didn't see specifics. It's like, for example, I can see people
4 sitting here to my side. They raise up a hand to do something,
5 I can tell they're raising up their hand, but I don't know what
6 they're doing with that hand. So it's like that kind of thing,
7 where you can see something going on.

8 Obviously, like I said, I could tell that they were
9 not just standing there because I would see that and be able to
10 tell that. But there was just commotion going on in the -- in
11 the background.

12 Q. Okay. So out of your periphery, you didn't see Isaac, my
13 client, punching any officers?

14 A. No, ma'am, I did not.

15 Q. You didn't see Isaac kicking any officers?

16 A. No, ma'am, I did not.

17 Q. You didn't see Isaac tackling any officers?

18 A. No, ma'am, I did not.

19 Q. You didn't see Isaac shoving any officers?

20 A. No, ma'am, I did not.

21 Q. You heard officers making statements?

22 A. Yes. That you can hear without looking.

23 Q. Okay. You heard officers say "police"?

24 A. I heard them scream -- or yell commands and whatnot.

25 Q. Okay. You heard officers yelling commands?

1 A. Yes, ma'am.

2 Q. You said earlier -- you testified earlier to this jury that
3 you heard officers announcing themselves. Correct?

4 A. Yes.

5 Q. And you heard officers yelling commands to stop; correct?

6 A. Yes, ma'am.

7 Q. And that is not information that you have provided in any
8 of your statements that you made previously in this case;
9 correct?

10 MS. HOOK: Objection, Your Honor. Asked and answered.

11 THE COURT: I'll let the witness answer this question.

12 And then are we done, or close, Ms. Gendreau?

13 MS. GENDREAU: Close.

14 THE COURT: Okay.

15 THE WITNESS: Could you repeat it one more time,
16 please? Sorry.

17 MS. GENDREAU: That's okay.

18 BY MS. GENDREAU:

19 Q. The -- you testified earlier that your fellow officers, you
20 heard them yell "police"; correct?

21 A. Yes.

22 Q. You also heard them make commands like stop; correct?

23 A. Yes.

24 Q. And you have reviewed your prior statements -- we just
25 watched you review your prior statements; correct?

1 A. Yes, ma'am.

2 Q. Those are statements that you made on January 30th and
3 January 31st?

4 A. Yes, ma'am.

5 Q. The day of and the day after the incident?

6 A. Yes, ma'am.

7 Q. Nowhere in any of those prior statements did you say that
8 you could hear anything that your fellow officers had said;
9 correct?

10 A. Correct.

11 MS. GENDREAU: I have no further questions.

12 THE COURT: Thank you, Ms. Gendreau.

13 I appreciate the jury's indulgence of my scheduling.
14 I told you all I would try to get you out by 4:30, and I have
15 kept you longer than that and I apologize for that. That is
16 100 percent on me.

17 We will be adjourned for the day. I would ask you to
18 all please remember the admonition and everything that that
19 entails. And I appreciate your service.

20 So we will excuse the jury, and then I'll speak with
21 the lawyers.

22 THE COURTROOM DEPUTY: All rise.

23 (The Jury exited the courtroom.)

24 (Proceedings held outside the presence of the jury.)

25 THE COURT: All right. Please be seated.

1 We can excuse the witness for the day and then carry
2 on with any discussions we want. So thank you very much.

3 (The witness exited the courtroom.)

4 THE COURT: So are there any matters that the parties
5 want to raise with me before we potentially continue a cross
6 tomorrow or commence the redirect?

7 MS. GENDREAU: Your Honor, the subject matter that we
8 were discussing at sidebar about potential impeachment for this
9 witness, may I have the opportunity to raise that tomorrow
10 morning before we begin again with this witness?

11 THE COURT: You may. I wasn't planning on resolving
12 it until tomorrow morning anyway, but let's plan to do that
13 around 8:45 so we can get going right at 9:00.

14 Any concerns with the government on that?

15 MS. HOOK: No, Your Honor.

16 THE COURT: Wonderful. I appreciate your patience on
17 this issue.

18 We will be adjourned for the day. Thank you all.

19 (Proceedings recess at 4:44 p.m.)

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C E R T I F I C A T E

I, KIMBERLY PORTIK, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 7th day of September, 2026.

/s/ Kimberly Portik
Kimberly Portik, RMR, CRR, CRC